

MINUTES
TOWN OF GENEVA
REGULAR TOWN BOARD MEETING
August 10, 2021

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 Mark Palmieri

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

Others Present: Charlie Bracko, Water and Sewer Superintendent; Bernie Peck, Highway Superintendent; Floyd Kofahl, Code Enforcement Officer and five residents.

1. **Call to order:** 6:00p.m., The Regular Town Board Meeting. Flag salute/opening led by Councilmember McCarthy
2. **Privilege of the floor.** Dwyer Drive residents were asking the board if there was a way to keep the traffic for the Belhurst Castle from using their road. Several suggestions were made and the residents were satisfied with the suggestions and the highway superintendent agreed to put a sign on Rt. 14 noting Belhurst Castle 400 feet ahead.
3. **Gratitudes.** The Supervisor thanked the volunteers that helped with the mattress and tire collection day and all the people that helped work on the new zoning law. Councilmember Palmieri thanked Charlie Bracko and his crew for the work on the pavilion at Kashong. Floyd Kofahl thanked Bejo Seeds for their donation of plants for the town garden.
4. **Approval of the minutes:** Approval of the Regular Meeting of the Town Board of July 13, 2021. Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.
5. **Town Clerk's report.**
Questions, comments.
The Board acknowledges receipt.
6. **Code Enforcement Officer's report.**
Questions, comments. Planning and Zoning Boards agree to lower speed limit on State Route 14S from the North Town line to Turk road.
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. **2021 RESOLUTION NO. 61-2021-** Approving Abstracts, 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. 61 -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, Abstract-008 August 2021 voucher 0740-0855, \$882,487.64 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 August 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. 2021 RESOLUTION NO. 62-2021 – Authorizing Scheduling of Public Hearing for a Proposed Local Law No. 2 of 2021 Entitled, "A Local Law to Amend Chapter 118 (Sewers) of the Code of the Town of Geneva." Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 62 -2021**

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 entitled "A Local Law to Amend Chapter 118 (Sewers) of the Code of the Town of Geneva"; 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, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 14, 2021, 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 this Local Law before the Town Board of the Town of Geneva for its consideration.

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 10, 2021 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>
Mark Palmieri	<u> X </u>	<u> </u>
Kimberly Aliperti	<u> X </u>	<u> </u>

Date: August 10th, 2021

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 of Ontario
City
Town of Geneva
Village

Local Law No. 2 of the year 2021.

A Local Law to Amend Chapter 118 (Sewers) of the Code of the Town of Geneva

(Insert Title)

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

County of Ontario
City
Town of Geneva
Village

as follows:

Section 1. Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the addition of a new Article X to read as follows:

Article X. Users of City of Geneva Publicly Owned Treatment Works

§ 118-68 Application of City of Geneva Sanitary Sewers Law per Contractual Agreement with the City of Geneva

A. Applicability.

Except as set forth herein, §§ 277-17 through 277-24 and 277-28 through 277-32 and 277-35 through 277-54 and 277-56 through 277-75 of the City of Geneva Sanitary Sewers Law, as may be amended from time to time, shall apply to properties serviced by the City of Geneva Sewage Treatment Plant. A copy of the City of Geneva Sanitary Sewers Law, as amended, shall be maintained in the Town of Geneva Town Clerk's office. In the event of any conflict between the provisions of the City of Geneva Sanitary Sewers Law then in effect and this chapter, the provisions of the City of Geneva Sanitary Sewers Law shall govern.

§ 118-69 Definitions

A. Terms defined.

Unless otherwise stated in the section where the term is used in this Article X, the meanings of terms, abbreviations, and undefined terms as stated in § 277-2 of the City of Geneva Sanitary Sewers Law are adopted and incorporated by reference herein and used in this Article X, except for the following:

GENEVA SANITARY SEWERS LAW

Chapter 277 of the City of Geneva City Code, entitled "Sanitary Sewers," adopted February 1, 2017 by Ord. No. 1-2017, as may be amended from time to time.

TOWN

The Town of Geneva, in the County of Ontario, State of New York.

§ 118-70 Building Sewers, Connections and Fees

A. Regulations pertaining to building sewers, connections and fees.

The provisions, rules and regulations pertaining to building sewers, connections and fees, as contained in Article IV, §§ 277-17 through 277-24 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-70 Sewer Extensions

A. Regulations pertaining to sewer extensions.

The provisions, rules and regulations pertaining to sewer extensions, as contained in Article V, §§ 277-28 through 277-32 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

B. Maintenance and ownership assumed by Town after final approval.

All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Town and by the City of Geneva Engineer or Director of Public Works, or their deputy or agent, shall become the property of the Town, on behalf of Sewer District # 1, and shall thereafter be maintained by the Town.

C. Sewer permit required before issuance of building permit.

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities on properties within the Town that are serviced by the City of Geneva Sewage Treatment Plant until a sewer connection permit has been received from the Town that contains the approval of the City of Geneva Director of Public Works, or his authorized deputy or agent, and all new developments shall be provided with an approved system of sanitary sewers.

§ 118-71 Use of Public Sewers

A. Regulations pertaining to use of public sewers.

The provisions, rules and regulations pertaining to the use of public sewers, as contained in Article VI, §§ 277-35 through 277-39 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-72 Discharge Standards and Limitations

A. Regulations pertaining to discharge standards and limitations.

The provisions, rules and regulations pertaining to discharge standards and limitations, as contained in Article VII, §§ 277-40 through 277-45 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-73 Industrial Wastewater Discharge Permits and Other Requirements

A. Regulations pertaining to discharge standards and limitations.

The provisions, rules and regulations pertaining to discharge standards and limitations, as contained in Article VIII, §§ 277-46 through 277-54 and 277-56 through 277-60 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-74 Surcharge Due to Extra-Strength Wastes

A. Regulations pertaining to surcharge due to extra-strength wastes.

The provisions, rules and regulations pertaining to surcharge due to extra-strength wastes, as contained in Article IX, §§ 277-61 through 277-65 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-75 Procedures

A. Regulations pertaining to procedures.

The provisions, rules and regulations pertaining to procedures, as contained in Article X, §§ 277-66 through 277-69 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-76 Enforcement and Penalties

A. Regulations pertaining to enforcement and penalties.

The provisions, rules and regulations pertaining to enforcement and penalties, as contained in Article XI, §§ 277-70 through 277-75 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

Section 2. Subsection (11) of Paragraph A of Section 118-34 (Discharge of certain wastes prohibited) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of the existing Constituents and Permissible Ranges and the insertion of new Constituents and Permissible Ranges to read as follows:

Constituents	Permissible Range (mg/l)
Suspended solids	200 or less
BOD	200 or less
Chlorine requirements	5 to 15
Total organic carbon	100 or less
Chemical oxygen demand	400 or less

Section 3. Paragraph B of Section 118-34 (Discharge of certain wastes prohibited) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of the "Substances" and "Maximum Limits" lists under "Limits of Toxic Substances in Sewage" and the insertion of a new list of "Substances" and "Maximum Limits" to read as follows:

Limits of Toxic Substances in Sewage

Substance	Maximum Limit (mg/l)
Arsenic	0.10
Cadmium	0.20
Cyanide-complex	0.80
Chromium, hexavalent	0.10
Chromium-total	1.00
Copper	1.00
Iron	10.0
Lead	0.10
Mercury	0.001
Nickel	2.00
Selenium	0.05
Silver	0.10
Zinc	0.60
Phenolic compounds	5.00
Oil and grease	100.00
Sulfide	3.00

Section 4. Paragraph A of Section 118-36 (Pretreatment and restriction on certain wastes) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of Subsections (1), (2), (3), (4) and (5) and the insertion of new Subsections (1), (2), (3) and (4) to read as follows:

- (1) A five-day BOD greater than 200 mg/l;
- (2) Containing more than 200 mg/l suspended solids;
- (3) Containing more than 15 mg/l of chlorine requirements; or
- (4) Containing any quantity of substances having the characteristics described in § 118-32.

Section 5. Subsection (1) of Paragraph B of Section 118-36 of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby repealed and a new Subsection (1) is hereby inserted in its place to read as follows:

- (1) Reduce the Biochemical Oxygen Demand to 200 mg/l;

Section 6. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. 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 of Geneva on the 14th day of September, 2021, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law of the Town of Geneva for the year 2021, which would amend Chapter 118 (Sewers) of the Code of the Town of Geneva to amend existing regulations pertaining to the prohibition of the discharge of certain wastes and the pretreatment and restriction on certain wastes and to enact regulations pertaining to Town properties serviced by the City of Geneva Publicly Owned Treatment Works that cover the following issues:

- o Application of City of Geneva Sanitary Sewers Law
- o Definitions
- o Building Sewers, Connections and Fees
- o Sewer Extensions
- o Use of Public Sewers
- o Discharge Standards and Limitations
- o Industrial Wastewater Discharge Permits and Other Requirements
- o Surcharge Due to Extra-Strength Wastes
- o Procedures
- o Enforcement and Penalties

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. 2021 RESOLUTION NO. 63-2021 – Authorizing Scheduling Of Public Hearing For A Proposed Local Law Entitled, "A Local Law Amending Chapter 63 (Building Construction And Fire Prevention) Of The Code Of The Town Of Geneva." Motion to approve made by Councilmember McCarthy, second by Councilmember Palmieri.

TOWN OF GENEVA, NEW YORK RESOLUTION OF THE TOWN BOARD RESOLUTION NO. 63 -2021

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 entitled "A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva", 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, and

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (20) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves continuing agency administration and management in that it will enact a law amending the energy code applicable in the Town of Geneva and amend exemptions applicable to the issuance of building permits.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 14, 2021, 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 this Local Law before the Town Board of the Town of Geneva for its consideration.

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 10,, 2021 by the following vote:

Aye

Nay

Mark Venuti
Jeffrey Dunham
Robert McCarthy
Mark Palmieri
Kimberly Aliperti

<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

Exhibit "1"

FILING LOCAL LAW

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. 3 of the year 2021

A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva

(Insert Title)

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

County of Ontario
City
Town of Geneva
Village

as follows:

Section 1: Legislative Intent

The Town of Geneva seeks to protect and promote the public health, safety, and welfare of its residents and business owners by mandating energy efficient building standards. The 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed local law will, among other things, modify the Town of Geneva Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. Authority

This local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 3. Section 63-2 (Definitions) of Chapter 63 (Building Construction and Fire Prevention) is hereby amended by repealing the definition of "Energy Code" and inserting a new definition of "Energy Code" to read as follows:

ENERGY CODE

The NYStretch Energy Code 2020, developed and published by the New York State Energy Research and Development Authority, as amended.

Section 4. Paragraph B of Section 63-4 (Building permits) of Chapter 63 (Building Construction and Fire Prevention) is hereby amended by repealing subsections (4) and (5) and renumbering subsections (6) through (12) to be (4) through (10) respectively.

Section 5. 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 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF GENEVA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Geneva on the 14th day of September, 2021, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law of the Town of Geneva for the year 2021, which would amend Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva to adopt a new Energy Code applicable to new construction and amend the exemptions applicable to the issuance of building permits.

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

13. 2021 RESOLUTION NO. 64-2021 – Authorizing scheduling of Public Hearing for a proposed Local Law No. 4 of 2021 "A Local Law Amending Chapter 165 (Zoning) of the Town of Geneva." Motion to approve made by Councilmember Aliperti, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 64 -2021**

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 Amending Chapter 165 (Zoning) of the Town of Geneva; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law 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 September 14, 2021, 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 August 10, 2021 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>
Mark Palmieri	<u> X </u>	<u> </u>
Kimberly Aliperti	<u> X </u>	<u> </u>

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

EXHIBIT 1

FILING LOCAL LAW

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.

Local Law No. 4 of the year 2021.

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva"**

(Insert Title)

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

County of Ontario

City

Town of Geneva

Village

as follows:

Section 1. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the deletion of the definitions of "Solar Energy System, Commercial", "Solar Energy System, Community" and "Solar Energy System, Noncommercial".

Section 2. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new definitions (said new definitions to be inserted alphabetically) of "Cannabis Retail Dispensary", "Cannabis On-Site Consumption Establishment", "Solar Energy System, Major or Solar Farm" and "Solar Energy System, Minor or Accessory" to read as follows:

CANNABIS RETAIL DISPENSARY – A business operating pursuant to a license issued pursuant to the New York State Cannabis Law that authorizes the retail sale of adult-use cannabis to cannabis consumers.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT - A business operating pursuant to a license issued pursuant to the New York State Cannabis Law that authorizes the consumption of cannabis in an area specified in such license.

SOLAR ENERGY SYSTEM, MAJOR OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, and which may consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEM, MINOR OR ACCESSORY - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

Section 3. The definition of "Home Occupation" in Section 165-3 of the Zoning Code of the Town of Geneva is hereby deleted and a new definition of "Home Occupation" is hereby inserted in its place to read as follows:

HOME OCCUPATION - An accessory use conducted within a dwelling by the residents thereof which is clearly secondary to the dwelling use for living purposes and does not change the residential character of the building within which the activity occurs, and which conforms to the conditions set forth in § 165-33.

Section 4. Paragraph B (Permitted uses) of section 165-13. (TC-1 Town Center Mixed-Use District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (16) and (17) to read as follows:

- (16) Cannabis retail dispensary;
- (17) Cannabis on-site consumption establishment.

Section 5. Paragraph B (Permitted uses) of section 165-14. (TC-2 Town Center Arterial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (16), (17) and (18) to read as follows:

- (16) Automobile sales, storage or repair, if existing at the time of the adoption of this amendment (September 7, 2021), and the use is not discontinued for 12 consecutive months or more;
- (17) Cannabis retail dispensary;
- (18) Cannabis on-site consumption establishment.

Section 6. Paragraph B of section 165-16 (B General Business District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Subsection (3) is repealed; and
- B. Subsections (4) through (21) are renumbered to be (3) through (20); and

C. New subsections (21) and (22) are inserted to read as follows:

- (21) Cannabis retail dispensary;
- (22) Cannabis on-site consumption establishment.

Section 7. Paragraph C of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (25), (26) and (27) to read as follows:

- (25) Automobile sales, storage or repair;
- (26) Cannabis retail dispensary;
- (27) Cannabis on-site consumption establishment.

Section 8. Paragraph B (Permitted uses) of section 165-18. (I-2 Light Industrial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (15) and (16) to read as follows:

- (15) Cannabis retail dispensary;
- (16) Cannabis on-site consumption establishment.

Section 9. Paragraph B (Permitted uses) of section 165-19. (LV Lake View Overlay District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraph (7) to read as follows:

- (7) Cannabis on-site consumption establishment.

Section 10. The number of feet established for maximum building height in the following sections of the Zoning Code of the Town of Geneva dealing with lot area and yard requirements shall be amended to read "40 feet" (any reference to the number of stories in any of these sections shall remain unchanged):

- § 165-8 (R-1 Residential Suburban District) E. (8)
- § 165-9 (R-2 Residential Rural District) E. (8)
- § 165-11 (R-4 Residential Medium Density District) E. (6)
- § 165-12. (R-5 Residential High Density District) E. (6)
- § 165-13. (TC-1 Town Center Mixed-Use District) E. (6)
- § 165-14. (TC-2 Town Center Arterial District) E. (6)
- § 165-15 (AG Agricultural District) G. (8)
- § 165-16 (B General Business District) E. (5)
- § 165-17. (I-1 General Industrial District) G. (6)
- § 165-18. (I-2 Light Industrial District) E. (6)
- § 165-19 (LV Lake View Overlay District) F. (5)

Section 11. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar Energy System, Minor or Accessory, subject to provisions of Chapter 130":

- § 165-8. (R-1 Residential Suburban District) D. (8)
- § 165-9. (R-2 Residential Rural District) D. (10)
- § 165-10 (R-3 Residential Lakefront District) D. (8)
- § 165-11. (R-4 Residential Medium Density District) D. (8)
- § 165-12. (R-5 Residential High Density District) D. (7)
- § 165-13. (TC-1 Town Center Mixed-Use District) D. (7)
- § 165-14. (TC-2 Town Center Arterial District) D. (5)

Section 12. Subsection (7) of paragraph D (Permitted with site plan approval) of section 165-15 (AG Agricultural District) of the Zoning Code of the Town of Geneva is hereby amended to change the "Solar energy system, community, subject to provisions of Chapter 130" to

"Solar Energy System, Major or Solar Farm, only north of White Springs Lane and west of County Road 6, subject to provisions of Chapter 130".

Section 13. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar Energy System, Major or Solar Farm, only north of White Springs Lane and west of County Road 6, subject to provisions of Chapter 130":

§ 165-15. (AG Agricultural District) F. (10)

§ 165-16. (B General Business District) D. (5)

Section 14. Paragraph C (Permitted uses) of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

A. Subsection (20) is amended to change "Solar energy systems, commercial" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130";

B. Subsection (21) is repealed; and

C. Subsections (22), (23) and (24) are renumbered to be (21), (22) and (23).

Section 15. Subsection (5) of paragraph F (Permitted accessory uses) of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130".

Section 16. Paragraph B (Permitted uses) of section 165-18 (I-2 Light Industrial District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

A. Subsection (12) is amended to change "Solar energy systems, commercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130";

B. Subsection (13) is repealed; and

C. Subsection (14) is renumbered to be (13).

Section 17. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130":

§ 165-18. (I-2 Light Industrial District) D. (4)

§ 165-19. (LV Lake View Overlay District) E. (4)

Section 18. Section 165-24 (Accessory buildings) of the Zoning Code of the Town of Geneva is hereby amended as follows:

A. Paragraph A is repealed and a new paragraph A is hereby inserted in its place to read as follows:

A. Accessory buildings not attached to the principal building shall comply with applicable Building Code requirements and, notwithstanding any other provision of this chapter, they may be permitted in any district. Except as set forth below, in all districts, accessory buildings are to be constructed in the rear and side yard areas only. Accessory buildings are allowed only on the same property as the principal building. Accessory buildings shall be allowed no closer than 10 feet to any side or rear property line.

B. New paragraphs C and D are inserted to read as follows:

C. Accessory buildings in the Agricultural District may be allowed in the front yard if they comply with set-back requirements, are on a lot of at least five acres, and are adequately screened from the road.

D. Properties with lake shore may have an accessory structure in the front yard (with road frontage) as long as it complies with the setback requirements for the residence and the average roof height is no more than 22 feet.

Section 19. Section 165-33 (Home occupations) of the Zoning Code of the Town of Geneva is hereby amended as follows:

A. Paragraph A is repealed and a new paragraph A is hereby inserted in its place to read as follows:

A. It shall be carried on wholly within the enclosed walls of the dwelling or in an accessory structure on the same parcel as the principal residence, and shall not use more than 25% of the floor area up to a maximum of 1,000 square feet.

B. Paragraph D is repealed and a new paragraph D is hereby inserted in its place to read as follows:

D. No offensive noise, vibration, smoke, dust, odors, heat, light, glare or excessive traffic shall be produced as a result of any activity related to the home occupation.

C. New paragraph E is inserted to read as follows:

E. If the occupation involves members of the public coming to the location, an operating permit must be obtained from the town code enforcement officer, and the public must be restricted to the hours of 9:00 a.m. to 5:00 p.m.

Section 20. Section 165-73 (Approval required for building permit) of the Zoning Code of the Town of Geneva is hereby amended by labeling the existing paragraph as paragraph A and inserted a new paragraph B to read as follows:

B. Notwithstanding the above, a building permit may be issued by the Code Enforcement Officer, or a designated representative of the Town of Geneva Building Department, without site plan review by the planning board, if the proposed project is an addition or accessory structure that is no more in size than forty percent of the existing building, to a maximum of 5,000 square feet, and the proposed use of the new construction is the same as the existing use, or an allowed accessory use, and otherwise complies with applicable codes.

Section 21. Section 165-90 (Restoration) of the Zoning Code of the Town of Geneva is hereby amended as follows:

A. The title of this section shall be changed from "Restoration" to "Restoration, Alteration and Addition.";

B. New paragraphs C and D are inserted to read as follows:

C. Alterations and additions to a pre-existing non-conforming structure shall be allowed if they do not increase the non-conformity that exists.

D. A residence may add common residential accessory structures to the lot, such as decks, sheds, swimming pools and additions, as long as they comply with the zoning requirements of the district and applicable residential district requirements.

Section 22. Paragraph D of Section 165-101 (Term of appointment; staff; alternate members) of Article XI (Zoning Board of Appeals) of the Zoning Code of the Town of Geneva is hereby repealed a new Paragraph D is hereby inserted in its place to read as follows:

D. There is hereby established one alternate Zoning Board of Appeals member position for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absence.

(1) The alternate member of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for a term established by the Town Board.

(2) The Chairperson of the Zoning Board of Appeals may designate the alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board or because of that member's illness or absence.

(3) When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

Section 23. Section 165-109 (Establishment) of Article XII (Planning Board) of the Zoning Code of the Town of Geneva is hereby repealed and a new Section 165-109 is hereby inserted in its place to read as follows:

§ 165-109 Establishment.

A Planning Board consisting of five members is hereby established, which Board shall be constituted and shall have all the powers and perform such duties and be subject to the limitations as prescribed by §§ 271, 273, 274-a, 276, 277, 278, 279, and 280-a of the Town Law, as the same may be amended, modified or changed from time to time, or any sections subsequently adopted pertaining to the Planning Board.

Section 24. Section 165-110 (Alternate members) of Article XII (Planning Board) of the Zoning Code of the Town of Geneva is hereby repealed and a new Section 165-110 is hereby inserted in its place to read as follows:

§ 165-110 Alternate members.

There is hereby established one alternate Planning Board member position for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absence.

A. The alternate member of the Planning Board shall be appointed by resolution of the Town Board, for a term established by the Town Board.

B. The Chairperson of the Planning Board may designate the alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Planning Board or because of that member's illness or absence.

C. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

- D. All provisions of the Town Law and the Town of Geneva Zoning Ordinance relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to the alternate member.

Section 25. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 26. 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 14th day of September, 2021, 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 amend the Zoning Code of the Town of Geneva as follows:

- o deleting the definitions of "Solar Energy System, Commercial", "Solar Energy System, Community" and "Solar Energy System, Noncommercial",
- o adding the definitions of "Cannabis Retail Dispensary", "Cannabis On-Site Consumption Establishment", "Solar Energy System, Major or Solar Farm" and "Solar Energy System, Minor or Accessory",
- o amending the definition of "Home Occupation",
- o amending regulations pertaining to the R-1 Residential Suburban District, the R-2 Residential Rural District, the R-3 Residential Lakefront District, the R-4 Residential Medium Density District, the R-5 Residential High Density District, the TC-1 Town Center Mixed-Use District, the TC-2 Town Center Arterial District, the AG Agricultural District, the B General Business District, the I-1 General Industrial District, the I-2 Light Industrial District and the LV Lake View Overlay District,
- o Amending the regulations pertaining to accessory buildings, home occupations, approvals required for building permit and restorations.
- o Amending the number of members of the Town of Geneva Planning Board from seven to five and amending the number of alternate members of the Town of Geneva Planning Board and Zoning Board of Appeals from two each to one each.

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 14532.

This by Resolution of the Town Board of the Town of Geneva.
Lorrie S. Naegele, Town Clerk

14. 2021 RESOLUTION NO. 65-2021 – Authorizing scheduling of Public Hearing for a proposed Local Law No. 5 of 2021 "A Local Law Amending the Solar Energy Systems Law of the Town of Geneva." Motion to approve made by Councilmember McCarthy, second by Councilmember Palmieri.

TOWN OF GENEVA, NEW YORK RESOLUTION OF THE TOWN BOARD RESOLUTION NO. 65 -2021

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 the proposed Local Law attached hereto as Exhibit 1; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law 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 September 14, 2021 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 August 10, 2021, by the following vote:

Aye

Nay

Mark Venuti
Jeffrey Dunham
Robert McCarthy
Mark Palmieri
Kimberly Aliperti

<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

EXHIBIT 1
FILING LOCAL LAW

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. 5 of the year 2021

A Local Law Amending Chapter 130 (Solar Energy Systems) of the Code of the Town of Geneva
(Insert Title)

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

County of Ontario
Town of Geneva as follows:
Village

Section 1: Section 130-4 (Solar collectors and installations for major systems or solar farms) in Chapter 130 (Solar Energy Systems) of the Code of the Town of Geneva is hereby amended as follows:

The opening wording of paragraph C is hereby amended to change "Areas of potential sensitivity:" to "Areas of potential sensitivity that should be avoided:" and

The opening wording of paragraph D is hereby amended to change "A major system or solar farm may be permitted in all zoning districts in the Town when authorized by site plan permit from the Planning Board subject to the following terms and conditions." to "A major system or solar farm shall be permitted in those zoning districts where it is a permitted use under Chapter 165 when authorized by a site plan permit from the Planning Board subject to the following terms and conditions:"; and

Subparagraph (a) of subsection (5) of paragraph D is hereby amended with the insertion of the following wording at the end of the existing subparagraph (a):

"The decommissioning plan shall be accompanied by a budget showing the cost of implementing the plan, certified by the project engineer and to be approved by the Town Board, and the applicant shall provide a performance bond or New York State bank letter of credit, for the benefit of the Town of Geneva, in the amount shown on the budget, plus ten percent, available to the Town for the life of the solar energy system or for so long as necessary to complete decommissioning, whichever is longer. This security will not be released until the system is fully decommissioned as set forth herein."

Subparagraph (f) of subsection (5) of paragraph D is hereby repealed and a new subparagraph (f) is hereby inserted in its place to read as follows:

(f) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator, or from the performance bond or letter of credit. All unreimbursed or uncovered costs incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

Section 2: 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.

This local law shall take effect immediately upon filing with the Secretary of State.

EXHIBIT 2

**TOWN OF GENEVA
NOTICE OF PUBLIC HEARING
AMEND CHAPTER 130 (SOLAR ENERGY SYSTEMS)**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Geneva on the 14th day of September, 2021, 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 amend Chapter 130 (Solar Energy Systems) of the Code of the Town of Geneva by amending the regulations pertaining to solar collectors and installations for major systems or solar farms.

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 14532.

This by Resolution of the Town Board of the Town of Geneva.
Lorrie S. Naegele, Town Clerk

15. 2021 RESOLUTION NO. 66-2021 – Approval of Supervisor Venuti and Councilmember Robert McCarthy to a Working Committee to Discuss a Long-Term Solution to Regional Wastewater Collection and Treatment. Motion to approve made by Councilmember Dunham, second by Councilmember Aliperty. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 66 -2021**

Whereas by Resolution 60 of 2021 the town board approved an agreement with the City of Geneva for wastewater treatment of waste from town properties; and

Whereas that agreement requires the appointment of two town board members to a working committee that will also include two city council members to continue research and discussion toward a long-term solution for regional wastewater collection and treatment; now therefore, it is

RESOLVED town supervisor Mark Venuti and councilmember Robert McCarthy are appointed to this working committee.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

16. 2021 RESOLUTION NO. 67-2021 – Approval of Attorney Sheila Chalifoux to Represent the Town in an Assessment Challenge. Motion to approve made by Councilmember McCarthy, second by Councilmember Palmieri. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 67 -2021**

Whereas an action has been filed against the town assessor and Board of Assessment Review by Walgreen Eastern Co., Inc./Land Valley Road, LLC challenging the 2021 assessment for its property at 431 Hamilton Street and the town needs representation to defend the action; and

Whereas attorney Sheila Chalifoux has ably represented the town in similar litigation in the past, and her hourly rate of \$190.00 is below that charged by the other attorney used by the town in such cases in the past; now therefore, it is

RESOLVED the town may retain attorney Sheila Chalifoux to represent the town in the Walgreen assessment challenge.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

17. 2021 RESOLUTION NO. 68-2021- Authorizing Renewal of Bond Anticipation Note. Motion to approve made by Councilmember Dunham, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 68-2021**

Whereas a bond resolution of the Town of Geneva for improvements to Water District 12 was adopted by the Town Board on June 29, 2010, and amended August 10, 2010, which has resulted in a series of annual Bond Anticipation Notes, now with the Bank of the Finger Lakes, last renewed September 6, 2021 in the amount of \$41,657.59, coming due September 6, 2021, together with interest at the rate of 1.69%; 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 is authorized to pay \$3,000.00 toward principal, and the interest due, on or about September 6, 2021, and to sign a new Bond Anticipation Note for a year with the Bank of the Finger Lakes binding the Town of Geneva for the balance due of \$38,657.59, plus interest.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

18. 2021 RESOLUTION NO. 69-2021- Expressing Appreciation for the Service of Michael Osborne. Motion to approve made by Councilmember Palmieri, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 69-2021**

Whereas town resident Michael Osborne has well and ably served as chairperson of the town's Board of Assessment Review for nine years; and

Whereas due to health challenges Mike has submitted his resignation from the board; now therefore, it is

RESOLVED on behalf of the people of the town, the town assessor and fellow board members, the town board thanks Michael Osborne for nine years of faithful service as Chairperson of the Board of Assessment Review and wishes him well in the challenges ahead.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

THE TOWN HAS OBTAINED TWO QUOTES FOR ITS INSURANCE COVERAGE. ONE FROM CURRENT AGENT C.S. BURRALL & SON, INC. REPRESENTING TRIDENT INSURANCE COMPANY, AND ONE FROM FINGER LAKES PARTNERS INSURANCE COMPANY REPRESENTING NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR). The town has been with Burrall for many years and has received good service and seen modest growth in the cost over the years, but NYMIR'S quote is almost \$9000, almost 17%, less.

19. 2021 RESOLUTION NO. 70 -2021 – Approving a Contract for the Town's Insurance Coverage. Motion to approve made by Councilmember Dunham, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 70-2021**

Whereas C.S. Burrall & Son, Inc. has been the Town's insurance agent for about sixty years, and for the past several years has provided coverage through Trident Insurance Company; and

Whereas the town has obtained quotes from Burrall for Trident and from Finger Lakes Partners Insurance Company for coverage through the New York Municipal Insurance Reciprocal (NYMIR); and

Whereas the Burrall agency has been very responsive to town needs, and the cost of the coverage over the years has grown very little, averaging less than 2% per year; and

Whereas the Trident coverage is slightly better than NYMIR but not in ways that jeopardize the town or create unnecessary risk; and

Whereas the Town has had a significant claim from litigation against the Town that has been and will continue to be covered by Trident, whether the town renews with Trident or not, and this claim is one reason for the cost of the Trident coverage over the past couple of years; and

Whereas the quote for coverage from Trident is \$53,998.00, and the quote for coverage from NYMIR is \$43,926.04, but NYMIR will have to add a policy for excess employer liability that will cost about \$1,250.00, that is included in the Trident quote, so the NYMIR cost will be 45,176.04, making NYMIR \$8,821.96 less than Trident; now therefore it is

RESOLVED, the policy by New York Municipal Insurance Reciprocal represented by Finger Lakes Partners Insurance Agency may be accepted and paid when due.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

20. **2021 RESOLUTION NO. 71-2021** – Requesting Speed Limit Reduction on State Route 14 from Turk Road north to the Town of Geneva line or the existing 35 MPH zone. Motion to approve made by Councilmember McCarthy, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 71-2021**

Whereas the speed on State Route 14 on the south side of the Town of Geneva 55 MPH until the boundary between the town and City of Geneva, when it changes to 35 MPH; and

Whereas a winery has been established on Turk Road close to the intersection with State Route 14 that brings a constant flow of visitors by automobile and deliveries by truck coming in and out of the intersection with Turk Road and State Route 14, and additional development is planned for that property; and

Whereas in the stretch of State Route 14 from Turk Road north to the reduced speed zone near the town-city line there are a number of relatively new developments, residential and commercial, including 22 new homes in the past five years and 2 new businesses, resulting in increased traffic entering and exiting State Route 14, and on top of this the town has approved 120 town homes, a 100-unit hotel, 50 condominiums and 60,000 square feet of new commercial space, and a new 92-unit housing development has begun construction in Bay Heights that will soon add to the load, with construction vehicles coming and going to the project now and for the next few years as well; and

Whereas State Route 14 is a truck route and many heavy trucks travel at speeds of at least the posted limit of 55 MPH and often exceeding the limit, making this stretch of road dangerous and resulting in traffic accidents, including one in July of this year; and

Whereas most drivers in this area feel the posted speed is too high and should be reduced to 45 MPH, which would also result in a smoother transition to the 35 MPH zone; and

Whereas in a similar stretch of Route 14 on the north side of the town, from Gambee Road to near the town line, the speed limit is 45 MPH; and

Whereas the speed on Routes 5 & 20 coming into the town from the west is 40 MPH, then 30 MPH in the town-city business corridor, then 45 MPH in the city by Seneca Lake and all the way to the Village of Waterloo, these examples showing the stretch of Route 14 from Turk Road to the town-city line to be an anomaly; now therefore, it is

RESOLVED the Town Board of the Town of Geneva requests the NYS Department of Transportation evaluate this stretch of State Route 14 and reduce the speed limit on it to 45 MPH, that the Ontario County Superintendent of Highways join in this request; and it is further

RESOLVED, if this request is granted, the town will install and maintain signs in accordance with the Vehicle & Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the NYS Department of Transportation, and will have the speed limit enforced by the Ontario County Sheriff's Office.

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 10, 2021. Unanimously approved.

Date: August 10th, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

22. Discuss committing to purchasing a new loader for the highway department this year even though it wasn't in the 2021 budget due to favorable pricing and funds available through the federal American Rescue Plan act. The board agreed to proceed with the understanding payment won't be due until 2022.

23. Discuss whether to reduce the sewer late payment penalties assessed against the Indus Hospitality Group, which owns the Holiday Inn Express and Microtel on the north side of 5&20 near county road 6, blamed on not receiving the bills, totaling \$3,040.00. The company is often late and the board declined to adjust the penalty.

24. Discuss the plan to replace the SUV used by the code enforcement officer with an electric vehicle and install a fast-charge EV charging station at the town hall. The state has a \$2000 rebate for the car and there is a company, usenergysolutions.us; that will assist with the charging station that should be 80% covered by grants. The board agreed to pursue for 2022 and report back.

25. Reports of Standing Committees

Economic Development – August 25th next meeting

Sustainability – No meeting

Kashong Conservation Area – Pavilion is done; August 19th a walk through will be done.

Communication – Update welcome packet, new pictures for the web site, and look into including testimonials on the web and in the newsletter.

Parks and Recreation – status on box field; do we pay the wall invoice of \$41,405.00 for the wall. Site work is being donated and will start after Labor Day. The board agreed to pay for the wall

Agricultural Enhancement – No meeting

Safety and Fire Protection- Last meeting July 21; minutes were given to board members.

26. Supervisor's Report; on the agenda Selected Meetings and Events

The sale tax revenue recently received by the town for the second quarter was up 49% over the same quarter in 2020 and also significantly over the same quarter in 2019.

Raccoons have again broken into the town hall and caused damage. The town's insurance company has been notified although all of the damage may not be covered and the town has a \$2500 deductible. Clean-up and repair is underway.

The town received \$170,942.59 from the federal American Rescue Plan act, funds allocated to local governments. This is one-half of what has been allotted to the town. The other half is scheduled to be paid in July of 2022. There are restrictions on what this money can be used for but the town should have no problem finding an appropriate expenditure over the next two years.

The Geneva City Council recently approved the sewer treatment agreement the town board approved at our July 13 meeting.

27. Old Business. None

28. New Business. Fitzgerald Brothers Limos are driving down White Springs Road and not sure if legal. Councilmember Dunham discussed concerns about a meeting that took place with the Wallace Solar Village Project with the Wallaces, town board members and planning board members attending.

29. Privilege of the floor. None

30. Adjourn: Time 8:12 p.m. Motion to approve made by Councilmember Aliperti second by Councilmember Palmieri.

Respectfully, Lorrie S. Naegele, Town Clerk