

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 February 9, 2021. Unanimously approved.

Date: February 9, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

14. 2021 RESOLUTION NO. 27-2021 – Authorizing adoption of Local Law 1-2021 to override the tax levy limit. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**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	<u>X</u>	_____
Jeffrey Dunham	<u>X</u>	_____
Robert McCarthy	<u>X</u>	_____
Mark Palmieri	<u>X</u>	_____
Kimberly Aliperti	<u>X</u>	_____

Date: February 9, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

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. 1 of the year **2021**

A local law to override the tax levy limit established in General Municipal Law §3-c

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

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Geneva, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of Geneva to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

1.1 Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Geneva, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

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

15. 2021 RESOLUTION NO. 28-2021- Approving the special districts and/or fire protection districts set forth in the Schedule. Motion to approve made by Councilmember Palmieri, second by Councilmember Dunham. Unanimously approved.

**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:

Aye

Nay

Mark Venuti

X

Jeffrey Dunham
Robert McCarthy
Mark Palmieri
Kimberly Aliperti

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

Date: February 9, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

16. 2021 RESOLUTION NO. 29-2021- Approving Renewal of a Bond Anticipation Note. Motion to approve made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved.

**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.

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. Unanimously approved.

Date: February 9, 2021

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

17. 2021 RESOLUTION NO. 30-2021- Establishing Intent to Continue Community Choice Aggregation Program, and Incorporating Opt-Out Community Distributed Generation. **WITHDRAWN UNTIL MARCH** waiting to review the contract.

**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 if 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.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was TABLED by the Town Board of the Town of Geneva on February 9, 2021. Unanimously approved.

Date: February 9, 2021

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

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

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. Unanimously approved.

Date: February 9, 2021

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

19. 2021 RESOLUTION NO. 32-2021- Supporting Town of Seneca Falls in Local Law Prohibiting Landfilling after 2025. Motion to approve made by Councilmember Aliperti, second by Councilmember Palmieri. Unanimously approved.

**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.

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. Unanimously approved.

Date: February 9, 2021

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

20. Reports of Standing Committees

Economic Development – Zoom meeting January 27, 2021,

Sustainability –discussed Stormwater issues, doing a trash audit to help reduce landfilling.

Kashong Conservation Area – no meeting, discussed plans to remark the trails.

Communication –welcome packet and website will have more information added to recreation page. Push notifications through Revise were expensive and the Supervisor will send out notices through the Mail Chimp account. Historical markers in the town will be revisited. Next meeting 3/2/21 at 6:30 via zoom.

Parks and Recreation – nothing new

Agricultural Enhancement – Monday February 15, 2021 next meeting.

Fire Protection Committee- To research the town’s financial relationship with the three fire companies. The first meeting was January 21, 2021. There will be three meetings to follow, each focused on one company, a fourth session to analyze the data presented, and a possible fifth meeting for further discussion on recommendations. Next meeting March 3, at 7 pm- White Springs Fire Association. Will make their presentation.

21. Supervisor’s Report; Selected Meetings and Activities are listed on the agenda

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.

22. Old Business. None

23. New Business. Floyd reported the town planning board wanted him to raise with the town board a concern about battery storage that is part of large solar farms because there are no code standards and fire departments may not be equipped to respond to an incident. He asked the Board about looking into a moratorium on the battery storage facility for the solar until we have a code for the facility. Floyd stated the state is working on a code for them, and the town board decided to wait for more information.

24. Privilege of the floor. None

25. Adjourn: Time 7:02 PM. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved.

Respectfully Submitted, Lorrie S, Naegele Town Clerk

