

AGENDA
TOWN OF GENEVA
SPECIAL TOWN BOARD MEETING

Public Hearing on Seneca Turk Resort Planned Unit Development (PUD)
Public Hearing on Geneva Crossing Planned Unit Development (PUD)

December 27, 2018

1. 6:00 pm. Call to order the First Public Hearing, Seneca Turk Resort Planned Unit Development (PUD)

Public Comments-
Written Comments-
Close Public hearing-

2. Call to order the First Public Hearing, Geneva Crossing Planned Unit Development (PUD)

Public Comments-
Written Comments-
Close Public hearing-

3. Call to order the Special Meeting of the Town Board. Opening/pledge by Councilperson McCarthy

4. 2018 RESOLUTION NO.106-2018 – Approval of the minutes of the Regular Town Board Meeting of December 11, 2018.

Motion _____ Second _____

5. 2018 RESOLUTION NO.107-2018 – Approving Increase in Cost of Water District 13.

FINAL ORDER AND RESOLUTION APPROVING AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENTS IN WATER DISTRICT 13

WHEREAS, upon Resolution adopted on March 10, 2015, the Town Board of the Town of Geneva has previously approved the establishment of Water District 13 in the Town of Geneva, pursuant to Article 12 of the Town Law, said water district having been approved in accordance with the details in a map, plan and report originally dated December 2014, prepared by MRB Group, said map, plan and report having been filed with the Town Clerk of the Town of Geneva; and

WHEREAS, pursuant to said March 10, 2015 resolution, the maximum amount authorized to be expended for the initial creation of Water District 13 was \$227,940; and

WHEREAS, MRB Group has updated its map, plan and report, dated November 9, 2018, showing an increase in the maximum amount to be expended for Water District 13 of an additional \$99,060 to a total maximum amount authorized of \$327,000. The redated map, plan and report shows that the Town has been approved for a WIAA Grant in the amount of \$136,764 and that the Town has been approved for an EPA grant in the amount of \$34,419 to be applied to the total cost of construction.; and

WHEREAS, MRB Group has detailed the factors that have contributed to the higher pricing, which included:

- Increase in Material Cost as the original estimate was completed in December 2014. This increase involves pipe, hydrants, valves, fittings and accessories. Purchase was 3 years after estimate.
- Increase in Directional Drill Length: The directional drill was needed to get under large culverts clustered together-too difficult to construct with conventional methods.
- Pump Station Cost was higher than estimated which added cost. The original estimate (for Geneva) was \$18,500 and the new cost share is \$27,852.
- Unforeseen soil conditions on the shared portion of the project, which required additional time and stone material.
- Added fittings and bends as need on the pipe line including the shared portion of the water main; and

WHEREAS, the redated map, plan and report establishes that the new Estimated Capital Cost of Water District 13 is \$327,000, rather than \$227,940, an increase in the maximum amount to be expended of \$99,060; and

WHEREAS, a public hearing on increasing the maximum amount to be expended by \$93,060 was duly held by said Town Board on November 26, 2018 at 5:30 p.m. in the Geneva Town Hall, 3750 County Road 6, Geneva, New York, at which all interested persons desiring to be heard were heard; and

WHEREAS, notice of such public hearing was published in the Town's official newspaper on November 15, 2018 and duly posted on the Town signboard, specifying November 26, 2018 at 5:30pm as the date and time at the Geneva Town Hall, 3750 County Road 6, Geneva, New York as the place where the Town Board would meet and consider approving increasing the maximum amount to be expended by \$95,567, and would hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to Article VIII (State Environmental Quality Review Act), it has been determined by the Town Board that approving increasing and improving the facilities in NYS Route 14 Water District as aforesaid would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, said Town Board has duly considered all of the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:

That an increase in the maximum amount to be expended on NYS Route 14 Water District by an additional \$99,060 from \$227,940 to \$327,000 is hereby ordered, authorized and approved; and be it further

RESOLVED AND DETERMINED:

1. That the total number of equivalent dwelling units (EDU's) in the Town of Geneva Water District 13 will remain the same.
2. That the estimated first year debt service for the new net capital cost to be financed is estimated to be \$8,467.
3. That the annual debt service charge per EDU based on the new total average annual debt service of \$8,467 is estimated to decrease from \$590 to \$434.
4. That the annual commodity charges covering water usage as well as operation and maintenance is estimated to increase to \$341.
5. That the total estimated first year charge (debt service, operation and maintenance charge and an estimated annual commodity charge for water used) to a typical property will decrease from \$891 to \$775; and be it further

RESOLVED AND DETERMINED:

That this Resolution has satisfied the permissive referendum time requirement provided in Section 209(e) of the New York State Town Law. No petition was filed against the project during the permissive Referendum period.

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 December 27, 2018 by the following vote:

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

Dated: _____, 2018

Lorrie S. Naegele, Town Clerk

SEAL

6. 2018 RESOLUTION NO.108-2018 – Authorizing Amendment to Inter-Municipal Agreement for Water District 13.

WHEREAS, the Town of Geneva (hereinafter referred to as Town Board) is intending to install water main within the Town on Geneva on NYS Route 14 from the Towns of Geneva and Phelps Municipal Boundary extending approximately 3,900 feet south; and

WHEREAS, the Inter-Municipal Agreement dated June 5, 2017 was put in place as all Town approved and signed such Agreement. This provided a cost for shared facilities based on the number of EDUs served in each District. The percentage breakdown is: 6.33% for the Town of Geneva, 18.02% for the Town of Junius, 65.75% for the Town of Phelps and 9.90% for the Town of Waterloo; and

WHEREAS, the shared section cost percentage will change for a portion of the main in the Town of Waterloo as previously verbally agreed. The first 4,600 feet of water main from Sessler Road onto Serven Road is considered a transmission main and the material cost will be divided as approved in the current Agreement. The remaining 9,200 feet is water main located in the Town of Waterloo will serve residents in Waterloo but also supplies water to the other Towns participating. For this 9,200 feet of main, the cost breakdown will be modified. The Town of Waterloo will pay for the 8" water main materials and the remaining three (3) Towns will pay for the cost difference between the 8" to the 12" main along with fittings. The split (by percentage) for the other Towns will be 7.03% for the Town of Geneva, 20.0% for the Town of Junius and 72.97% for the Town of Phelps;

NOW, THEREFORE BE IT RESOLVED that the Inter-Municipal Agreement, dated June 5, 2017, be amended to change the percentage of payment of the 9,200 feet of Water main on Serven and Packwood Roads, which is a shared main after the transmission main section from Sessler Drive onto Serven Road. All other parts of the original Agreement remain unchanged. This amended Agreement will be dated after all participating Towns approve such an update. In addition, all Board members shall sign the Amendment to execute this modification.

Motion made by Member _____ : Seconded by Member _____

Dated: _____

The above Resolution was duly adopted on _____ by the Town of Geneva Town Board.

Lorrie Naegele, Town Clerk
Town of Geneva

7. 2018 RESOLUTION NO.109-2018 – Approving Cost-Sharing Between Towns for Water District 13.

WHEREAS, the Town of Geneva (hereinafter referred to as Town Board) is intending to install water main within the Town on Geneva on NYS Route 14 from the Towns of Geneva and Phelps Municipal Boundary extending approximately 3,900 feet south; and

WHEREAS, the shared material and construction cost on the attached sheet was developed using the Inter-municipal Agreement and the Amendment to develop the cost breakdown of the Material and construction items on the attached sheet entitled “Joint Water Project-Budget Estimates”, last dated December 14, 2018. This only relates to cost shared by the participating Towns. The shared cost among the Towns include the line items on the attached breakdown includes Core Main/HD Supply (Materials), LG Evans (Pump Station) Base Bid with Change Orders 1 and 2, V and B Underground (Directional Drill and Boring) Base Bid and Change Orders 1 through 4 and Highlander Construction (Long Side Services). These costs are money expended to date or projected expenses to the end of the project;

NOW, THEREFORE BE IT RESOLVED that the breakdown for the cost of expenses that are shared among the participating Towns being calculated using the Inter-Municipal Agreement and the Amendment is accepted per the attached budget estimate. That the Town Board agrees to the split with the other 3 Towns the monetary amounts listed for the Vendors and Contractors listed in this resolution and the attached Budget Sheet entitled “Joint Water Project-Budget Estimates” last dated December 14, 2018. To execute the acceptance of this split the attached signature page is to be signed by Board Members of all Towns. All other cost in the budget estimate are not shared but are to be paid by each respective Town. Such budgetary numbers will be used for re-imbusement purposes by the Grant Agency.

Motion made by Member _____ : Seconded by Member _____

Dated: _____

The above Resolution was duly adopted on _____ by the Town of Geneva Town Board.

Lorrie Naegele, Town Clerk
Town of Geneva

8. 2018 RESOLUTION NO.110-2018 – Amended and Restated Bond Resolution for Water District 13.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 107 -2018**

Amended and restated Bond Resolution dated December 27, 2018 authorizing General Obligation Bonds of the Town of Geneva to finance Water System Capital Improvements within the Town, authorizing the issuance of Bond Anticipation Notes in contemplation thereof, the expenditure of sums for such purpose, and determining other matters in connection therewith.

WHEREAS, the Town of Geneva Water District No. 13 is a Water District of the Town of Geneva, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on March 10, 2015, and the maximum amount authorized to be expended for such Water District No. 13 was \$227,940; and

WHEREAS, the Town Board, pursuant to Section 209-e of the Town Law, on November 26, 2018, duly authorized an increase in the maximum amount to be expended for such Water District No. 13 by an additional \$99,060, for a revised maximum amount of \$327,000; and

WHEREAS, the Town has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENEVA, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Geneva shall undertake certain water system capital improvements to the Town of Geneva Water District No. 13, consisting of the installation of water main and other facilities along State Route 14 from approximately Gambee Road north to the town boundary with the Town of Phelps as set forth in the Map, Plan and Report (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$327,000, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost to the Town of Geneva of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$327,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants anticipated to be received, such grants presently estimated to be (i) \$34,419 from a U.S. Environmental Protection Agency grant, and (ii) \$136,764 from a NYS Water Infrastructure Improvement Act (WIIA) grant administered by the N.Y.S. Environmental Facilities Corporation.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Geneva.

Section 7. The faith and credit of the Town of Geneva, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Geneva together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly made and seconded, it was adopted and the following votes were cast:

I, Lorrie S. Naegle, 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 December 27, 2018, by the following vote:

Mark Venuti
Jeffery Dunham
Robert McCarthy
Kimberly Aliperti
Mark Palmieri

<u>Aye</u>	<u>Nay</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dated: _____, 2018

Lorrie S. Naegele, Town Clerk

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on December 27, 2018, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Geneva is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Town Clerk
Town of Geneva, New York

9. 2018 RESOLUTION NO.111-2018 – Authorizing Agreement for Dog Control Services.

Whereas the Town of Geneva is required by law to provide certain dog control services, and this function has been subcontracted for many years through Ontario County to the Ontario County Humane Society; and

Whereas the current agreement expires at the end of 2018, and an Agreement for Dog Control Services for 2019 has been submitted to the Town that will provide for the services at the same cost; now therefore, it is

RESOLVED the Agreement for Dog Control Services for 2019 is approved and may be signed by the Supervisor.

Motion _____ Second _____

10. RESOLUTION NO. 112-2018 – Approving Transfers between Accounts.

Whereas some accounts in the 2018 Town Budget have gone over but are offset by accounts that are underspent; and

Whereas transfers from underspent accounts may be made to overspent accounts to keep the accounts in balance; now therefore it is

RESOLVED that transfers from underspent accounts to overspent accounts, as set forth on the list attached and incorporated into this resolution, are approved.

Motion _____ Second _____

11. RESOLUTION NO. 113-2018 – Declaring Town Board Lead Agency for SEQR Review of Geneva Crossing PUD.

WHEREAS, the Geneva Town Board (hereinafter referred to as Town Board) had on Tuesday, November 13, 2018 declared its intent to be designated the Lead Agency for the Geneva Crossing Planned Unit Development (PUD) project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board on November 14, 2018 provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED the Town Board designates itself as the lead agency for the Action identified above.

Motion made by Member _____: Seconded by Member _____

Dated: _____

The above Resolution was duly adopted on _____ by the Town of Geneva Town Board.

Lorrie Naegele, Town Clerk
Town of Geneva

12. RESOLUTION NO. 114-2018 – Determination of No Significant Adverse Environmental Impact of Geneva Crossing PUD.

WHEREAS, the Geneva Town Board (hereinafter referred to as Town Board) has determined the proposed Planned Unit Development known as Geneva Crossing (located at the southeast corner of County Road 6 and Routes 5 & 20) to be an Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form (EAF) Part 1, prepared by Passero Associates on behalf of the Applicant, County Road 6 Acquisitions (hereinafter referred to as Applicant) on November 14, 2018, on the above-referenced Geneva Crossing Planned Unit Development (hereinafter referred to as Action); and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 2 and 3 on the Action prepared by the MRB Group (hereinafter referred to as Town Engineer); and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3;

NOW THEREFORE BE IT RESOLVED, that said Action will not result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FURTHER RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

Motion made by Member _____: Seconded by Member _____

Dated: _____

The above Resolution was duly adopted on _____ by the Town of Geneva Town Board.

Lorrie Naegele, Town Clerk
Town of Geneva

13. Adjourn:

Motion _____ Second _____