

**AGENDA**  
**TOWN OF GENEVA**  
**REGULAR TOWN BOARD MEETING**

**NOVEMBER 12, 2019**

1. Informal Discussion – 6:00 p.m. Informal discussion with Town Board, department heads and public.
2. Call to Order: the Regular Meeting of the Town Board. Flag salute/opening led by Councilperson McCarthy
3. Privilege of the floor.
4. Gratitudes.
5. Approval of the minutes: Approval of the minutes of the Public hearing to consider proposed increase and improvements to Water Districts under section 202-b of the Geneva Town Board of October 9, 2019.

. Motion \_\_\_\_\_ Second \_\_\_\_\_

6. Approval of the minutes: Approval of the minutes of the Public hearing for the 2020 Preliminary Budget and Local Fire Contracts of the Geneva Town Board of October 9, 2019.

. Motion \_\_\_\_\_ Second \_\_\_\_\_

7. Approval of the minutes: Approval of the minutes of the Regular Meeting of the Town Board of October 9, 2019.

. Motion \_\_\_\_\_ Second \_\_\_\_\_

8. Town Clerk's report.  
Questions, comments.  
The Board acknowledges receipt.

9. Code Enforcement Officer's report.  
Questions, comments.  
The Board acknowledges receipt.

10. Highway Superintendent's Report:  
Questions, comments.  
The Board acknowledges receipt.

11. Water & Sewer Superintendent's Report:  
Questions, comments.  
The Board acknowledges receipt.

12. Supervisor's report of finances for the previous month  
Questions, comments.  
The Board acknowledges receipt.

13. **2019 RESOLUTION NO. 85-2019** – Approving Abstracts, Bills for Payment and Prepaid Bills.

Whereas certain abstracts and bills for services and goods received or to be received by the town have been presented for payment or necessarily paid, and

Whereas those abstracts and bills have been reviewed by the supervisor's bookkeeper, the supervisor and other members of the town board, and are in proper order for payment or approval, now therefore, it is

RESOLVED the pre-paid bills that are presented are approved and the supervisor is authorized to pay the unpaid bills.

Motion \_\_\_\_\_ Second \_\_\_\_\_

14. **2019 RESOLUTION NO. 86-2019- 2019 RESOLUTION NO. 86-2019**: Resolution authorizing scheduling of Public Hearing for a Proposed Local Law entitled, "**A Local Law Amending Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance)** of the Code of the Town of Geneva"

. Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA**  
**RESOLUTION OF THE TOWN BOARD**  
**RESOLUTION NO. 86-2019**

**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 150 (Vehicles, Abandoned, and

Property and Sidewalk Maintenance) 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 Town's property maintenance 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 December 10., 2019, at 6:30 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 November 12, 2019 by the following vote:

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

Dated: November 12, 2019

\_\_\_\_\_  
Lorrie S. Naegele, Town Clerk

**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 10<sup>th</sup> day of December, 2019, 6:30 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 2019, which would amend Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance) of the Code of the Town of Geneva to enact regulations adopting new definitions of "Weeds" and "Yard" and adopting new property maintenance regulations.

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

**FILING LOCAL LAW**

New York State Department of State  
41 State Street, Albany, NY 12231

**(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 Ontario  
**Town of Geneva**

Local Law No. 5 of the year **2019**.

A local law **"Amending Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance) of the Code of the Town of Geneva"**

(Insert Title)

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

County  
City  
**Town of Geneva**  
Village

as follows:

Section 1. §§150-6, 150-7 and 150-8 of Article III of Chapter 150 of the Code of the Town of Geneva are hereby renumbered to be §§150-8, 150-9 and 150-10 respectively.

Section 2. §§150-9, 150-10, 150-11, 150-12, 150-13, 150-14, 150-15, 150-16 and 150-17 of Article IV of Chapter 150 of the Code of the Town of Geneva are hereby renumbered to be §§150-11, 150-12 and 150-13, 150-14, 150-15, 150-16, 150-17, 150-18 and 150-19 respectively.

Section 3. Article II of Chapter 150 of the Code of the Town of Geneva is hereby amended with the addition of new §§150-6 and 150-7, which shall read as follows:

§150-6 Definitions

For purposes of this Chapter, the following words shall have the following definitions:

Weeds: All grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.

Yard: The area on all sides of every structure on a property; for each such structure, said area shall be equal to the setbacks of the zoning district as measured from the sides of each structure, but in no case shall any said area be less than 25 feet on all sides of the structure or to the property line, whichever is less.

§150-7 Yard Maintenance

All yards on a property shall be maintained free of weeds and noxious plant growth in excess of 10 inches.

Section 4. Paragraph A of §150-14 of Article IV of Chapter 150 of the Code of the Town of Geneva is hereby amended by changing the reference to “§ 150-11” therein to “§ 150-13”

Section 5. The heading and Paragraphs A and B of §150-15 of Article IV of Chapter 150 of the Code of the Town of Geneva are hereby amended by changing the references to “§ 150-7” and “§ 150-8” therein to “§ 150-9” and “§ 150-10” respectively.

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.

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**15. 2019 RESOLUTION NO. 87-2019:** – Approving Proposal for HVAC Improvements.

WHEREAS most of the HVAC equipment at the town hall is twenty years old, has been requiring expensive repairs to keep operational, and some components that have failed are beyond repair, making the system unable to provide adequate heat to all parts of the town hall as temperatures drop; and

WHEREAS Interstate Heating, Inc. has been servicing the town’s HVAC system for the past two years and recommended replacing the components of the system that are original or can no longer be repaired, at a cost of \$42,200; and

WHEREAS state law and the town’s procurement policy require public bidding for purchase contracts totaling \$20,000 or more unless there is an emergency need or the contract is for services where special or technical skill, training or expertise is needed; and

WHEREAS the evaluation of the HVAC system and components, the selection of new components and their interface with the system, and the installation and tuning of system components requires technicians with special training and skill, and makes this procurement eligible as an exception to the requirements of public bidding, which the town board so finds; and

WHEREAS the town sought and received proposals from three qualified companies who sent technicians to evaluate the HVAC system at the town hall, Interstate Heating, Isaac, and E&V. and each made a proposal to undertake the project, without knowledge of the proposal of the other bidders; and

WHEREAS the three proposals are about the same in what they cover, and the prices were Interstate \$39,200, Isaac \$41,950, and E&V \$44,821.86; and

WHEREAS accepting the proposal of Interstate is in the best interest of the town because it is the low proposal, Interstate has been servicing the town’s HVAC system for the past two years, and its familiarity with it will be an advantage for installation and servicing in the future; now therefore, it is

RESOLVED the proposal of Interstate Heating may be accepted, and the Supervisor is authorized to enter into a contract with Interstate for the proposed work at the quoted price.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**16. 2019 RESOLUTION NO. 88-2019**: – Accepting Proposal of MRB Group for Town’s Water System Improvement Project.

WHEREAS the Town of Geneva, in partnership under an Inter-municipal Agreement with the Town of Seneca, is undertaking a water system improvement project to increase the capacity of the town’s water plant; and

WHEREAS the cost of the project is approximately \$5 million, the town has received a state grant of approximately \$3 million; and the agreement between the Town of Geneva and the Town of Seneca provides the Town of Geneva will pay 34% of the cost not covered by the state grant, with the Town of Seneca paying the other 66%; and

WHEREAS the project budget for engineering services that was submitted to the state is \$775,000; and

WHEREAS MRB Group, the town’s engineering firm, has submitted a proposal for services for the water system improvement project dated November 5, 2019, totaling approximately \$680,000, which is under the initial budget and otherwise acceptable; now therefore, it is

RESOLVED the November 5, 2019 proposal of MRB Group for professional services for the Town’s water system improvement project is approved and the supervisor may accept it.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**17. 2019 RESOLUTION NO. 89-2019**: – Approving Agreement for Expenditure of Highway Moneys.

Whereas the 2020 budget of the Town of Geneva includes the sum of \$364,399 for Highway Department general repairs; and

Whereas as part of those general repairs the Town Board approved the expenditure of \$218,177 for road work during 2020; and

Whereas the Town Superintendent of Highways has prepared an Agreement for the Expenditure of Highway Moneys pursuant to Section 284 of the Highway Law of the State of New York, proposing to expend certain sums on certain Town highways as presented to and approved by the Town Board during the process of adopting the 2020 Town budget; now therefore, it is

RESOLVED the Town Board approves the Agreement for the Expenditure of Highway Moneys in 2020, and the members of the Board will sign the Agreement, as well as the Highway Superintendent, and it will be submitted to the Superintendent of Highways of Ontario County for signature, completing the execution of the Agreement.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**18. 2019 RESOLUTION NO. 90-2019**: – Authorizing Renewal of Bond Anticipation Note for Water Districts 1, 2, 3, 10, 11 and Sub-Districts.

Whereas a bond resolution of the Town of Geneva for improvements to the storage tank for Water Districts 1, 2, 3, 10, 11 and their sub-districts was adopted by the Town Board on January 9, 2001, which resulted in a Bond Anticipation Note last renewed December 2, 2018 with the Bank of the Finger Lakes in the amount of \$39,002.00, coming due on or about December 2, 2019, together with interest at the rate of 2.79%; 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 December 2, 2019, 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 \$36,002.00, plus interest.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**19. 2019 RESOLUTION NO. 91-2019**: – Authorizing Renewal of Bond Anticipation Note for Water District 2.

Whereas a bond resolution of the Town of Geneva for improvements to Water District 2 was adopted by the Town Board on March 9, 1999, which resulted in a Bond Anticipation Note last renewed with the Bank of the Finger Lakes on or about December 2, 2018 in the amount of \$42,231.00, coming due December 2, 2019, together with interest at the rate of 2.79%; 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 December 2, 2019, 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 \$39,231.00, plus interest.

Motion \_\_\_\_\_

Second \_\_\_\_\_

20. **2019 RESOLUTION NO. 92-2019** – Authorizing Renewal of Bond Anticipation Note for Water District 12.

Whereas a bond resolution of the Town of Geneva for improvements to Water District 12 was adopted by the Town Board on November 9, 2004, which resulted in a Bond Anticipation Note last renewed with the Bank of the Finger Lakes December 2, 2018 in the amount of \$67,500.00, coming due on or about December 2, 2019, together with interest at the rate of 2.79%; 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 \$3,500.00 toward principal, and the interest due, on or about December 2, 2019, 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 \$63,000.00, plus interest.

Motion \_\_\_\_\_

Second \_\_\_\_\_

21. **2019 RESOLUTION NO. 93- 2019** – Authorizing Renewal of Bond Anticipation Note for Water District 3, Extension 8.

Whereas a bond resolution of the Town of Geneva for improvements to Water District 3, Extension 8 was adopted by the Town Board on December 11, 2007, which resulted in a Bond Anticipation Note with Lyons National Bank, last renewed December 15, 2018 in the amount of \$83,688.59 with the Bank of the Finger Lakes, coming due on or about December 15, 2018, together with interest at the rate of 2.799%; 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 \$3,500.00 toward principal, and the interest due, on or about December 15, 2019, 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 \$80,188.59, plus interest.

Motion \_\_\_\_\_

Second \_\_\_\_\_

22. **2019 RESOLUTION NO. 94- 2019** – Authorizing Renewal of Bond Anticipation Note for Water District 6.

Whereas a bond resolution of the Town of Geneva for improvements to Water District 6 was adopted by the Town Board on December 13, 2016, which resulted in a Bond Anticipation Note with the Bank of the Finger Lakes last dated December 15, 2018 in the amount of \$142,500.00, coming due on or about December 15, 2019, together with interest at the rate of 2.79%; 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 \$3,750.00 toward principal, and the interest due, on or before December 15, 2019, 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 \$138,750.00, plus interest.

Motion \_\_\_\_\_

Second \_\_\_\_\_

23. **Reports of Standing Committees**

Comprehensive Plan –

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Town Hall Park and Playground –

Agricultural Enhancement –

#### **24. Supervisor's Report:**

I signed and returned the dog control contract with Ontario County for 2020. The county, through the Ontario County Humane Society, provides dog control services for the towns, cities and villages in the county.

We had a successful Fix-It Clinic on October 26, with the help of two town employees, Dan Mahoney and Jim Reed, as well as seamstress Rene Ryan and Jacob and Mark. Prior to the 26<sup>th</sup>, Charlie and his crew fixed most of the items that had been dropped off at the station shed in advance. Items fixed included several lamps, a table, several items of clothing mended, stereo receiver (partially fixed), and a weed trimmer still in progress.

We had a successful first Senior Citizen Clean-out day assisted by town employees. Jacob coordinated with eight town residents and they picked up old usable items to donate to the Salvation Army, including chairs, tools, benches, books and book cases, a bed frame and lots of wood. People were very happy with the service.

We held a meeting at the town hall on October 28 for people to ask questions about the town's two renewable energy programs that was attended by the CEO of Joule Assets, the town's program administrator, and about a dozen residents.

The town hosted a meeting of the Seneca Watershed Intermunicipal Organization on October 29 that was well attended and included presentations on Harmful Algal Bloom and stream monitoring that is taking place, and work on a model septic system inspection law. This was followed by a meeting on the Nine-Element Seneca Watershed Plan which introduced the plan to the approximately 50 people who attended and encouraged people to join the Project Advisory Committee for the Plan, which will take at least two years to complete. The executive committee of the Nine-Element Plan meets at the town hall on the first Thursday of the month, the last one being on November 7.

A rep from the State Comptroller's office will be at the town hall doing a tax cap compliance review on November 15.

#### **Selected Meetings and Events**

October 10 – Geneva 2030 executive board meeting.

October 15 – County Planning and Environmental Quality Committee meeting.

October 16 – County Public Safety Committee meeting.

Ontario County Soil and Water Conservation District Board meeting.

October 18 – Ted Baker radio show on town topics.

October 22 – Breakfast meeting with MRB Group's Pat Nicoletta and department heads.

October 23 – Geneva 2030 annual meeting.

Seneca Lake Pure Waters Association forum on harmful algal blooms.

October 24 – Meeting with BEM, company handling the town's new well installation, and MRB.

Ontario County Board of Supervisors meeting.

October 26 – Town Fix-It Clinic.

October 28 – Meetings on town's two renewable energy programs.

October 29 – Seneca Watershed Intermunicipal Organization meeting.

Seneca Watershed Nine-Element Plan meeting.

October 30 – Meeting with Pat Nicoletta of MRB on engineering proposal for town water system improvement project.

Meeting of focus group for strategic plan for county Solid Waste Management Plan.

November 4 – County Planning and Environmental Quality Committee meeting.

November 6 – County Public Safety Committee meeting.

November 7 – Nine-Element Watershed Plan executive board meeting.

25. Old Business.

26. New Business.

27. Privilege of the floor.

28. Adjourn: Time \_\_\_\_\_

Motion \_\_\_\_\_

Second \_\_\_\_\_