

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 17 -2020**

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

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 to override the tax levy limit established in General Municipal Law §3-c; 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,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on February 11, 2020, 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 January 14, 2020, by the following vote:

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

Dated: _____, 2020

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. 1 of the year **2020**

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 2021 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 2021 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.

"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 11th day of February, 2020, 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 permit the Town Board to adopt a budget for the 2021 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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. 14456

This by Resolution of the Town Board of the Town of Geneva.

Lorrie S. Naegele, Town Clerk

12. 2020 RESOLUTION NO. 18-2020- Approving Research Agreement with Rochester Institute of Technology. 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. 18 -2020

Whereas the Rochester Institute of Technology (RIT), on behalf of the New York State Pollution Prevention Institute, has proposed to undertake a project entitled "Energy Efficiency Measures in Town Owned and Operated Buildings," which includes assessing the state of energy use in Town of Geneva municipal buildings and identifying potential energy saving measures and approximate payback periods; and

Whereas the estimated cost of the project is \$15,960, and a grant to RIT from the Environmental Protection Fund administered by the New York State Department of Environmental Conservation will provide full funding for the project; and

Whereas RIT has submitted a Research Agreement that sets forth the terms of the project as above-stated, to be carried out by June 30, 2020, at no cost to the Town; now therefore, it is

RESOLVED the Research Agreement with RIT is approved and the Supervisor is authorized to sign it on behalf of the Town of Geneva.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

13. 2020 RESOLUTION NO. 19-2020 – Approving Audit Services. Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 19 -2020**

Whereas Lee Walter was selected and performed the review of the town court and town clerk financial records, and assisted with the preparation of the Supervisor's annual financial report to the NYS Comptroller, in 2019, and he has merged his practice into the accounting firm Tette, Ingersoll & Co., CPAs, PC, and is offering to perform the same services in 2020 at the same rate as in 2019, which amount is covered in the town budget; now therefore, it is

RESOLVED the Supervisor may sign the January 7, 2020 engagement letters for audit and review services by Tette, Ingersoll & Co., CPAs, PC.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

14. 2020 RESOLUTION NO. 20-2020: – Approve BEM Systems Invoices for Town Well Work. Motion to approve made by Councilmember Palmieri, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 20 -2020**

Whereas BEM Systems is the contractor selected for the work at the Town's wellfield as part of the water system capacity improvement project the Town is undertaking with the Town of Seneca; and

Whereas BEM has submitted Invoice numbers 5 and 6 for payment, which have been reviewed by the Town's engineers and approved for payment; and

Whereas the Town of Geneva's share of costs for the project, not covered by the state grant that has been received, is 34%, with the Town of Seneca responsible for 66%, and the amount requested by BEM is within the approved BEM contract; now therefore, it is

RESOLVED the Town may pay its share of BEM invoices 5 and 6.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

15. 2020 RESOLUTION NO. 21-2020- Motion to suspend the rules of order; No motion or resolution may be brought to a vote except by the majority consent of those present, unless copies are presented to each member of the Board 48 hours prior to the opening of the meeting at which such motion or resolution is offered. Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.

Motion to Approve Use of Funds for Soil Testing for Carbon Farming Pilot. Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 21-2020**

Whereas the Town budget includes \$5,000 for activities of the Agricultural Enhancement Committee and Stormwater Control projects; and

Whereas the Committee has approved a pilot project of testing different soils in the town for their carbon content to set a baseline for further studies and eventually the promotion of best practices to add and retain soil carbon because soil with higher carbon content holds more water, prevents erosion, and is better for crops, as well as reducing atmospheric carbon, a cause of global climate change; and

Whereas soil analysis at the Cornell Soil Lab in Ithaca costs \$30 per sample, and in the first phase of the project 30 samples have been analyzed at a cost of \$900.00; and

Whereas the results of the pilot study will be used in an application for state funding for a program that will attempt to reach all active farms in the town with soil testing and, ultimately, assistance in implementing best practices to increase soil carbon content; now therefore, it is

RESOLVED \$900.00 from the Ag Enhancement Committee and Stormwater Control budget may be used to pay for the required soil analysis.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

16. 2020 RESOLUTION NO. 22-2020- Approving 2020 Town Budget Amendment to Cover HVAC Work. Motion to approve made by Councilmember Dunham, second by Councilmember Palmieri. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 22-2020**

Whereas after the 2020 Town budget was approved the Town discovered it needed almost \$40,000 of work on the HVAC system at the town hall which was not budgeted; and

Whereas the Town's budget for sales tax revenue is under-budgeted based on last year's revenue and can be safely increased by \$40,000, thereby increasing budget line A1120 from \$720,000 to \$760,000; and

Whereas with the increase in budgeted revenue the budget for the town hall, A1620.409, can be increased from \$45,000 to \$85,000 to cover the HVAC expense; now therefore it is

RESOLVED the 2020 town budget is amended by increasing A1120 from \$720,000 to \$760,000, and increasing A1620.409 from \$45,000 to \$85,000.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

17. 2020 RESOLUTION NO. 23-2020- Approving Release of Funds from Letter of Credit. Motion to approve made by Councilmember Aliperti, second by Councilmember Palmieri. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 23-2020**

Whereas approval of the plan for the Geneva Crossing Medical Office Building included the requirement the developer, CSD Housing, LLC, obtain a Letter of Credit from a qualified financial institution in the amount of \$38,876.50 for the benefit of the Town of Geneva to cover erosion control, stormwater facilities, water, landscaping and contingencies; and

Whereas the developer has completed the work covered by the Letter of Credit to the extent that \$31,864.88 may be released from the Letter of Credit; now therefore, it is

RESOLVED the financial institution that issued the Letter of Credit for \$38,876.50 for the benefit of the Town of Geneva as security for certain improvements for the Geneva Crossing Medical Office Building may release \$31,864.88 to the entity that obtained the Letter of Credit.

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 January 14, 2020. Unanimously approved.

Date: _____ 2020

Lorrie S. Naegele, Town Clerk

18. Reports of Standing Committees

Comprehensive Plan – None

Economic Development –None

Sustainability – None

Kashong Conservation Area - None

Communication – Set goals for New Year

Town Hall Park and Playground – None

Agricultural Enhancement – Meeting Monday January 20,

19. Supervisor's Report: Selected Meetings and Activities can be seen on the agenda

The application submitted by the Ontario County Soil and Water Conservation District for funding for the engineering work needed to design a storm water control facility in stream 129 north of Kashong Road (the stream that goes through the Kashong Conservation Area) was not approved so we need to either reapply or look for other funding sources to move the project.

I attended a meeting with city officials and MRB Group engineers about the results of MRB's study of the capacity of the city's sewer system to handle flows from new developments. The lines are capable of handling more sewage, and the plant is capable of handling more flow, but the solids handling capacity of the plant, in an aerobic digester, is close to capacity and is a limiting factor and must be expanded or other measures taken to enable the plant to handle more than a small amount of additional sewage. More engineering needs to be done to enable the city, with the town as a partner, to seek grant funding for this expansion,

20. Old Business. None

21. New Business. Raising station rates; food waste pick-up and the little league fields

22. Privilege of the floor. None

23. MOTION TO ADJOURN: Motion to adjourn made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved. Time: 7:58 P.M.

Respectfully Submitted