

TOWN OF GENEVA
PUBLIC HEARING to Consider Proposed Improvements to Water District No. 6
PUBLIC HEARING for Local Law 2-2016
Special Meeting
February 29, 2016

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham
 Councilmember Robert McCarthy Councilmember Melissa Nault
 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 & Sewer Superintendent; nine residents and Mike Hibbard, reporter from the Finger Lakes Times.

1. 7:00 p.m. **Call to order Public Hearing** to Consider Proposed Improvements to Water District No. 6.

Public Comments- None
Written Comments- None
Close Public Hearing-7:01 p.m.

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2. 7:15 p.m. **Call to order Public Hearing for Local Law 2-2016** "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva to add Regulations Pertaining to Short-Term Rentals":

Public Comments-five residents had some concerns with the Local Law and two residents spoke in favor of the Local Law.
Written Comments- Charles Jordan Glass Factory Bay
Close Public Hearing- 7:36 p.m. Reopen the Special Meeting at 7:36 p.m.

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3. **Begin Special Meeting**: of the Geneva Town Board. Pledge-Opening led by Councilperson Mark Palmieri.7:05 p.m.
4. **RESOLUTION NO. 39-2016**: Approving Proposed Improvements to Water District No. 6. Motion made by Councilmember Nault, second by Councilmember McCarthy.

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 39-2016

WHEREAS, the Town Board of the Town of Geneva has duly caused to be prepared a map and plan and estimate of the cost for improvements to Water District No. 6, being the installation of approximately 9,200 linear feet of 8-inch PVC water main, along with valves and hydrants, to replace the existing water main, valves and hydrants, along County Road 6 extending from County Road 4 to the municipal line of the Town of Geneva and the Town of Phelps. These improvements will replace the deteriorating and failing water main thereby providing a reliable source of water to the District; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$542,690.00, such estimated costs to be the responsibility of Water District No. 6. Approximately \$144,705.15 of this amount will be paid for from an EPA Grant and approximately \$279,590.00 of this amount will be paid for from a grant from the Office of Community Renewal, leaving an estimated \$118,395.00 to be financed and repaid by the owners of property within Water District No. 6; and

WHEREAS, the Town Board of the Town of Geneva duly adopted a resolution on February 9, 2016, calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, on the February 29, 2016, at 7:00 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

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

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of these improvements to Water District No. 6 would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Geneva that, based upon the evidence given at the aforesaid public hearing and its review of the environmental assessment form and findings based thereon, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of Water District No. 6 in the Town of

Geneva, as described in the preambles hereof, at a gross estimated cost of \$542,690.00 and a net estimated cost of \$118,395.00, and the same is hereby authorized.

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 29, 2016 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u>X</u>	_____
Melissa Nault	<u>X</u>	_____
Mark Palmieri	<u>X</u>	_____
Jeff Dunham	<u>X</u>	_____
Robert McCarthy	<u>X</u>	_____

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

5. RESOLUTION NO. 40-2016 – Authorizing Issuing Bonds for Water District No. 6 Project. Motion made by Councilmember Palmieri, second by Councilmember Dunham.

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 40-2016

BOND RESOLUTION DATED FEBRUARY 29, 2016 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. 6 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 February 29, 2016, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and has duly issued a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, 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. 6, consisting of the installation of approximately 9,200 linear feet of 8-inch PVC water along with valves and hydrants, to replace the existing water main, valves and hydrants, along County Road 6 extending from County Road 4 to the municipal line of the Town of Geneva and the Town of Phelps, to replace the deteriorating and failing water main, and the replacement of equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$542,690, 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 \$542,690 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) approximately \$144,705 from an EPA Grant, and (ii) approximately \$279,590 from a grant from the Office of Community Renewal.

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.

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 29, 2016 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u>X</u>	_____
Jeffery Dunham	<u>X</u>	_____
Robert McCarthy	<u>X</u>	_____
Melissa Nault	<u>X</u>	_____
Mark Palmieri	<u>X</u>	_____

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

Temporarily Adjourn the Special Meeting at 7:14 p.m. and open the Public Hearing for Local law 2-2016 Short Term Rental
Reopen the Special Meeting at 7:36 p.m.

6. Town Board Reviews Part 1 and completes Parts 2 and 3 of Full Environmental Assessment Form for Proposed Local Law 2-2016 Amending Zoning Code for Short-term Rentals.
7. **RESOLUTION NO. 41-2016** - Determination of Significance for Local Law 2-2016. Motion made by Councilmember Dunham, second by Councilmember Nault.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA, ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE FOR LOCAL LAW NO. 2 OF 2016
RESOLUTION NO. 41- 2016**

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 2 of 2016 to be a Type I action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 29, 2016, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u> X </u>	<u> </u>
Jeffery Dunham	<u> X </u>	<u> </u>
Robert McCarthy	<u> X </u>	<u> </u>
Melissa Nault	<u> X </u>	<u> </u>
Mark Palmieri	<u> X </u>	<u> </u>

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

8. **RESOLUTION NO. 42-2016:** Authorizing Approving Renewal of Bond Anticipation Note. Motion made by Councilmember McCarthy, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 42-2016**

Whereas the Bond Anticipation Note, originally dated March 3, 2005, with Five Star Bank, for the financing of the improvements to the Kashong Point Water Supply Facility, is due on March 2, 2016, at which time \$63,926.91, 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;

Whereas Five Star Bank has informed the Town it no longer wishes to renew the Town's Bond Anticipation Notes, but the Bank of the Finger Lakes is willing to take over these Notes;

Now therefore, it is resolved the supervisor of the town is authorized to pay \$4,545.00 toward principal, and the interest due of \$1,853.88, 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, \$59,381.91, 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 29, 2016, unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

9. **Privilege of the floor:** None

10. **ADJOURN:** Motion to adjourn made by Councilmember Dunham, second by Councilmember Nault.

8:10 - P.M.
RESPECTFULLY SUBMITTED