

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

October 6, 2021

**ANNUAL FIRE DEPARTMENT INSPECTION AND MEMORIAL SERVICE
79 GENEVA STREET @6:30PM**

**Cornell AgriTech Campus, Jordan Hall
630 W. North Street
Geneva, NY 14456**

COUNCIL MEETING STARTS AT 7:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARING – Jay Street Property {Page 29}
- V. PUBLIC HEARING – 2022 Budget

Budget can be found on the City of Geneva website:
<https://cityofgenevany.com/DocumentCenter/View/558/City-of-Geneva-2022-Proposed-Budget-PDF>
- VI. FOUNDRY UPDATE
- VII. CONSIDERATION OF MEETING MINUTES
This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:
 - A. September 1, 2021 (Regular Council Meeting) {Page 3}
 - B. September 15, 2021 (Council Work Session) {Page 18}
 - C. September 22, 2021 (Special Council Meeting) {Page 22}
- VIII. PUBLIC COMMENT
This portion of the meeting is dedicated to receiving comments from residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all resident attendees are invited to provide comments during this period.

IX. MAYOR AND COUNCIL REPORTS

This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda

X. CITY MANAGER REPORT

This portion of the meeting is dedicated to presentation of a report by the City Manager on non-action matters that have not been addressed elsewhere on the agenda.

XI. UNFINISHED BUSINESS

This portion of the meeting is dedicated to consideration of matters that have been previously considered by City Council. These include:

- A. Second Reading of an Ordinance Amending Chapter 300 of the City Code - Presented by Asst. City Manager Blowers # 4-2021 {Page 25}
- B. Marijuana Discussion and Direction {Page 27}
- C. Resolution Authorizing the Sale of Jay Street Property (119.7-1-51) – Presented by Asst. City Manager Blowers # 66-2021 {Page 29}
- D. Resolution Authorizing the Sale of 38 Jackson Street Property – Presented by Asst. City Manager Blowers # 67-2021 {Page 32}
- E. Resolution of Support and Authorization for Clean Water Grant Application – Presented by City Manager Gerling # 68-2021 {Page 35}
- F. Resolution Approving the American Rescue Protection Act (ARPA) Funds Plan – Presented by City Manager Gerling # 69-2021 {Page 38}

XII. NEW BUSINESS

This portion of the meeting is dedicated to consideration of matters that have not been previously considered by City Council. These include:

- A. Resolution Authorizing the Issuance of Refunding Bonds – Presented by Asst. City Manager Blowers # 70-2021 {Page 42}
- B. Resolution Establishing a Lakefront Railway Integration Committee – Presented by Clr. Camera # 71-2021 {Page 54}
- C. Resolution Approving the Sale of an Easement on Industrial Park Property – Presented by Asst. City Manager Blowers # 72-2021 {Page 56}
- D. First Reading of an Ordinance Amending Chapter 335 of the City Code Entitled “Vehicles and Traffic” – Presented by Clr. Burrall # 5-2021 {Page 58}
- E. Discussion Regarding Establishing a Train Quiet Zone in the City of Geneva – Presented by Katie Labbe {Page 61}

XIII. PUBLIC COMMENT

This portion of the meeting is dedicated to receiving comments from non-residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all attendees are invited to provide comments during this period.

XIV. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

September 1, 2021 – 7:00 PM

Cornell AgriTech Campus, Jordan Hall
630 W. North Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Pealer, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruett, Clr. Burrall, and Clr. Salamendra (left at 9:03pm)

2. FOUNDRY UPDATE

I. New York State Department of Environmental Conservation (NYSDEC) Neighborhood Remediation Update

Remedial Design

- Soil sampling activities were conducted at properties located south of Lewis Street along Genesee Street and Geneva Street. Remediation of these properties is expected to occur in 2022 and 2023. Analytical results will be provided to property owners in late 2021 or early 2022.
- This week the project team will meet with the owners of six properties located along the east side of Exchange Street and south side of Middle Street between Exchange Street and Wadsworth Street. Remediation of these properties is expected to begin in spring 2022.

Remedial Construction

- Excavation and backfilling activities were initiated within the block of eleven properties located in the area bounded by Genesee Street, State Street and Clinton Street. Excavation and backfilling will continue through September, with substantial restoration of these properties completed in September and October.
- Restoration activities continued on the block of properties west of Genesee Park that includes addresses on Goodelle Terrace, Genesee Street, and Lewis Street. Replacement plants and trees will be installed in fall 2021 and spring 2022.
- Additional plants and trees were installed at properties on Lewis Street that were remediated in 2020. Additional plantings will be installed this month at properties along Lewis Street.

II. City

Genesee Park Remediation

- Please join us in Genesee Park on **Thursday, September 2nd and 9th at 5:30 PM** for a creative planning session to envision a plan for trees and other amenities for the park if Council decides to remediate the park. Both neighbors and Council would like to see what this plan could be prior to the decision to remediate.
- If you cannot join and would like to provide input to be shared at these sessions, please email Sage Gerling (sgerling@geneva.ny.us). Depending on our progress, there may have additional meetings.
- The meeting will take place in Genesee Park. *Rain location will be at City Hall, 2nd Floor Conference Room.*

Resident outreach – City of Geneva

- FoodLink Curbside's mobile market's voucher program for fresh vegetables and fruits is operating with strict COVID-19 guidelines. We anticipate that the September schedule for the mobile truck coming on Friday will be as follows: Salvation Army from 11:15 AM to 12:15 PM, Lyceum Heights Apartments 1:15 PM to 2:00 PM, Elmcrest Apartments 2:30 PM to 3:30 PM. FoodLink has been experiencing staff shortages that have caused impacted their August schedule. Please check the schedule for market day updates by googling "FoodLink + Curbside Schedule" or going to [Curbside Market - Foodlink Inc \(foodlinkny.org\)](http://CurbsideMarket-FoodlinkInc.foodlinkny.org). If you have not used your voucher in some time, please contact Liz Toner at 315-828-6585 to sign up again.
- Residents waiting remediation can also use their vouchers at the Saturday Farmers Market at the Finger Lakes Welcome Center. They can visit the SNAP booth at the front of the market to pick up their vouchers. The market runs on Saturdays from 8am-1:30pm.
- The voucher program for the Dog Park is available with sign-ups in the City Clerk's office at City Hall. All voucher programs are available for residents waiting for remediation.
- The City's liaison for the Foundry work is Liz Toner. etoner@geneva.ny.us or 315-828-6585. Residents with questions on the NYSDEC's remedial design or construction activities can email Bob Gibson from the State's consultant team from Ecology and Environment, Inc. at rgibson@ene.com.

3. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Pruett

MOVED THAT the minutes of the August 2 Council Work Session and August 4 Regular Council Meeting be approved

MOTION CARRIED UNANIMOUSLY

4. PUBLIC COMMENT

Marino Tavarez said that he is a family physician and primary care provider who came to Geneva 15 years ago. He said that his comments tonight are his alone and not those of his employer. He said that the data on masks in schools for children is not clear as to whether they help children with COVID. He said that he sees children being harmed by wearing masks with effects such as breathing problems, severe acne and other skin problems in teens, increased CO₂ in the blood, anxiety, and distraction from school work. He said that they can lead to mouth breathers and mouth deformity that cause many other side effects that are harmful to children. He said that he agrees that adults should wear masks, but he feels forcing children to wear them where the data doesn't show the benefits is wrong.

Richard Cox told everyone that 3 ½ years ago, council voted for the Community Choice Aggregation Program hoping to move the City of Geneva toward becoming a sustainable city. He noted that the city postponed the process to resolve funding issues, so now this council has the opportunity to pass this new resolution. He told council that residents and the city will lose many things by not going with this program. He said that residents will lose the possibility of a discount on their electric bill of 8-10% and the city will lose access to funds. He said that we are currently in an opt out program that uses less renewable energy, so keeping us where we are is not saving us from an opt-out program.

Charles King said some of you have talked about implementing staggered terms for council, so that 4-year terms will overlap every 2 years instead of all coming up at once. I wonder if there's the political will for that if there's a way to have the 2022 election for just the Ward 6 councilor be a 3-year term to line up with 2-year terms coming out of that staggered system, or whatever the overlap would look like. I do realize that would mean you'd need to figure out a staggered elections system this year instead of next year, but if the goal is less volatile turnover on council, implementing that staggered system on the earlier side might help there not be general elections for Ward 6 in both 2022 and 2023. Just an idea. Thanks for listening.

Jacob Fox, co-founder of Closed Loop Systems, told everyone that his company runs the compost facility at the Doran Avenue facility, and he is trying to set up a transfer station at this location for recycling and disposal. He said that most of the trash picked up in Geneva goes to the landfill, and he wants to reduce this amount, and reduce the cost to residents by offering to pick up their recyclable material. He would like to offer a service to pick up construction/demolition debris, limit what goes into the landfill, and save residents' money.

5. MAYOR AND COUNCIL REPORTS

Clr. Pruettt had nothing to report.

Clr. Gaglianese thanked Cornell for allowing us to use this space noting that it is a great setup. He said the Planning Board meets tomorrow night. The Police Budget Advisory Board met and due to conflicting schedules, they took a while to come up with a day to meet. They feel that starting in December or

January would be a better time to allow the group to be more focused as their input will be limited this year.

Clr. Pealer said that the Body Camera Committee met and oriented the group to the current policy. He said that he Police Chief went over every line to help the members to understand. They discussed the length of time and guidelines for meetings. He said the Recreation Board is in the final stage of their community survey. He said the Geneva Housing Authority met and are at about 98% capacity with over 700 people in their waiting list. He provided the following Recreation Board meeting minutes for the record:

Recreation Advisory Board Agenda/Minutes

Thursday August 5, 2021 5pm - Lakefront Welcome Center

Purpose of this meeting was to explore new opportunities and think creatively with our advisory board and community members about what the community needs. We are exploring any and all opportunities both in the short and long term recreational and wellness activities/opportunities. We used this time to brainstorm ideas and questions for our upcoming Recreation Survey that will get a pulse on the evolving community needs.

Present Members - Leslie Schaus, George Fairfax, Mary Bakogiannis, Lowell Dewey, Joan Barnard, Lisa Pietrocarlo

Excused- Jim Sibeto

Staff- David Sharman

1. Survey for community/Recreation Shortfalls • Survey in partnership with Councilor Pealer/Board
 - Discussion at length about community needs/shortfalls.
 - Goal is to see input from our households to help determine these needs
 - Committing to centralized communication for all community partners. Our new website will help foster this.

2. Announcements

- We are excited that the 2021-2022 Public Skating Schedule will be released.
- We will host a free skate day on Monday October 11th from 11-1pm and 2-4pm
- All teams will start practicing on Monday September 20th
- Hobart and William Smith Varsity Hockey Programs have set their game schedules.
- We will host a free skate day on Monday October 11th from 11-1pm and 2-4pm
- We are looking for Part time seasonal staff at the rink for rental room, concession stand and rink guards. Please apply on the Ontario County website under recreation attendant.

3. Next Meeting Week of 9/20/21

Clr. Camera reminded everyone that at the last council meeting they voted to support a request from the City of Auburn and their watershed rules and regulations. He said he would like to bring forward one of our own to request support. He said the main thing in watershed rules is when there are two municipalities who share a water source, it allows one to intervene and have a voice in the approval process of certain types of activities that might burden Seneca Lake and the water quality. Next, Clr. Camera referred to a beach feasibility study that the city had done that reported that a beach was not good due to fecal matter in one area. He said he spoke to the city's wastewater treatment operator and learned that there are all kinds of animals using the lake for their waste and not all of the waste is necessarily coming from our wastewater treatment plant. He said that in the DEC sample study done in July, the City of Geneva passed with flying colors. He said that our ATAD process for processing waste is very advanced noting that we are doing our part.

Clr. Regan said that the Green Committee continues to be active sponsoring along with the Town of Geneva sustainability group a successful mattress drop off that collected 110 mattresses that were totally recycled. She noted that the program was provided by a grant through the County. She said in the future there will be a second native plant sale and open house tour of the lakefront for the adopt a bed program. Next Clr. Regan gave a shout out to one of her neighbors who came to Geneva as choice based on it looking like a community he could get involved in. She said he has taken over Lafayette Circle, and it looks beautiful. He has also stepped up for other projects as well.

Clr. Salamendra said that the Human Rights Commission assisted the NAACP with the school supply give away by volunteering and donating loose leaf paper. She said the commission will begin tabling September 7th from 11-1 at the library, and they continue to be at the Farmer's Market on Saturdays. She said that residents can contact Erica Collins at ecollins@geneva.ny.us for more information on any other projects. She encouraged anyone feeling they are being discriminated against to file a human rights complaint at dhr.ny.gov/complaint. She said that the Human Rights Commission meets the second Tuesday of the month at 5:30pm at the Welcome Center. Lastly, Clr. Salamendra said that she is concerned that Clr. Gaglianese gave his opinion about what the role of the Police Budget Advisory Board should be doing.

Clr. Burrall thanked the four speakers during public comment tonight, and he referred to Charles King's comment about staggering council terms saying that he hoped that was possible. He announced the next blood drives would be Sept 9th at FLCC from 1-6pm, Sept 21st at the Presbyterian Church from 1-7pm, Sept 22nd at Geneva General Hospital from 10-4pm, and Sept ____ at the Scandling Center from 1-7pm. He told everyone that he and Clr. Gaglianese met with residents to address their concerns about the American Legion project process to be sure residents could participate in the Planning Board Discussions. He said that recent requests to reopen the Geneva DMV were unsuccessful due to lack of profitability. He said that residents can use a drop box at the facility for their DMV paperwork. He encouraged residents to contact the Seneca County DMV to see if we could use their office for convenience. Lastly, he reported that the Historic District Commission and the College Livability Task Force did not meet.

Clr. Noone said that the Police Review Board met twice and will be meeting tomorrow at 6:30 at the Geneva Housing Authority, and their meetings will be the first Thursday of the month at 6:30pm. He said that Jessica Farrell will be the chair with Theresa Johnson as the vice-chair, and Charles King will be their secretary. They have divided into three subcommittees: complaint process committee to look at the design process, review process committee to look at the design procedure, and the public relations strategy committee to gain trust within the board and look at a design strategy to introduce members to the city and access complaints. He said they had their first training with the public defender's office along with a Police Review Board leadership retreat. He said the Community Compact will be meeting in the Fall to identify issues and solutions to help improve relations here in the city between the police and residents. Lastly, he reported that the Frame Shop is closing after 30+ years, and he reminded everyone that we need to support local businesses noting that the owner of the new soap shop is excited to be in our city. Clr. Noon said that they discussed parking issues on the back of her building, and he hopes the city can work with them to resolve them.

Mayor Valentino announced that he learned that if a person does DMV transactions online, the county they live in loses the money. He also complimented our downtown businesses for making a strong effort to remain open saying that it is fantastic to see all of the activity downtown. He said that the Local Development Corporation met today, and they are looking to give input on the zoning update. He added that they have one vacancy on their board to fill.

Clr. Gaglianese said that it is more important than ever to shop local adding that he would like to see the city help find relief and grants for our local businesses during the upcoming construction.

6. CITY MANAGER REPORT

City Manager Gerling said that staff and council members will be taking part in Implicit Bias Training next Wednesday at 8:30am noting that the police department and a few other staff members have already done this training with Dr. Sim Covington. She said that she had the honor of appointing Victor Nelson to the Geneva Housing Authority Board.

Mrs. Gerling announced that the DRI project is underway, and laminated pictures have been given to downtown business owners to show their customers. She noted that they will be working on Exchange in September and on E. Castle Street in October. She said that this project will provide so much more public space.

Lastly, Mrs. Gerling said that council will be holding their work session on September 15th and a budget presentation on September 22 at 6:00pm.

7. RESOLUTION OF INTENT TO INCORPORATE OPT-OUT COMMUNITY DISTRIBUTED GENERATION INTO THE CITY'S COMMUNITY CHOICE AGGREGATION PROGRAM

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva ("**Municipality**") wishes to maintain control of sourcing their electricity, reduce electricity costs, support renewable sources of electricity and catalyze the development of renewable power plants in New York;

WHEREAS, on March 7, 2018 the City of Geneva enacted Local No. 1 of 2018, "To Establish a Community Choice Aggregation Program in the City of Geneva", enabling a Community Choice Aggregation Program;

WHEREAS, on June 2, 2021, Municipality engaged the services of Joule Assets, Inc. ("**Joule**") as CCA Program Administrator for the Municipal Program;

WHEREAS, Municipality intends to offer renewable default electricity supply through the CCA Program and access additional benefits for eligible residents and small businesses and to incorporate an Opt-out Community Distributed Generation ("**Opt-out CDG**") offering;

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**");

WHEREAS, a CCA Program incorporating electricity supply and Opt-out CDG will maximize the financial and environmental benefits to participating residents and small businesses;

NOW, THEREFORE, BE IT RESOLVED, that the Municipality authorizes Joule to prepare or include the Municipality in an Opt-out CDG Implementation Plan for submission to and approval from the New York State Department of Public Service;

BE IT FURTHER RESOLVED, that the Municipality authorizes Joule to enter into negotiations on Municipality's behalf, with Utility and CDG Sponsor(s) for incorporation of Opt-out CDG into existing CCA Program; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into any agreements on behalf of the Municipality in relations to Opt-out CDG consistent with this resolution in the City Manager's reasonable discretion.

Clr. Regan told council that this is essentially a procedural vote as the initiative was already approved with a local law in 2018 and by resolution of council this year. She said with the overwhelming threat of climate change on our country, the impact is unavoidable and well documented. She said that we all can do so much to reduce our carbon footprint noting that if a large group takes action, a real change

can happen. She said that some council members have been against this from the beginning, and she said to them that we are currently in an opt-out program, so this just changes to a provider who uses 100% renewable energy resources. She noted that opting out of this program is as simple as dropping a prepaid postcard in the mail, and there will be many outreach educational sessions to help residents. She told council that this is the final step to making a difference in the world, and it will be less expensive for residents.

Clr. Noone said that he really hopes we will communicate clearly and concisely to residents how to opt-out and have Joule explain why the bill looks different.

Clr. Pealer said that he agrees the renewable energy is important, but the Village of Lima already did this and there was a bit of misconception about the components of this CCA. He said it will not be a guaranteed savings if we choose to do 100% renewable supply, fixed rate. He said it is important to know that the fixed rate for renewable energy was marginally more than the average variable rate from their municipal energy provider. He also said that the guaranteed 8-10% savings and community giving program is only available to those who chose community solar. He said he spoke to the people at Roctricity to verify what he is saying was accurate. Clr. Pealer said that the person he spoke to in Lima was concerned that we did not pass the proper resolutions to give us both options. He cautioned setting up residents for a higher bill against their will. He said he encourages the discussion, but he would like to do this as up front and transparent as possible. He encouraged council to table this discussion until they can get more information.

Clr. Gaglianese said he is all about renewable energy and saving resident's money, but it should be by choice. He said it will be a problem if residents do not get the savings.

Clr. Salamendra thanked Clr. Regan for all of her work on this, and she repeated again that it will be clear to residents how they can opt-out and the program does not take away their choice. Clr. Camera said that he has had a good experience with the Town's process, and he has saved money on the vast majority of bills. He said that he feels seniors will be happy with it and it is a good, solid source of supply.

Clr. Regan said that in terms of being eligible for all of these benefits, community solar was not in place in 2018, and the recent resolution allows Joule to administer community solar in the agreement. She said that as for the savings, she is surprised there are questions. She said that the Town of Geneva has a guaranteed 10% discount for 25 years.

Clr. Burrall said he would like to look at this from a different angle where money isn't everything. He asked council what if we could get a benefit at the same cost as petroleum. He said this is about using less petroleum and maybe saving some money. He questioned if just giving residents the option to reduce their carbon footprint would be enough with a potential to save money. He said he would love to see a unanimous vote to approve this resolution.

Clr. Gaglianese said that he feels like he is being guilted into this noting that it should be an opt-in process.

Clr. Salamendra asked about calling the vote and what the procedure is when she asks to do that. Mayor Valentino said that he has not had a chance to speak and he is trying to give other councilors the opportunity to speak as well. Mayor Valentino said that a postcard to opt-out sounds easy, but he heard from residents of the Town who said it took 6 months to opt-out. Clr. Salamendra asked to call the vote, and Mayor Valentino said that would not be necessary because he was going to have the clerk call the roll. Clr. Salamendra said she would like the record to reflect that she tried to call the vote, but the mayor ignored it.

ACTION TAKEN by Clr. Camera; seconded by Clr. Regan

MOVED THAT this resolution be approved

**ROLL CALL VOTE: Aye – Clr. Pruet, Clr. Noone, Clr. Burrall, Clr. Regan, Clr. Camera
and Clr. Salamendra**

Nay – Mayor Valentino, Clr. Gaglianese, and Clr. Pealer

MOTION CARRIED

8. RESOLUTION AUTHORIZING RESPONSE TO MALLINCKRODT CHAPTER 11 BANKRUPTCY PLAN

City Manager Gerling presented the following resolution:

WHEREAS, the City of Geneva is a Plaintiff in a Class Action filed in the United States District Court for the Western District of New York, Case Number 19-CV-06186, seeking relief against a class of manufacturers of Opioid Substances, and

WHEREAS, the City of Geneva is represented by the law firms of Brindisi, Murad & Brindisi Pearlman, LLP, Robert F. Julian, P.C., and the Cherundolo Law Firm, PLLC in connection with said Class Action, and

WHEREAS, the Mallinckrodt Defendants in said Class Action filed a Chapter XI Bankruptcy Petition in the United States Bankruptcy Court for the District of Delaware, and

WHEREAS, the Mallinckrodt Defendants' Chapter XI Bankruptcy Plan has been submitted to its Creditors, including its Opioid Related Creditors, and

WHEREAS, the deadline for Mallinckrodt's Creditors to vote on its Chapter XI Bankruptcy Plan is September 8, 2021, and

WHEREAS, the law firms representing the City have recommended the City follow the recommendations of the Official Committee of Opioid Related Claimants, the "OCC", to refrain from voting on the Mallinckrodt Defendants' Chapter XI Bankruptcy Plan, until such time as the OCC completes its assessment of the plan and advises the Opioid Claimants of its Final Position concerning the plan.

NOW Therefore it is,

RESOLVED that the Law Firms representing the City in connection with the Class Action filed by them on its behalf in the United States District Court for the Western District of New York, Case Number 19-CV-06186, be and they are directed to refrain from voting on the Mallinckrodt Defendants' Chapter XI Bankruptcy Plan, until such time as the Official Committee of Opioid Related Claimants completes its assessment of the plan and advises the City of its Final Position regarding the plan; and

And it is further

RESOLVED that the law firms representing the city in connection with the Class Action filed by them on its behalf in the United States District Court for the Western District of New York, case number 19-CV-06186, are authorized to cast a vote on the Mallinckrodt Defendant's Chapter XI Bankruptcy XI Bankruptcy Plan approved by the Official Committee of Opioid Related Claimants after consultation with the City Manager and Corporation counsel, who shall inform the City Council and obtain its input on the proposed vote.

City Manager Gerling told everyone that the previous council went through a process to join a class action to join companies for relief against impacts to our community and on our municipal services for opioid substances. She said that city staff put together data on time spent related to issues from residents suffering from opioid substances. She said that there are multiple cases going on and the one before council tonight is for a company who filed bankruptcy

ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

Mayor Valentino read from the council rules of order/rules of debate paragraph (f) Calling the Question:

A question may be called by majority vote of those present. However, neither the moving party nor the party seconding any motion may call for the question, each councilor shall be afforded one opportunity to speak on each item before the question is called, and a question may not be called to interrupt or cut off a particular speaker. The motion to call the question is not debatable. If the motion is successful, a vote on the matter under discussion immediately follows, however, the presiding official may allow, at his or her discretion, a one- minute comment by each councilor who wishes to speak in opposition. If the motion to call the question fails, discussion on the original matter resumes.

9. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 300 OF THE CITY CODE (FIFTH HAULER LICENSE ADDED)

Asst. City Manager Blowers presented the following ordinance for first reading:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, NEW YORK THAT CHAPTER 300 OF THE GENEVA CITY CODE, ENTITLED "SOLID WASTE", BE AMENDED AS FOLLOWS:

Subdivision 300-7 is amended by adding a new sub paragraph B as follows:

B. The City may issue one additional license to the operator of the Geneva Resource Recovery Park authorizing the operator to operate a transfer facility that accepts no more than 20 cubic yards of waste per day, excluding mercury containing products, at the Geneva Resource Recovery Park as defined and governed as an Exempt Facility by NYSDEC Chapter IV – Quality Services Subchapter B: Solid Wastes, Subpart 362-3 Transfer Facilities. Hazardous household items, tires, appliances, lead paint, and electronic waste are only allowed during special events and with written permission from the City of Geneva Director of Public Works. The license issued pursuant to this sub paragraph shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein. The operator of the Geneva Resource Recovery Park shall pay an annual fee for this license no later than January 31st of each year in amount to be determined in the yearly City Budget. The operator of Geneva Resource Recovery Park shall retain the right to renew said license annually unless the license is revoked by City Council, the New York State Department of Environmental Conservation registration is not in effect, or the licensee discontinues operating the Geneva Resource Recovery Park

The current sub paragraph B of Subdivision 300-7 shall be re-lettered sub paragraph "C".

Asst. City Manager Blowers reminded everyone how council talked last month about the city code and trash haulers and cleaning up some of the definitions in the code. He said that what is before council tonight is just one aspect of that which is adding an additional licensed hauler as the operator of the Resource Recovery Park. He said this will allow the compost facility to operate within our code.

Clr. Regan said that there she feels there has been some confusion, and she supports this becoming a transfer station with recycle options and construction debris options. She asked about what is being stipulated in this resolution, and City Manager Gerling said that as written, it will just be for drop off in the Resource Recovery Park and no pick up. It is designating the operator of the transfer station as the fifth hauler who will be able to fill 20 cubic yards per day as set by the DEC to take to the landfill, and composting material can continue to be picked up as that does not fall under the city code.

Clr. Pruett said he would like to see a survey of residents in this area saying he does not feel this is what they want in this space, especially with the large trucks damaging yards, sidewalks, storm drains,

and other items. He suggested combining with the Town at their larger facility rather than bringing it into city resident's backyards. Clr. Camera said he agrees that the city should restrict access to it through Doran Avenue, and he does not support picking up construction debris from residents. Clr. Pruett added that he does not feel the road is suitable for large trucks. Clr. Camera suggested rerouting the large trucks to not use Doran Avenue. Jacob Fox told council that Casella's regional hauling yard is right across the street from this facility, and if council is concerned about truck traffic, they may want to look at those trucks first.

Clr. Salamendra reminded council of their visit to the compost facility a few months ago to get all of their questions answered. She told Clr. Pruett that if residents have an issue with smells or truck traffic, they should come to a council meeting or email council directly over the next month. She said that communities need to handle their trash solutions in their own community and the city is very lucky to have Mr. Fox here with this innovative technology. She said that she feels council should look at truck traffic separately.

Clr. Pealer said that this is really about supporting local business. He said that opportunities come to us constantly about supporting local businesses. He said he is in favor of this because he feels Mr. Fox has his act together.

Clr. Burrall said that he wanted to reiterate his comments at prior meetings to say that properly managed compost does not smell. He said this is a great amendment to the code, and it is good for the earth.

Clr. Pruett said he is concerned with the extra noise and traffic that will come through due to the trash coming in and going out.

ACTION TAKEN by Clr. Noone; seconded by Clr. Regan

MOVED THAT this ordinance be approved for first reading

ROLL CALL VOTE: Aye – Clr. Salamendra, Clr. Gaglianese, Clr. Noone, Clr. Burrall,

Clr. Pealer, Clr. Regan, and Clr. Camera

Nay – Clr. Pruett and Mayor Valentino

MOTION CARRIED

10. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 300 OF THE CITY CODE (TRASH CONTAINER LABELS)

Clr. Camera presented the following ordinance for first reading:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, NEW YORK THAT CHAPTER 300 OF THE GENEVA CITY CODE, ENTITLED "SOLID WASTE", BE AMENDED AS FOLLOWS:

ADD:

Section 300-9(L) Section 300-7

L. Trash/Recycling Containers:

(3) Effective January 1, 2022, City trash haulers will be subject to a \$5.00 fine for every container that does not comply with subdivision (2)

Clr. Camera told everyone that the reason for doing this is that an ordinance was passed a couple years ago to address concerns about the quality of life in Geneva. He said what they were trying to do was diminish the perception that every day is trash day in the city. Labels were given to the trash haulers; one label for landfill and one label for recycling to raise awareness. The city ordered 5000 and distributed them to local haulers, but the labels were not put on comprehensively. He said with this ordinance, if the labels are not put on the trash totes by the end of the year, the city can send code enforcement out to fine the trash companies for each tote that is not labeled.

Clr. Gaglianese noted that we are trying to add to our code enforcement office, and until it is fully staffed, he thinks this should wait. When asked about associated cost to the taxpayer, Clr. Camera said that it could be a revenue generator.

City Manager Gerling said that the goal was to change behavior of residents, but her concern with the execution is that staff may need to go out several days, putting out notices, and sending bills. She added that spot checking needs to be consistent.

Clr. Regan said that she is in favor, but is concerned with logistics and how to collect the money. She said she would like more information. Clr. Burrall voiced his concern with putting the responsibility on the hauler. Mayor Valentino noted that this is a personal, culture change, and he is also concerned with staff time and the fine being almost non-existent.

ACTION TAKEN by Clr. Noone; seconded by Clr. Regan

MOVED THAT this ordinance be approved for first reading

**ROLL CALL VOTE: Aye – Clr. Pruet, Mayor Valentino, Clr. Regan, Clr. Burrall, Clr. Noone,
Clr. Gaglianese, and Clr. Pealer**

Nay – Clr. Camera

Absent - Clr. Salamendra

MOTION DEFEATED

11. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE SALE OF JAY STREET PROPERTY

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva owns real property located on Jay St (119.7-1-51); and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold to a private party; and

WHEREAS, staff is reviewing private interest in this property; and

WHEREAS, if a proposal is determined to be in the best interest of Geneva residents, City Council anticipates a sale of the property.

NOW, THEREFORE BE IT RESOLVED, that a public hearing for the sale of the above referenced property be held at the regular City Council meeting on October 6, 2021.

ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese

MOVED THAT these resolutions be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

12. DISCUSSION ON LANDLORD AND PROPERTY OWNER ACCOUNTABILITY

Clr. Camera said that he is proposing council start a conversation about these properties that are imposing on our residents and are in disrepair. He said the idea behind this is for the city to name the properties troubled and the city can take over the property for a period of less than 12 months as a conservator. We fix it up with the help of a contractor at a 30% surcharge applied to the taxes.

He said this could include properties that have not been occupied for years. Staff would bring a list to council and council would vote on which ones they want to work on. He said the city needs to take control

because neighbors are affected by this. He said that he is asking council to support this by having the city manager go to legal.

Clr. Gaglianese said that this idea should be postponed until code enforcement is fully staffed. Mayor Valentino asked if the city can extend taxpayer money on private property and asked if council could get information from our attorneys. Clr. Burrall said he does not support having the city manager contact our attorneys and said we could get ideas from other communities.

13. DISCUSSIONFROM RAILROAD LAKEFRONT INTEGRATION COMMITTEE

Mayor Valentino asked Clr. Camera if this topic could be discussed at council's next meeting, and asked Clr. Camera to provide more information to council before then. Clr. Camera said that would be okay to do.

14. PUBLIC COMMENT

No public comment was offered at this time.

15. ADJOURNMENT

ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer
MOVED THAT the meeting be adjourned at 9:38pm
MOTION CARRIED UNANIMOUSLY (8-1 absent)

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL
JOURNAL OF PROCEEDINGS
REGULAR COUNCIL WORK SESSION

September 15, 2021 – 6:30 PM

Cornell AgriTech Campus, Jordan Hall
630 W. North Street
Geneva, NY 14456

Presiding – Clr. Pealer, Deputy Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruett, Clr. Burrall,
and Clr. Salamendra

Excused: Mayor Valentino

2. AMERICAN RESCUE PLAN ACT (ARPA) FUNDS DISCUSSION

Clr. Camera asked the City Manager to provide council information on what they are allowed to spend the money on. City Manager Gerling told council that the money could not be spent on: replenishing rainy day funds or financial reserves, payments of principal or interest on outstanding debt, legal settlements, non-federal match for federal funding, premium pay for workers not deemed doing “essential work,” or deposits into pension funds. She said that eligible uses would be revenue replacement for lost revenue due to COVID, and the remaining aid could be used to respond to public health emergencies, workers performing essential work, and to make necessary investments in water sewer and broadband infrastructure.

When the city manager was asked about the amount of funds that was initially allocated to businesses in the city, she told them that staff reached out to the state to retool some of the microenterprise grant funds we had received. Then staff reached out to the Local Development Corporation, the Industrial Development Agency, and the Revolving Loan Fund and a total amount of \$250,000 was put together. The city assisted 37 businesses, 25 of which were in the downtown, with amounts given out ranging from \$2,500 to \$8,000. She said that staff verified that the requirements were met, and each business received the top amount they could. When asked what the turnaround time would be with these funds, Mrs. Gerling said that as soon as council gives the okay and sets the parameters, staff will verify that they are met, and staff will move as quickly as they can. She said that the amount of ARPA funds will be \$1.3 million over two years less the \$325,000 already designated for the Marsh Creek upgrades.

Clr. Salamendra said that the first decision needs to be how council wants to use this money noting that she would like to use the funds to benefit everyone in the city. Clr. Camera said he is interested in putting the money into the general fund to affect as many people as possible.

When providing funds to local businesses was talked about, Clr. Regan reminded everyone that these funds can only be used for businesses impacted by COVID-19 and not the DRI construction. She said that giving money to businesses should be equitable. Clr. Burrall said that he is not in favor of giving a hand out to businesses due to the DRI construction, but a loan program would be different than a grant for these businesses. Clr. Pruett said that there are ways to bring attention to businesses affected by the DRI project that don't cost a lot of money. He suggested having a subcommittee to discuss some options.

When the city manager was asked about revenue loss to the city, she told council that there was a general fund loss of around \$400,000 due to COVID-19. Clr. Camera suggested replenishing those funds with the ARPA funds and creating a loan fund at a lower interest rate for local businesses.

Clr. Salamendra said she would like to offer internet as a public utility to all residents so they can access important information. Clr. Pealer said that he does not feel council can turn their backs on local businesses affected by COVID-19 and compounded by the DRI project construction. Clr. Regan said it is not council's intention to turn their backs on local businesses, but she does not feel there is enough money to make an impact on enough businesses.

Clr. Pealer suggested getting a presentation from Community Broadband at the next council meeting in order to get enough information to have an informed vote. He added that he would like to divide up the money for all residents, and he would like to find another way to help local businesses.

Clr. Burrall said that he feels there is no one in this room who is against helping businesses, but he is concerned with the distribution of the money. He added that he feels businesses that sustain themselves are constantly changing their business model, and there are other businesses that they can collaborate with as a way of staying open and a local consulting firm in Geneva to help business owners who need to make changes to their business plan.

Clr. Regan asked about putting money into the general fund and replacing cut positions with this money, and Mrs. Gerling said that the money could be used to replenish the general funds lost due to COVID, and council could then decide how they want to use the funds. Clr. Salamendra said it makes the most sense to hear from Community Broadband if it is the will of council and replenish the money in the general fund that was lost due to COVID so council can decide at a later date how they want to spend that money. City Manager Gerling told council that the general fund loss to the city due to COVID totaled \$416,649. Council took a straw vote and decided to have staff reach out to Community Broadband for a presentation at the next council meeting.

3. CODE ENFORCEMENT/HOUSING DISCUSSION CONTINUED

Clr. Camera referred to an email that the city manager sent out that had information about the mission of code enforcement, what do they want to accomplish, what efforts will have the biggest impact, what are challenges, and what is realistic to accomplish. He said that there are 3,647 residential properties in the city, of which 1659 are rental property with 3+ units. If the 1–2-unit rentals are included (about 600), that means that 40-50% of our housing in Geneva is rental. He said that our diverse housing stock requires the city to invigorate Developmental Services. He said he thinks the city can help every citizen realize their own special place where they can enjoy their house or apartment. He said the city needs to get creative and we need more resources. He said we need to respond to infractions and landlords not taking care of their property as well as unoccupied homes where the taxes are being paid.

Clr. Camera said that his resolution for troubled properties is to take them over for a period of time to fix up. He said we cannot do this without setting up a housing board as a division of District Court. He said the city needs to take over the properties and clean them up on a case-by-case basis through a housing court, noting that we will not spend too much money.

Clr. Salamendra said that she has been part of a housing group since March of 2020 to discuss housing. She said that this group has asked for legislation to require landlords to set up a point of contact. She said she would like to continue these housing discussions as she feels the city needs a more robust code enforcement department. She said that as a renter, she brings a different perspective to housing conversations, and she cares about the living conditions of her neighbors. She said that as part of the task force she is working with, they will be doing a study to get the number of rentals, why are houses empty, and information about conditions, and she asked council how they would like to see a presentation from this group. She said they have important information to share, noting that there is an affordable housing shortage in Geneva. She said her group would like to do what was done in Buffalo to solve problems in a more narrow way. Clr. Salamendra said she would like staff to look into the Buffalo model, the legality of Clr. Camera's resolution, an update on the position in code enforcement that needs to be filled, and a time for the housing group to present to council. Clr. Pealer said he would also like to see a power point including data during the housing group's presentation.

Clr. Camera said that when council saw the flow chart on code enforcement, one thing that was clear was that we do not have emails and phone numbers for every landlord in the city. He said that the process of mailing out letters is too slow. He said that they should not be allowed to do business in our city without giving us that information.

Clr. Pruettt said that this should be looked at as a business, and any business should be licensed with the license containing their contact information. He added that the revenue could help finance the code office.

Clr. Noone said that many of these issues could be resolved if we could just hire more code officers and stop giving them so many jobs to do. He said council needs to turn their attention to right-sizing this

department and a consistent process needs to be established for everyone. He added that a database is a good idea.

Clr. Pealer said that any questions for the Geneva Housing Authority can be sent to him, but he does not feel there is a housing crisis in Geneva, noting that the city has the most low-income housing in the county. He said that a vast majority of people on the waiting list are from outside of Geneva. He said he would like to start a conversation with the county to get assistance for people in other municipalities.

Clr. Camera said he would like to see the licensing resolution passed at the October meeting and the process in place by the end of the year. Clr. Salamendra offered to work with Clr. Camera on this. Clr, Pruett proposed the fee for this license be \$25.

Clr. Gaglianese asked what other councilors thought the solution was to not having enough housing, and Clr. Salamendra said that we need to look at economic development, and we will not be able to recruit people to work and live here with no housing.

4. ADJOURNMENT

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Burrall

MOVED THAT the meeting be adjourned at 8:21pm

MOTION CARRIED UNANIMOUSLY (8-1 absent)

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 22, 2021 – 6:00 PM

Cornell AgriTech Campus, Jordan Hall
630 W. North Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruett, and Clr. Burrall

Excused: Clr. Pealer and Clr. Salamendra

2. RESOLUTION ESTABLISHING A PUBLIC HEARING TO RECEIVE COMMENTS ON THE 2022 BUDGET

City Manager Gerling presented the following resolution:

WHEREAS, City Council has received the City Manager's budget proposal for 2022; and

WHEREAS, the City Charter calls for the scheduling of a Public Hearing to hear comment on the budget proposal in advance of budget adoption; and

WHEREAS, City Council anticipates adopting the 2022 budget at a special meeting on or before October 27, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council, hereby and in due form does set a Public Hearing on the City Manager's Budget proposal for 2022 for 7:00 p.m. on October 6, 2021 at Jordan Hall, 630 W. North Street, Geneva.

ACTION TAKEN by Clr. Camera; seconded by Clr. Noone

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (7-2 absent)

3. PRESENTATION OF THE 2022 BUDGET PROPOSAL

City Manager Gerling said that the proposed budget will be on the city website in the morning. She went over the proposed budget calendar and the budget goal which is to rebuild the city's human capital, resources and infrastructure to effectively and efficiently provide the highest level of tax payer value in serving our residents, businesses and visitors. She listed strategies that will be utilized such as conservatively forecasting revenue, investing in people, aligning department expenditures with priorities, and instigating new cross disciplinary teams.

Mrs. Gerling told council that she and Mr. Blowers used a zero-based budgeting process this year while looking to increase staffing, resources, and infrastructure investment to enable us to better serve our residents. She referred to council's priorities; strict and well-resourced code enforcement and a more streamlined complaint action process, forward the Comprehensive Plan beautification vision, provide enhanced resident communications of city government activities, and increase revenue opportunities.

She said that in the proposed budget, there is a 3.77% general fund tax rate increase which equates to \$64 per \$100,000 assessed value. She said there will be no water fund rate increase for city residents and no sewer rate increase. She noted that staff is proposing a robust five-year capital plan.

Mrs. Gerling told council that the budget began at a deficit of \$2,309,866 on July 22, 2021, and with cuts and adjustments, she and Mr. Blowers were able to get it balanced on September 22nd. She said with the proposed budget of \$18,319,938 for 2022, the tax rate will go from \$16.19/\$1,000 to \$16.80/\$1,000. Mrs. Gerling said that there were significant revenue changes; state aid is back to the 2020 levels providing an increase of \$391,023, sales tax is projected at a 31% increase from 2021, and property tax revenues increased \$350,224 from 2021. She said that many equipment purchases could be funded through equipment reserves. She said that debt service decreased by \$149,174 so the percentages of total revenue are 14.51% for debt and 68.51% for personnel. She said that the fund balance was \$2,235,812 as of 1/1/2021, and with a 2022 proposed budget of \$18,319,938, the fund balance will be 12.20%.

Mrs. Gerling said that the water fund budget began at a deficit of \$419,023 on July 30th, and as of September 22nd, it is balanced with a proposed water rate increase to outside city users only. She said that money for new equipment purchases in 2022 will come from equipment reserves. She explained that in the water fund, 28.91% of the revenue goes to debt and 38.69% goes to personnel.

Mrs. Gerling said that the sewer fund budget began at a deficit of \$633,114 on July 30th and as of September 22nd, it is balanced with no proposed sewer rate increase. She noted that debt service expenses decreased \$213,332 from 2021. She said that equipment reserves will support \$155,000 of new equipment for 2022. She explained that in the sewer fund, 35.37% of the revenue goes to debt and 34.36% goes to personnel.

Mrs. Gerling said that the proposed new capital projects for 2022 are needed to catch up from all of the deferrals that have taken place in recent years. She said that projects for the general fund total \$7,150,000, water fund total \$1,600,000, and the sewer fund total \$1,350,000, noting that NYS CHIPS funding of \$275,000 will be used.

Mrs. Gerling said that the worker's compensation costs set by the county for 2022 will be \$352,923 which is a decrease from 2021, resulting in a decrease of 5 cents per \$1,000 of assessed value. She said that council will need to override the tax cap which will be presented to council requiring a 2/3 majority vote of council.

With regard to revenue opportunities, Mrs. Gerling said that the DRI has been a catalyst for additional investment with \$4.75 million for the NYS Finger Lakes Welcome Center, \$5 million for additional State and Federal funds for the Brownfield Opportunity Area project, marina, downtown property improvements, and green infrastructure, and \$5.4 million in private investment for DRI projects. She noted that our community partners, the Food and Beverage Sector Growth, and Housing and Hospitality Development have also been a part of these opportunities. She said that the Tech Farm should be breaking ground in the Spring on their second building.

Mrs. Gerling thanked our city's active, engaged and caring citizens, our committed, adaptable and creative staff, and our conscientious city council. She told council to give any questions they may have to her and Mr. Blowers, and they are available if council members or community members want to get together with them to discuss.

4. ADJOURNMENT

ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese
MOVED THAT the meeting be adjourned at 6:43pm
MOTION CARRIED UNANIMOUSLY (7-2 absent)

Lori Guinan

City Clerk



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller

Meeting Date: October 6, 2021

Item Title: Second Reading of an Ordinance Amending Chapter 300 of the City Code

Action Required:

An affirmative vote by a majority of Council is required to amend an ordinance. In addition, a discussion on future changes regarding non-regular trash or recycling pickups throughout the City.

Background:

- A fifth license to be added to the City's code for the specific purpose of operating the Resource Recovery Park
- License fee to be determined by annual budget

Financial Impact:

The additional fee will go into the City's General Fund.

Comptroller's Office

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
acb@geneva.ny.us

CITY OF GENEVA NEW YORK

CITY COUNCIL ORDINANCE NO 4-2021

AMENDING CHAPTER 300 OF THE GENEVA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, NEW YORK THAT CHAPTER 300 OF THE GENEVA CITY CODE, ENTITLED "SOLID WASTE", BE AMENDED AS FOLLOWS:

Subdivision 300-7 is amended by adding a new sub paragraph B as follows:

B. The City may issue one additional license to the operator of the Geneva Resource Recovery Park authorizing the operator to operate a transfer facility that accepts no more than 20 cubic yards of waste per day, excluding mercury containing products, at the Geneva Resource Recovery Park as defined and governed as an Exempt Facility by NYSDEC Chapter IV – Quality Services Subchapter B: Solid Wastes, Subpart 362-3 Transfer Facilities. Hazardous household items such as, but not limited to, petroleum products, tires, appliances, lead paint and electronic waste are only allowed during special events and with written permission from the City of Geneva Director of Public Works. The license issued pursuant to this sub paragraph shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein. The operator of the Geneva Resource Recovery Park shall pay an annual fee for this license no later than January 31st of each year in amount to be determined in the yearly City Budget. The operator of Geneva Resource Recovery Park shall retain the right to renew said license annually unless the license is revoked by City Council, the New York State Department of Environmental Conservation registration is not in effect, or the licensee discontinues operating the Geneva Resource Recovery Park

The current sub paragraph B of Subdivision 300-7 shall be re-lettered sub paragraph "C".



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller/Assistant City Manager
Lori Guinan, City Clerk

Meeting Date: October 6, 2021

Item Title: Legalization of Marijuana in NYS

Action Required:

With the legalization of Marijuana in New York State, each municipality must decide if they wish to opt in or out of allowing the sale of Marijuana in their city as well as opting in or out of allowing on-site consumption businesses.

Background:

Marijuana legalization was signed into law on March 31, 2021. Although the City cannot regulate the sales, we can opt out of retail sales and/or on-site consumption establishments. If council chooses to opt-out of one or both options, it must be done by local law by December 31, 2021. Local laws are generally a two to three month process. Council needs to pass a resolution setting a public hearing for the local law, a notice must be printed in the newspaper telling when the public hearing will be, and the local law could be passed the same night as the public hearing or the next meeting.

If council chooses to opt-out, the city would not be entitled to collect a portion of the 4% county sales tax it will generate, and we could opt back in at any time after. The local law would be subject to permissive referendum. If council does not choose to opt-out by December 31st, they would not be able to later. If we choose not to opt out, we do not need to do anything except set regulations for time, place and manner of retail dispensaries. The State does include zoning regulations such as not allowing a dispensary or on-site consumption business within 500 ft from a school or 200 ft from a place of worship. This is done to reduce youth traffic around dispensaries and reduce impulse purchases. Municipalities can set tougher restrictions that would be subject to State approval.

Comptroller's Office

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If council chooses to allow both retail dispensaries and on-site consumption businesses, it must be understood that they cannot be in the same location. A person cannot have an on-site consumption center license AND also have a dispensary license. The same applies to places that sell alcohol; a business cannot hold a license to sell both alcohol and marijuana.

Financial Impact:

If council chooses to opt in, the city would receive a portion of the sales tax generated by the sale of Marijuana.

Attachments:

None



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller/Assistant City Manager

Meeting Date: October 6, 2021

Item Title: Sale of Jay St Parcel 119.7-1-51

Action Required:

An affirmative vote by a majority of City Council is required to affect any property sale or lease.

Background:

Throughout the year, staff conducts a review of publicly-owned properties in accordance with the City's property disposition policy. Staff has determined that Jay St parcel 119.7-1-51 would serve a higher community development purpose by being sold through a sealed bid procedure.

- A public hearing was held on October 6, 2021
- Sale price is \$10,000

Financial Impact:

Proceeds from the sale of this property will be appropriated to the undesignated General Fund balance.

Comptroller's Office

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 828-6582 - acb@geneva.ny.us

RESOLUTION # 66 - 2021

RESOLUTION AFFECTING SALE OF CITY PROPERTY

WHEREAS, the City of Geneva owns real property located on Jay St, tax map # 119.7-1-51; and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold through a sealed bid process; and

WHEREAS, a public hearing was held on the potential sale of this property on October 6, 2021; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property tax map # 119.7-1-51 located on Jay St.



NOTE: Inventory and assessment data originates with the respective local assessor

Property Information

Tax Map ID: 119.7-1-51
Physical Address: Jay St
Community: City of Geneva
Easting: 711429 **Northing:** 1039333
Acres: 0.658 **Neighborhood:** 300
Roll Section: 8 2020 **% Steep Slope:** 0
Property Class: (311) Res vac land
School District: Geneva City School
Frontage: 95.00 **Depth:** 300.00
Heat:
Fuel:
Water: Comm/public
Sewer: Comm/public
% NYS DEC Wetland: 0 **% NWI Wetland:** 0

WHERE TO VOTE:

24 Park Pl, Geneva (Geneva
Presbyterian Church)

BUILDING DETAILS (primary bldg only):

Year Built: **Sq Ft.**
Condition:
Style:
Stories: **Central Air:**
Siding:
Basement:
Full Baths: **Half Baths:**
Bedrooms: **Fireplaces:**

Please see Parcel Detail Report for complete info

Assessed Values:

Full Market Value: \$30,000
Total Assessment: \$30,000
Land Assessment: \$30,000

Owner Information

Owners: CITY OF GENEVA

Address 1: 47 CASTLE ST

City: GENEVA

State, ZIP: NY 14456

Deed Book: 353 **Deed Page:** 557 **Date:** 10/1/1929 **Comments:**

Recent Sales

Residential Sales (Valid Only)



THIS MAP AND INFORMATION IS PROVIDED "AS IS" AND ONTARIO COUNTY MAKES NO WARRANTIES OR GUARANTEES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF TITLE, NON-INFRINGEMENT, MERCHANTABILITY AND THAT OF FITNESS FOR A PARTICULAR PURPOSE CONCERNING THIS MAP AND THE INFORMATION CONTAINED HEREIN. USER ASSUMES ALL RISKS AND RESPONSIBILITY FOR DETERMINING WHETHER THIS INFORMATION IS SUFFICIENT FOR PURPOSES INTENDED.

Report Created:
7/21/2021



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller/Assistant City Manager

Meeting Date: October 6, 2021

Item Title: Sale of 38 Jackson St

Action Required:

An affirmative vote by a majority of City Council is required to affect any property sale or lease.

Background:

Throughout the year, staff conducts a review of publicly-owned properties in accordance with the City's property disposition policy. Staff has determined that 38 Jackson St (tax map #104.8-1-47) would serve a higher community development purpose by being sold through a sealed bid procedure.

- A public hearing was held on August 4, 2021
- Sale price is \$2,000

Financial Impact:

Proceeds from the sale of this property will be appropriated to the undesignated General Fund balance.

Comptroller's Office

CITY HALL - 47 CASTLE STREET - GENEVA, NEW YORK 14456
(315) 828-6582 - acb@geneva.ny.us

RESOLUTION # 67 - 2021

RESOLUTION AFFECTING SALE OF CITY PROPERTY

WHEREAS, the City of Geneva owns real property located at 38 Jackson St, tax map # 104.8-1-47; and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold through a sealed bid process; and

WHEREAS, a public hearing was held on the potential sale of this property on August 4, 2021; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property at 38 Jackson St, tax map # 104.8-1-47.



NOTE: Inventory and assessment data originates with the respective local assessor

Property Information

Tax Map ID: 104.8-1-47
Physical Address: 38 Jackson St
Community: City of Geneva
Easting: 713513
Northing: 1046850
Roll Section: 8 2020 **Acres:** 0.175
Property Class: 311 Res vac land
School District: Geneva City School
Frontage: 46.00 **Depth:** 170.00
Heat:
Fuel:
Water: Comm/public 79 Geneva Street, Geneva (Hydrant Hose Fire Hall)
Sewer: Comm/public
NOTES:

BUILDING DETAILS (primary bldg only):

Year Built: **Sq Ft.**
Condition:
Style:
Stories: **Central Air:**
Siding:
Basement:
Full Baths: **Half Baths:**
Bedrooms: **Fireplaces:**

NOTE: Please see pages 5-6 of this report for details of additional buildings on this property.

Assessed Values:

Full Market Value: \$6,000
Total Assessment: \$6,000
Land Assessment: \$6,000

Owner Information

Owners: CITY OF GENEVA

Address 1: 47 CASTLE ST

City: GENEVA

State, ZIP: NY 14456

Deed Book: 1327 **Deed Page:** 428 **Date:** 11/3/14

Deed Book: 1332 **Deed Page:** 805 **Date:** 2/6/15

Comments:

Comments: BLA WITH WEST NEIGHBOR

Recent Sales

Residential Sales (Valid Only)



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6/08/2021



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Sage Gerling, City Manager

Meeting Date: October 6, 2021

Item Titles: Resolution of Support & Authorization for Clean Water Grant Application

Action Required:

Approval to submit a New York State Water Infrastructure Act (WIIA) application for upgrades to the Marsh Creek Wastewater Treatment Plant.

Background:

Two projects for the Marsh Creek Waste Water Treatment Plant are being included in a WIIA application:

- The construction of a new Auto-thermal Thermophilic Aerobic Digestion (ATAD) system to increase solids handling capacity at the WWTP.

The 2020 study of the City's sanitary collection system and Wastewater Treatment Plant (WWTP) determined that the capacity of the City's WWTP is significantly limited by the solids handling capacity of the current ATAD system. The study further determined that an expansion to the ATAD system is needed including a new, second ATAD reactor, a new Storage Nitrification/De-Nitrification Reactor (SNDR), and a new bio-filter along with associated piping and ancillary system modifications to accommodate the expanded solids handling system.

The study can be viewed at:

<https://secureservercdn.net/198.71.233.184/1be.177.myftpupload.com/wp-content/uploads/Geneva-City-Town-Sewer-Report-Final-March-26-2020.pdf>

The Marsh Creek Pump Station project, approved on June 15th, is being incorporated in the application. The Marsh Creek Pump Station, located on WWTP grounds, will be upgraded to increase its capacity to 3,100 GPM."

Office of the City Manager

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City Council completed the SEQRA process with a negative declaration and determination of environmental non-significance and the required bond approval on August 4, 2021.

Alternatives:

City Council could choose to fund the project solely on the City bond funds, approved City and Town of Geneva ARPA funds.

Financial Impact:

Reducing the City's financial impact for the project as much as \$1.75 million. The total application is for \$7 million with up to 25% in grant funds.

Attachments:

Resolution

RESOLUTION # 68 - 2021

City of Geneva New York State Water Infrastructure Improvement Act Resolution of Support & Authorization for Clean Water Grant Application

WHEREAS, the City of Geneva (City) supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) application, on behalf of the City, for upgrades to the Marsh Creek Wastewater Treatment Plant (WWTP), hereinafter referred to as the "Project"; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water quality infrastructure projects that protect public health and improve water quality; and

WHEREAS, an Engineering Report, entitled "*Engineering Report for the Marsh Creek Wastewater Treatment Plant, Expansion of the ATAD Sludge Digestion System and Upgrades to the Marsh Creek Pump Station*", dated July 2021 (updated September 2021), recommends implementing the Project to help improve water quality and protect public health; and

WHEREAS, the Geneva City Council passed a bond resolution (the "Bond Resolution") on August 4, 2021, authorizing the borrowing of up to \$7,000,000 for implementation of the Project.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council identifies the City Manager as the authorized representative of the City to submit the WIIA application on behalf of the City and execute all associated documents relative to and as required for the WIIA application, including the funding agreement and *financial application, as applicable*; and

BE IT FURTHER RESOLVED, that the City shall provide local matching funds totaling at least 75% of the Project Costs in the form of in-kind services or cash contributions appropriated and obligated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the Geneva City Council supports the Project and submission of the 2021 WIIA grant application on behalf of the City to improve water quality and protect public health.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Sage Gerling, City Manager

Meeting Date: October 6, 2021

Item Title: Approval of American Rescue Plan Act (ARPA) Funds

Action Required:

An affirmative vote by a majority of City Council is required to approve this resolution.

Background:

On March 11th, President Biden signed into law the American Rescue Plan Act of 2021 to help communities cope with the economic impacts of COVID-19. The total funding is split evenly over two years (2021 & 2022) and includes reporting requirements to the Department of the Treasury.

- City received \$1,295,483.30 in ARPA funds (\$647,741.65 for both years)
- The Treasury Department dictates how the federal money can be used including all of the following options:
 - For the provision of government services impacted by a reduction in revenue resulting from the pandemic;
 - To make necessary investments in water, sewer or broadband infrastructure;
 - To respond to the COVID-19 public health emergency or its negative economic impacts including assistance to households, small businesses, and non-profits or to assist impacted industries such as tourism, travel and hospitality; or
 - For Premium Pay to eligible essential workers.

Comptroller's Office

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- Project plan due to the Department of the Treasury by 10/31/21
- Plan for 2021 and 2022 attached

Financial Impact:

These are unbudgeted funds to be used only for specific purposes.

RESOLUTION # 69 - 2021

RESOLUTION APPROVING THE PROJECT PLAN FOR THE AMERICAN RESCUE PLAN ACT

WHEREAS, On March 11th, President Biden signed into law the American Rescue Plan Act of 2021 to help communities cope with the economic impacts of COVID-19; and

WHEREAS, the City of Geneva has been allocated a total of \$1,295,483.30 in ARPA funding, split evenly between 2021 and 2022; and

WHEREAS, the Treasury Department dictates how these funds may be spent; and

WHEREAS, the project plan must be submitted by October 31, 2021,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, approves the project plan for the American Rescue Plan Act funds for 2021 and 2022.

American Rescue Protection Act Funds

The City of Geneva has been allocated \$1,295,483.30 in Federal Funds under the American Rescue Protection Act Funds with funds being equally allocated in 2021 and 2022 (\$647,741.65 each year).

For 2021 expenditure allocations:

- \$325,000 Marsh Creek Pump Station upgrades (Approved 6/15/21)
- \$ 18,000 Audio and visual equipment for remote and in-person meetings.
- \$ 85,000 Water Plant Infrastructure projects
- \$ 50,000 Waste Water Treatment Plant Doran Ave. Bldg. roof
- \$169,741.65 General Fund revenue loss due to COVID-19 (Of the \$406,373 eligible)

For 2022 expenditure allocations:

- \$ 55,000 Water Plant Infrastructure projects
- \$236,631.35 General Fund revenue loss due to COVID-19
- \$356,110.30 City Council's decision on an eligible community benefit, such as broadband infrastructure.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller/Assistant City Manager

Meeting Date: October 6, 2021

Item Title: Resolution Authorizing the Issuance of Refunding Bonds

Action Required:

An affirmative vote by a majority of City Council is required to approve the issuance of bonds.

Background:

- City staff worked with Municipal Solutions to refund just over \$14,500,000 in outstanding debt.
- It resulted in receiving RFPs from six underwriting firms – Raymond James being determined the most advantageous proposal for the City.
- The savings will impact the general, water and sewer funds.
- Underwriter recommendation from Municipal Solutions attached.

Financial Impact:

It is estimated that the City will see a total savings of approximately \$1,400,000 over the course of 20 years.

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**Municipal
Solutions, Inc.**
Municipal Financial Advisors

August 30, 2021

Adam Blowers, City Comptroller
City of Geneva
47 Castle Street
Geneva, New York 14454

Re: City of Geneva, Ontario County, NY
Refunding Serial Bonds, 2021 – Underwriter Recommendation

Dear Mr. Blowers:

The following will summarize the results of our review and analysis of the proposals submitted by underwriters in response to the City's request for proposals for the refunding of the City's outstanding \$1,190,000 Public Improvement (Serial) Bonds, 2011 and the City's \$13,328,000 Public Improvement (Serial) Bonds, 2014.

Responses to the Request for Proposals were received from six underwriting firms – BNY Mellon, LLC ("BNY"), Janney Montgomery Scott LLC ("Janney"), Raymond James ("Raymond"), Roosevelt & Cross Inc. ("R&C"), RW Baird ("Baird") and UBS ("UBS"). We compared the proposals and based our recommendation on several criteria:

- The proposed structuring of the refunding
- The firm's knowledge of and compliance with New York State Local Finance Law
- The proposed spreads compared to the Municipal Market Data (MMD) scale
- The proposed fee structure
- The firm's bond marketing and distribution capabilities, and experience with successfully completing refunding transactions

We analyzed and ranked the firms' proposals utilizing the criteria outlined above and have made the following findings and determinations. One item of note that was relevant in our analysis and comparison of the proposals:

- Both BNY and R&C provided scenarios assuming an 8-year call and a 10-year call. For purposes of our evaluation and the discussion that follows we are focusing only on the 10-year call scenario since it aligns with the other responses and also resulted in greater savings.

In terms of structuring, all firms generally remained consistent with the terms of new refunding bonds, maintaining the same payment dates and repayment length as the existing bonds. All firms, with the exception of R&C assumed that there would not be any benefit to obtaining bond insurance on the new issue given the City's current favorable rating. R&C did feel there would be some benefit to partially insuring the bonds maturing in the years 2027 – 2042.

Municipal Solutions, Inc. is a Member of the National Association of Municipal Advisors

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We did find some potential flaws in the escrow structuring proposed by three of the firms – BNY, Janney, and UBS. In BNY’s response, they have proposed including the 2021 interest payment paid out of the escrow account. While this is not necessarily a problem, it does provide for an increase in the cost of the escrow, potentially negatively impacting the savings to the City. In Janney’s case, they have assumed the 2011 bonds would be called and paid off the day of closing, rather than waiting the 30-day required window between submitting the notice of redemption to investors and the pay-off date. Additionally, Janney proposed including the non-callable 2022 maturity on the 2014 bonds in the escrow rather than having the City make that payment directly. Again, while not necessarily an inherent problem in the structuring, it does increase the cost of the escrow and will likely result in lowered savings. UBS assumed the same, but also assumed the 2011 bonds would not be called until the February 1, 2022 call date, rather than paying those bonds off upon completion of the 30 day call notice window, resulting in further increased costs.

Each firm took a different approach to the premiums and coupons of the refunding bonds. Interest rates, while subject to change because of fluid market conditions, are a crucial part of the pricing of the refunding transaction. The net interest cost or “NIC” takes the net premium into consideration along with the proposed coupons. The true interest cost or “TIC” builds on the NIC, but also considers the cost of the underwriter’s discount, while accounting for the time value of money. The all-in TIC incorporates all costs of issuance that are required to be covered out of the refunding bond proceeds. Key rate statistics submitted by the firms are as follows:

	BNY	Janney	Raymond	R&C	Baird	UBS	Lowest Rate
True Interest Cost (TIC)	1.5824%	1.5495%	1.5398%	1.6699%	1.6195%	1.6598%	Janney
All-In TIC	1.7107%	1.6893%	1.6680%	1.7984%	1.7472%	1.7882%	Janney
Net Interest Cost (NIC)	1.7044%	1.6510%	1.6265%	1.7833%	1.7511%	1.8180%	Janney

Comparing the estimated debt service of the refunding with the original debt service on the 2011 and 2014 bonds results in the following calculated savings:

	BNY	Janney	Raymond	R&C	Baird	UBS	Highest Savings
Total Refunding + Unrefunded Debt Service	\$9,240,034	\$9,224,487	\$9,199,672	\$9,293,225	\$9,259,843	\$9,294,451	Janney
Total Budgetary Savings	\$1,626,519	\$1,642,066	\$1,659,921	\$1,566,369	\$1,599,751	\$1,572,103	Janney
Net Present Value Savings	\$1,375,495	\$1,419,342	\$1,439,051	\$1,227,513	\$1,371,105	\$1,397,812	Janney
Percentage of PV Savings	18.291%	17.943%	19.130%	17.764%	18.232%	17.671%	Janney

It is important to keep in mind that while evaluating the criteria above, the spreads to Municipal Market Data (MMD) Curve that each of the underwriters is proposing. The MMD scale is published every day and it represents the MMD analyst team’s opinion of AAA rated municipal bonds based on that day’s institutional market activity. The municipal bond industry uses the MMD yield curve as a base interest rate scale and all bond sales can be quantified as a percentage of interest rate spread to the scale to determine how well priced an issue was (the closer the spread to MMD, the lower interest rates the issuer realizes).

The proposed average spreads submitted by each firm are as follows:

	BNY	Janney	Raymond	R&C	Baird	UBS	Lowest Avg. Spread
Average Spread to MMD	33.62	39.86	37.43	33.95	35.95	22.52	UBS *
* Note: While UBS has proposed the lowest spread of the group, it does appear to be substantially lower than the others. We question whether these results would actually be achievable on the day of pricing.							

With respect to fees, one of the most relevant factors used to analyze the cost of marketing an issue is the underwriter's discount, the cost the underwriter proposes to charge to market the bonds plus relevant expenses. The average takedown / \$1,000 is the cost the underwriter charges for each \$1,000 of bonds they underwrite. The total takedown / \$1,000 factors in the cost of their expenses as well. The firms quoted the following fees:

	BNY	Janney	Raymond	R&C	Baird	UBS	Lowest Fee
Avg. Takedown / \$1,000	\$3.47	\$3.50	\$3.00	\$3.23	\$4.46	\$5.70	Raymond
Total Takedown / \$1,000	\$4.96	\$4.53	\$3.45	\$4.35	\$4.46	\$7.40	Raymond *
Estimated Fees (including expenses)	\$33,631.60	\$32,910.00	\$24,167.99	\$29,645.25	\$30,000.00 (all-in flat fee)	\$52,523.60	Raymond *
* Note: Raymond indicated in their proposal that they would be willing to forgo the use of underwriter's counsel for this transaction, which has reduced the cost of their expenses. This is atypical for most of the refunding transactions we are involved in and is something we recommend further discussing with the City and Bond Counsel. If it is determined that underwriter's counsel should be involved, we would expect that to increase Raymond's fees somewhere in the range of approximately \$4,000 - \$7,000.							

Finally, we've looked at the firms' participation in the New York State municipal market, both in the number of issues they have underwritten (competitive and negotiated) since January 1, 2021 and the number of refunding issues on which they have served.

	BNY	Janney	Raymond	R&C	Baird	UBS	Most Issues
Total NYS Issues	20 (1 Negotiated)	11 (8 Negotiated)	47 (23 Negotiated)	214 (90 Negotiated)	23 (8 Negotiated)	27 (20 Negotiated)	R&C
NYS Refunding Issues	9 (1 Negotiated)	4 (4 Negotiated)	9 (2 Negotiated)	76 (71 Negotiated)	9 (8 Negotiated)	3 (1 Negotiated)	R&C

As we have monitored the New York State bond market for the past several years, it has been shown that the underwriters have been active participants in the New York State local government tax-exempt general obligation bond market and have the experience and capability to serve well on the transaction.

Page 4
Adam Blowers
August 26, 2021

In summary, while the firms all submitted high caliber proposals, Raymond James submitted the proposal with the lowest proposed total overall debt service, highest proposed savings to the City, the lowest cost to underwrite the bonds, and with the demonstration of their knowledge of proper structuring of the refunding bonds. While they haven't had as much participation in the negotiated refunding space in recent years as some of the other firms, we have successfully worked with them in the past and we do feel they will serve the City well.

For these reasons, we recommend the City selects Raymond James as the underwriter for this transaction.

Sincerely,

Maggie Augugliaro

Maggie Augugliaro
Senior Advisor

cc: Robert Poyer, Esq., Bond Counsel – Hancock Estabrook, LLP
Jeffrey Smith, President – Municipal Solutions, Inc.

RESOLUTION # 70 - 2021

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK, IN ONE OR MORE SERIES TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS" AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Geneva, Ontario County, New York (hereinafter, the "City") has outstanding (A) \$340,000 of Public Improvement (Serial) Bonds, 2011 dated May 15, 2011 originally issued in aggregate principal amount of \$1,190,000 and maturing or matured on May 15th annually through 2025 pursuant to various bond resolutions (the "Series 2011 Bonds"); (B) \$7,180,000 of Public Improvement (Serial) Bonds, 2014 dated February 6, 2014 originally issued in aggregate principal amount of \$13,328,000 and maturing or matured on February 1 annually through 2042 pursuant to various bond resolutions (the "Series 2014 Bonds" and, together with the Series 2011 Bonds, the "Refunded Bonds");

WHEREAS, the Refunded Bonds carry interest rates that are higher than interest rates available in the current capital markets; and

WHEREAS, it is now desired to authorize the City Comptroller, as chief fiscal officer of the City (the "City Comptroller"), to refund and refinance the Refunded Bonds in order to achieve lower interest rates and present value debt service savings.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. As a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA") (New York Environmental Conservation Law Section 8-0101, *et seq.*), and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), the City Council, having reviewed the classifications of actions contained in the Regulations, hereby determines that issuance of refunding bonds to refund the Refunded Bonds constitutes a "Type II Action" under the Regulations and is not subject to review under SEQRA.

SECTION 2. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds (or such portion thereof as the Chief Fiscal Officer shall determine to be in the best interests of the City), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation, the development of the Refunding Financial Plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded

Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$7,900,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 or 90.10 of the Local Finance Law, it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$7,015,000, as provided in Section 7 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Comptroller pursuant to Section 3 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at private sale at a discount in the manner authorized by Section 90.00 or 90.10, as appropriate, of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 13 hereof relating to approval by the State Comptroller, if required.

SECTION 3. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Comptroller as Fiscal Agent as hereinafter provided). In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Comptroller providing for the details of the Refunding

Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Comptroller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The City Comptroller, as chief fiscal officer of the City, is hereby authorized and directed to seek a qualified underwriter through competitive or negotiated procurement in accordance with the General Municipal Law to purchase the Refunding Bonds, and to enter into an agreement or agreements containing such terms and conditions as he shall deem proper, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Comptroller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

SECTION 4. The City Comptroller is hereby further delegated all powers of this City Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 5. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, if applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

SECTION 6. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law, if applicable;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in the bond determinations certificates relating thereto which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said/respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Respective Series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 7 hereof.

SECTION 7. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$7,520,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This City Council recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Comptroller is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, if applicable. The City Comptroller shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 8. The City Comptroller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Comptroller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law, if applicable.

SECTION 9. The faith and credit of said City of Geneva, Ontario County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same

respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

SECTION 10. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the first interest payment date thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, if applicable, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

SECTION 11. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, if applicable, the City hereby elects to call in and redeem each Respective Series of Refunded Bonds which the City Comptroller shall determine to be refunded in accordance with the provisions of Section 3 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

SECTION 13. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the City Comptroller (the "Underwriter") for such purchase price as shall be determined by the City Comptroller, plus accrued interest, if any, from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law (if applicable), the City Comptroller, is hereby authorized to execute

and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

SECTION 14. The City Comptroller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Comptroller and all powers in connection thereof are hereby delegated to the City Comptroller.

SECTION 16. The validity of the Refunding Bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) 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 days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 17. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECTION 18. The law firm of Hancock Estabrook, LLP is appointed bond counsel for the Refunding Bonds, Municipal Solutions, Inc. is appointed Financial Advisor for the refunding.

Geneva, C. - 2021 Refunding RPT Analysis											
Total Amount Refunding Bonds	BNY Mellon		Janner Montaguery Scott LLC		Raymond James		Rosenfeld & Coeur		RW Baird		UBS
	Net Premium	\$6,785,000.00	\$994,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55	\$7,779,092.55
SLGS Purchase / Cash Deposit		\$33,632		\$32,910		\$32,910		\$32,910		\$32,910	\$32,910
		\$1,582,999		\$1,582,999		\$1,582,999		\$1,582,999		\$1,582,999	\$1,582,999
		\$1,704,999		\$1,704,999		\$1,704,999		\$1,704,999		\$1,704,999	\$1,704,999
		\$1,710,701		\$1,710,701		\$1,710,701		\$1,710,701		\$1,710,701	\$1,710,701
Avg. Coupon		3.193185%		3.193185%		3.193185%		3.193185%		3.193185%	3.193185%
		9.509		9.509		9.509		9.509		9.509	9.509
Net PV Savings		\$1,375,495		\$1,375,495		\$1,375,495		\$1,375,495		\$1,375,495	\$1,375,495
% Savings of Refunded Bonds		18.2910%		18.2910%		18.2910%		18.2910%		18.2910%	18.2910%
Budgetary Savings		\$1,626,519		\$1,626,519		\$1,626,519		\$1,626,519		\$1,626,519	\$1,626,519
Underwriter Discount											
Average Takedown / 1000		\$3.47		\$3.47		\$3.47		\$3.47		\$3.47	\$3.47
Average Takedown Amount		\$23,566.60		\$23,566.60		\$23,566.60		\$23,566.60		\$23,566.60	\$23,566.60
Expenses		\$1,005.00		\$1,005.00		\$1,005.00		\$1,005.00		\$1,005.00	\$1,005.00
Total		\$3,671.60		\$3,671.60		\$3,671.60		\$3,671.60		\$3,671.60	\$3,671.60
Total Takedown / 1000		\$4.96		\$4.96		\$4.96		\$4.96		\$4.96	\$4.96
Bond Insurance		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
Call Provision		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
Dated Date of Refunding Bonds:		11/15/2021		11/15/2021		11/15/2021		11/15/2021		11/15/2021	11/15/2021
Average Spread:											
Total Interest		\$2,060,159		\$2,060,159		\$2,060,159		\$2,060,159		\$2,060,159	\$2,060,159
Total Debt Service		\$8,841,139		\$8,841,139		\$8,841,139		\$8,841,139		\$8,841,139	\$8,841,139
Unrefunded Debt Service		\$0		\$0		\$0		\$0		\$0	\$0
Refunded & Refunding Total:		\$9,901,298		\$9,901,298		\$9,901,298		\$9,901,298		\$9,901,298	\$9,901,298
Notes: Assumes 11/15/21 interest paid in escrow											
Assumes 2022 principal payment being paid out of escrow											
Assumes 2022 principal payment being paid out of escrow											



**Geneva City Council
Agenda Item Briefing**

To: Geneva City Council

From: Clr. Camera

Meeting Date: October 6, 2021

Item Title: Resolution Establishing a Lakefront Railway Integration Committee

Action Required: This resolution is to formalize for a period of time a standing committee to research the status and impacts of the City's railroad operations on City residents and ultimately make recommendations to council for action.

Background: The Finger Lakes Railroad (FLRR) has been a significant and growing presence in the city's sixth ward for approximately 30 years and has an agreement for operation with the County IDA that ends in 2025. The annual payment of less than \$4k/year to the city is inadequate to compensate for the level of FLRR activity

Alternative: To not approve this resolution

Financial Impact: none

Attachments: Resolution

4th Ward City Councilor Robert "Ken" Camera

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RESOLUTION # 71 - 2021

Resolution Establishing a Lakefront Railway Integration Committee

The City Council of Geneva under its powers of home rule and the Geneva City Charter has the right to constitute standing committees to provide research, input and guidance to the City Council on matters of significant public interest.

Given the increasing impact of Geneva's railroads – Finger Lakes Railroad (FLRR) and Norfolk and Southern (N&S) operations – on the City in general and more specifically on the City's main gateway, the lakefront, it makes sense to examine the costs and benefits of this activity on the long-term future of the City.

The current list of volunteers to the Committee include: Greg Bendzlowicz, Gary Baxter, John Pruett, Dan Belliveau, Laura Salamendra, Robert Camera, and Hanna Dickinson and may be expanded or diminished based on need and personal schedules.

Whereas the FLRR has been a significant and growing presence in the City's 6th Ward for approximately 30 years and has an agreement for operation with the County IDA that ends in 2025.

Whereas the FLRR PILOT agreement through the Ontario County IDA provides an annual payment of less than \$4K/year to the City which is inadequate to compensate for the level of FLRR activity.

Whereas there are numerous impacts on the City that need to be assessed and reconsidered by CC including:

- 6th Ward access to the Seneca Lake waterfront park via City's legal rights-of-way at Evans St. and East Pre-emption St. Ext. – FLRR
- Railroad and maintenance operations and storage via Railroad Place and track siding along the lakefront – FLRR
- Herbicide spraying along rights of way and within proximity of Seneca Lake – FLRR and N&S
- Impacts on Middle St's. future development prospects – FLRR
- Inconsistent and low assessment valuations of land used for railroad rights of way – N&S and FLRR – with accompanying low tax payments.

Whereas, being composed of City resident volunteers, this committee will periodically need some modest Staff assistance to compile information for its analysis.

Therefore be it resolved, the City of Geneva and its residents deserve an accounting of the impacts of the FLRR and N&S RR on the quality of life in Geneva from multiple perspectives – 6th Ward-wide, City-wide, and County-wide.

Be it also resolved that tax-paying residents of the City of Geneva, have a right to know the history and legal basis for RR tax payments to the City and the Geneva Central School District.

And finally, be it resolved, that the City Council of the City of Geneva shall constitute the standing committee known as **The Lakefront Railway Integration Committee** whose purpose shall be to do research and compile the above discussed information and periodically report said information to City Council.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Adam Blowers, City Comptroller/Assistant City Manager

Meeting Date: October 6, 2021

Item Title: Resolution Approving the Sale of Easement on Industrial Park Property

Action Required: An affirmative vote by a majority of City Council is required to affect any property sale or lease.

Background: American Tower is a company that leases space on a cell tower in the industrial park which is owned by a joint partnership between the City of Geneva, City of Geneva Industrial Development Agency and the Ontario County Industrial Development Agency. American Tower has submitted an offer to purchase an easement on the industrial park property (90.12-3-1.113 & 90.12-3-3).

- Current lease expires in 2028
- Sale price is \$620,000
- \$93,000 to remain in the Industrial Park bank account
- Approximately \$330,000 in revenue to the City of Geneva
- Resolution approved by the City of Geneva Industrial Development Agency is attached.

Financial Impact:

Proceeds from the sale of this property will be appropriated to the undesignated General Fund balance.

Comptroller's Office

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RESOLUTION # 72 - 2021

RESOLUTION APPROVING SALE OF EASEMENT ON INDUSTRIAL PARK PROPERTY

WHEREAS, the City of Geneva is a member of a joint partnership with Ontario County Industrial Development Agency and the City of Geneva Industrial Development Agency; and

WHEREAS, the joint partnership owns two properties located in the industrial park, tax maps # 90.12-3-1.113 and 90.12-3-3; and

WHEREAS, there is a lease for a cellular tower on these properties with the company, American Tower; and

WHEREAS, American Tower has submitted an offer to purchase an easement on these properties to continue use of the cellular tower,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of the easement in the industrial park, tax maps # 90.12-3-1.113 and 90.12-3-3.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Clr. Burrall

Meeting Date: October 6, 2021

Item Title: First Reading of an Ordinance Amending Chapter 335 Entitled "Vehicles and Traffic"

Action Required: To amend the city code to allow parking on the west side of S. Main Street and allow 9 more parking spaces for residents in the area.

Background: Several residents in the area requested that parking spaces be freed up for residential parking since there are far fewer businesses in that block than have been in prior years. I approached the four businesses there, and was told by three that the change would not impact their business, and the fourth business asked that the two-hour parking remain on the east side of the street.

Alternative: Council can choose not to approve this change

Financial Impact: Cost of new signs. Less than \$200.

Attachments: Photos of area where change is requested

1st Ward City Councilor Tom Burrall

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ORDINANCE # 5 - 2021

**AN ORDINANCE AMENDING CHAPTER 335 ENTITLED
"VEHICLES & TRAFFIC" OF THE CITY OF GENEVA MUNICIPAL CODE**

BE IT ORDAINED by the City Council of the City of Geneva, New York that Chapter 335, entitled "Vehicles & Traffic" of the City of Geneva Municipal Code be amended as follows:

WHEREAS, the Director of Public Works recommends eliminating the current prohibited parking of vehicles for a period of longer than two hours, from 8:00 a.m. to 6:00 p.m. except Sundays and holidays on the west side of South Main Street between William Street and Park Place, and

That Section 335-23. entitled "Parking Time Limits on Highways", Amended 3-1-2006 by Ord. No. 2-2006, Paragraph B. (12), is hereby amended to read as follows:

(12) Main Street, South: On the east side from the north curb line of Seymour Alley to a point 180 feet north.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Katie Labbe, Director of the Office of Neighborhood Initiatives

Meeting Date: 10/06/21

Item Title: Discussion Regarding Establishing a Train Quiet Zone in the City of Geneva

Action Required:

Provide staff direction with whether or not council wants to move forward with establishing a train quiet zone in the city with the understanding of future costs associated with the project and timeline.

Background:

Due to resident quality of life complaints regarding the increase in train horns, City Manager Gerling directed city staff to investigate the steps needed to establish a train quiet zone on a stretch of railroad that includes the E. Castle St. train crossing, the State St. train crossing, and the North St. train crossing. Under the Federal Train Horn Rule, train engineers must begin to sound train horns at least 15 seconds, and no more than 20 seconds, in advance of all public grades with a standardized pattern of 2 long, 1 short and 1 long blasts. The pattern must be repeated or prolonged until the lead locomotive or lead cab car occupies the grade crossing. This rule also provides the opportunity for municipalities to mitigate the effects of train horn noise by establishing "new quiet zones."

In order to establish a train quiet zone, city staff will have to calculate the Quiet Zone Risk Index (QZRI) for each crossing and determine it is less than or equal to the Nationwide Significant Risk Threshold (NSRT), and the Risk Index with Horns (RIH).

Cost Considerations: To ensure the QZRI is less than or equal, supplementary safety measures (SSMs) or alternative safety measures (ASMs) must be installed at each crossing. The Federal Railroad Administration (FRA) does not provide funds or grants for the costs associated with SSMs or ASMs, and the city will be responsible for all associated costs. Costs associated with SSMs or ASMs are crossing dependent and vary from \$30,000 per crossing to possibly \$1 million per crossing. The following are cost estimates of some SSMs

Planning Office

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and ASMs: Constant Warning Time Two-Quadrant Gate System - \$300,000 to \$400,000, Four-Quadrant Gate Systems - \$300,000 to \$500,000+, Basic Active Warning System including flashing lights and gates, constant warning time, power out indicator, and cabin - \$185,000 to \$400,000, Basic Interconnect - \$5,000 to \$15,000+, Annual Maintenance - \$4,000 to \$10,000. Norfolk Southern requires a \$5,400 handling fee for any proposed quiet zone implementation – this money is nonrefundable, even if Norfolk Southern does not approve the quiet zone request.

In speaking with Dirk Oudemool, the town attorney for Camillus who established a quiet zone, he said a major cost is if the rail crossing is not already equipped with a digital notification system (constant warning time) that alerts the conductor of the upcoming quiet zone, around \$200,000 per crossing. In checking with Finger Lakes Railway, the State and North St. crossings are not currently equipped with that notification system.

If no additional equipment is needed to establish a quiet zone, the minimum length for approval once submitting paperwork is around six months. Once the city submits paperwork, both Norfolk Southern and Finger Lakes Railway will have the ability to object to the proposed quiet zones.

Financial Impact:

There is no financial impact associated with the discussion, however a minimum \$5,400 - \$11,500 deposit is required to begin the FDA approval process with an unknown amount of money that may be required to add or improve rail emergency signals to meet guidelines if decision is made to move forward with the item.

Attachments:

Guidance on the Quiet Zone Creation Process (FRA)
Castle St. US DOT Crossing Inventory Form
State St. US DOT Crossing Inventory Form
North St. US DOT Crossing Inventory Form

Section I. Pre-Rule Quiet Zones: Qualifying for Automatic Approval (Chart 1A)

1. Identify all the crossings you wish to include as part of the proposed Quiet Zone (QZ).
2. Check whether each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads). If all crossings do not qualify as pre-rule crossings, then the proposed quiet zone does not qualify as a Pre-Rule QZ, and you should refer to *Section III, New Quiet Zones*.
3. Determine whether you wish to eliminate any crossings from the proposed QZ. The length of a Pre-Rule QZ may continue unchanged from that which existed on October 9, 1996. If, however, you choose to eliminate a crossing, the QZ must be at least ½ mile in length along the railroad tracks.
4. A QZ may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (State or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
5. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and be dated within 6 months prior to the QZ implementation. For instructions on how to complete the update, see the FRA website at <http://www.fra.dot.gov/eLib/details/L02730>.
6. If each public crossing in the proposed QZ is equipped with one or more Supplementary Safety Measures (SSMs) as defined in Appendix A of the Rule, the QZ qualifies for Automatic Approval. To complete the process of creating the QZ, notify the parties listed in rule section 222.43 by December 18, 2004.

Note: Once the QZ has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

7. If every public crossing is not equipped with at least one SSM, then the QZ can automatically qualify by comparing its Quiet Zone Risk Index (QZRI) with the Nationwide Significant Risk Threshold (NSRT). However, these QZs are subject to annual review by the FRA.

Disclaimer: This summary of the interim final rule is for informational purposes only. Entities subject to the interim final rule should refer to the rule text as published in the Federal Register on December 18, 2003. Should any portion of this summary conflict with the interim final rule, the language of the interim final rule shall govern.

8. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the QZRI of the proposed QZ is less than or equal to the NSRT. If the QZRI is less than or equal to the NSRT, the QZ qualifies for Automatic Approval. Notify the parties listed in rule section 222.43 by December 18, 2004.

Note: Once the quiet zone has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

9. If the QZRI is greater than the NSRT, use the FRA's Quiet Zone Calculator to check whether it is less than twice the NSRT. If the QZRI is more than twice the NSRT, the QZ cannot qualify for Automatic Approval. For information on how to proceed, see *Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval*.
10. If the QZRI is greater than the NSRT, but less than twice the NSRT, determine whether any of the public crossings have experienced a "relevant collision" on or after December 18, 1998. (See rule section 222.9 for the definition of a "relevant collision.") If there have not been any "relevant collisions" at any public crossing since December 18, 1998, the QZ qualifies for Automatic Approval. Notify the parties listed in rule section 222.43.

Note: Once the quiet zone has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

11. If the QZRI is greater than the NSRT, but less than twice the NSRT, and there has been a "relevant collision" at a public crossing within the proposed QZ, the QZ cannot qualify for Automatic Approval. For information on how to proceed, see *Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval*.

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Section II. Pre-Rule Quiet Zones Not Qualified for Automatic Approval (Chart 1B)

1. Review *Section I, Pre-Rule Quiet Zones: Qualifying for Automatic Approval*, to confirm that the proposed Pre-Rule Quiet Zone does not qualify for Automatic Approval.
2. If each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads), send notice of continuation of the quiet zone to all parties by December 18, 2004. (Refer to rule section 222.43 for details.)

Note: If you eliminated any pre-rule crossings to create the proposed Quiet Zone, the Quiet Zone must be at least ½ mile in length along the railroad tracks.

3. Submit to FRA a detailed plan for establishing a quiet zone before December 18, 2006. This plan should include a timetable for the implementation of safety improvements. If you intend to implement ASMs, the plan should include a completed application for FRA approval of their use. If a detailed plan is not been submitted by December 18, 2006, the quiet zone will terminate. (Refer to rule section 222.41 for details.)

Note: Since the proposed quiet zone does not qualify for Automatic Approval, any SSMs and ASMs used must be implemented in accordance with rule section 222.39.¹

Note: For guidance on ASM use, see *Section IV, Creating Quiet Zones using Engineering Alternative Safety Measures (modified SSMs)* and *Section V, Creating Quiet Zones using Non-engineering Alternative Safety Measures*.

Note: Required signage must also be installed by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

4. Install SSMs and/or traffic control device upgrades as necessary to reduce risk within the proposed quiet zone.
5. If every public crossing in the proposed Quiet Zone is equipped with one or more SSMs as defined in Appendix A of the Rule, you can establish the proposed Quiet Zone through public authority designation by completing the following steps:

¹ Although the requirements for implementation of SSMs and ASMs must be in accord with rule section 222.39, the Pre-Rule Quiet Zone requirements covering minimum length and traffic control devices remain in effect for these crossings.

Disclaimer: This summary of the interim final rule is for informational purposes only. Entities subject to the interim final rule should refer to the rule text as published in the Federal Register on December 18, 2003. Should any portion of this summary conflict with the interim final rule, the language of the interim final rule shall govern.

- a. Complete the planned improvements by December 18, 2008,²
- b. Update the USDOT Grade Crossing Inventory Form.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

6. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the implementation of SSMs, ASMs, and/or traffic control devices will reduce the QZRI of the proposed Pre-Rule Quiet Zone to the level of risk that would exist if the train horns were still sounded (RIWH). If the QZRI will be less than or equal to the RIWH, you can establish the Quiet Zone through public authority designation by completing the following steps:

- a. Complete the planned improvements by December 18, 2008,²
- b. Update the USDOT Grade Crossing Inventory Form.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

7. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the implementation of SSMs, ASMs, and/or traffic control devices will reduce the QZRI of the proposed Pre-Rule Quiet Zone to the Nationwide Significant Risk Threshold (NSRT). If the QZRI will be less than or equal to the current NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:

- a. Complete the planned improvements by December 18, 2008.²
- b. Update the USDOT Grade Crossing Inventory Form.

² If the State is involved in the development of Quiet Zones, then the date for completion is extended an additional 3 years.

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- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

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Section III. Creating a New Quiet Zone Using SSMs (Chart 2)

1. Select the crossings to be included in the New Quiet Zone.
2. A Quiet Zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (State or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
3. A New Quiet Zone must be at least ½ mile in length along the railroad tracks.
4. A New Quiet Zone must have, at a minimum, flashing lights and gates in place at each public crossing. These must be equipped with constant warning time devices where reasonably practical, and power out indicators. Any necessary upgrades must be completed before calculating risk for the quiet zone.
5. Are there any private crossings within the proposed Quiet Zone? If any private crossings allow access to the public or provide access to active industrial or commercial sites, you must conduct a diagnostic team review of those crossings. Following the diagnostic review, you must comply with the diagnostic team's recommendations concerning those crossings.
6. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and dated within 6 months prior to the Quiet Zone implementation³. For instructions on how to complete the update, see the FRA website at <http://www.fra.dot.gov/Content3.asp?P=801>.
7. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the Quiet Zone Risk Index (QZRI) of the proposed Quiet Zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT). If the QZRI is less than or equal to the NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:
 - a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
 - b. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

³ For New Quiet Zones, the baseline conditions for calculating risk require that the minimum required traffic control devices are in place. This first Inventory update, therefore, must be completed after the gates, lights, and signs are in place, but before the SSMs and other measures are implemented. Disclaimer: This summary of the interim final rule is for informational purposes only. Entities subject to the interim final rule should refer to the rule text as published in the Federal Register on December 18, 2003. Should any portion of this summary conflict with the interim final rule, the language of the interim final rule shall govern.

Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

8. The step described above involves qualifying a quiet zone without implementing any Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs). If FRA's Quiet Zone Calculator indicates that the proposed quiet zone will not qualify on that basis, install any measures that are needed. To qualify for Public Authority Designation, you must implement SSMs, build grade separations, close crossings, or install wayside horns.

Note: If you would like to implement any ASMs, their use must be approved in advance by FRA, in accordance with Appendix B of the rule. For guidance on ASM use, see *Section IV, Creating Quiet Zones using Engineering Alternative Safety Measures (modified SSMs)* or *Section V, Creating Quiet Zones using Non-engineering Alternative Safety Measures*.

9. If every public crossing in the proposed Quiet Zone is equipped with one or more SSMs, you can establish the Quiet Zone through public authority designation by completing the following steps:
 - a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
 - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
 - c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

10. If every public crossing is not equipped with an SSM, use FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the level of risk that would exist if the train horns were still sounded (RIWH). The Quiet Zone Calculator can be found at <http://safetydata.fra.dot.gov/quiet/>. If the QZRI is less than or equal to the RIWH, you can establish the Quiet Zone through public authority designation by completing the following steps:

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- a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

11. Use FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the Nationwide Significant Risk Threshold (NSRT). The Quiet Zone Calculator can be found at <http://safetydata.fra.dot.gov/quiet/>. If the QZRI is less than or equal to the current NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:

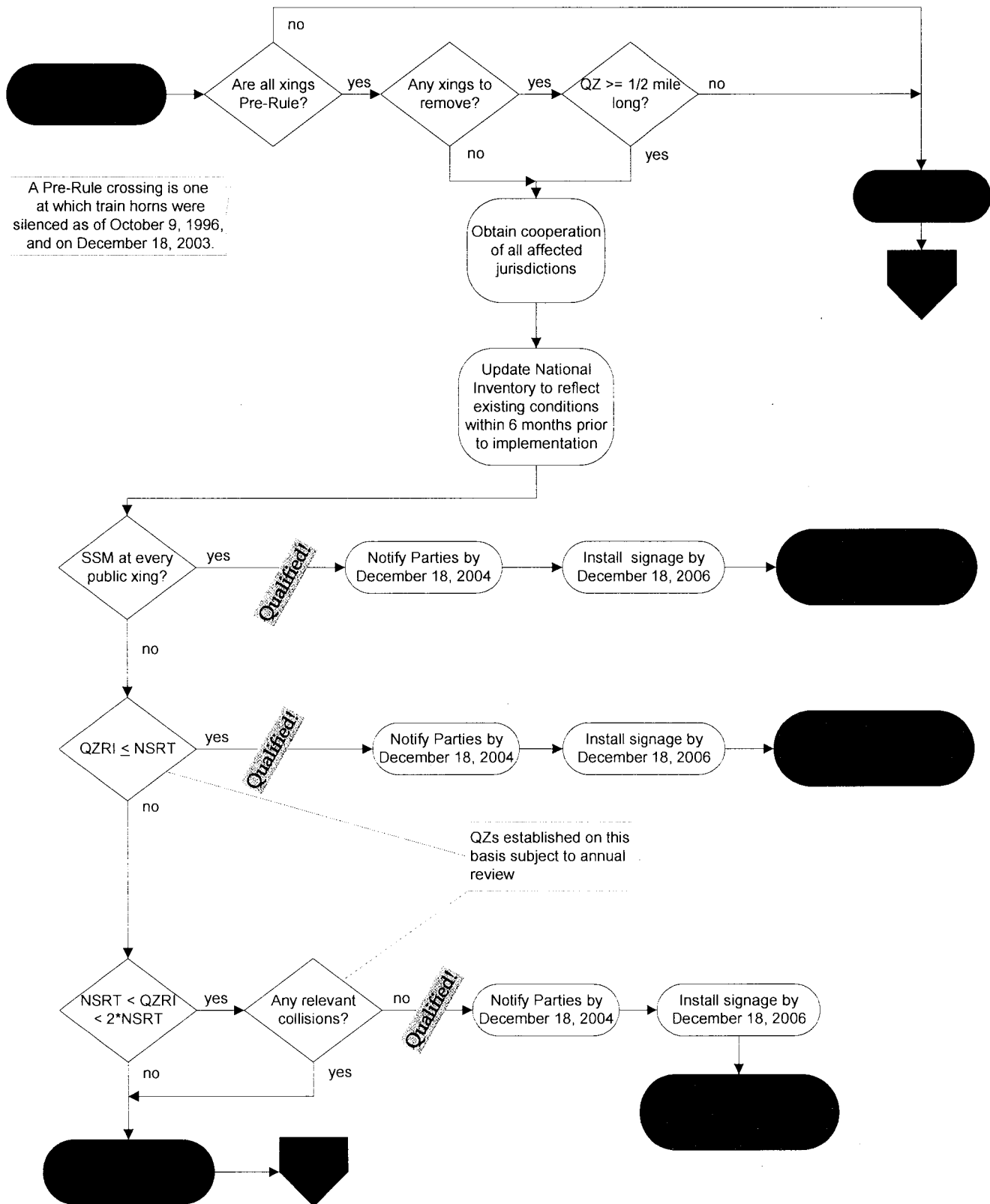
- a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

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Chart 1A - Pre-Rule Quiet Zones: Qualifying for Automatic Approval



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Chart 1B - Pre-Rule Quiet Zones: Not Qualified for Automatic Approval

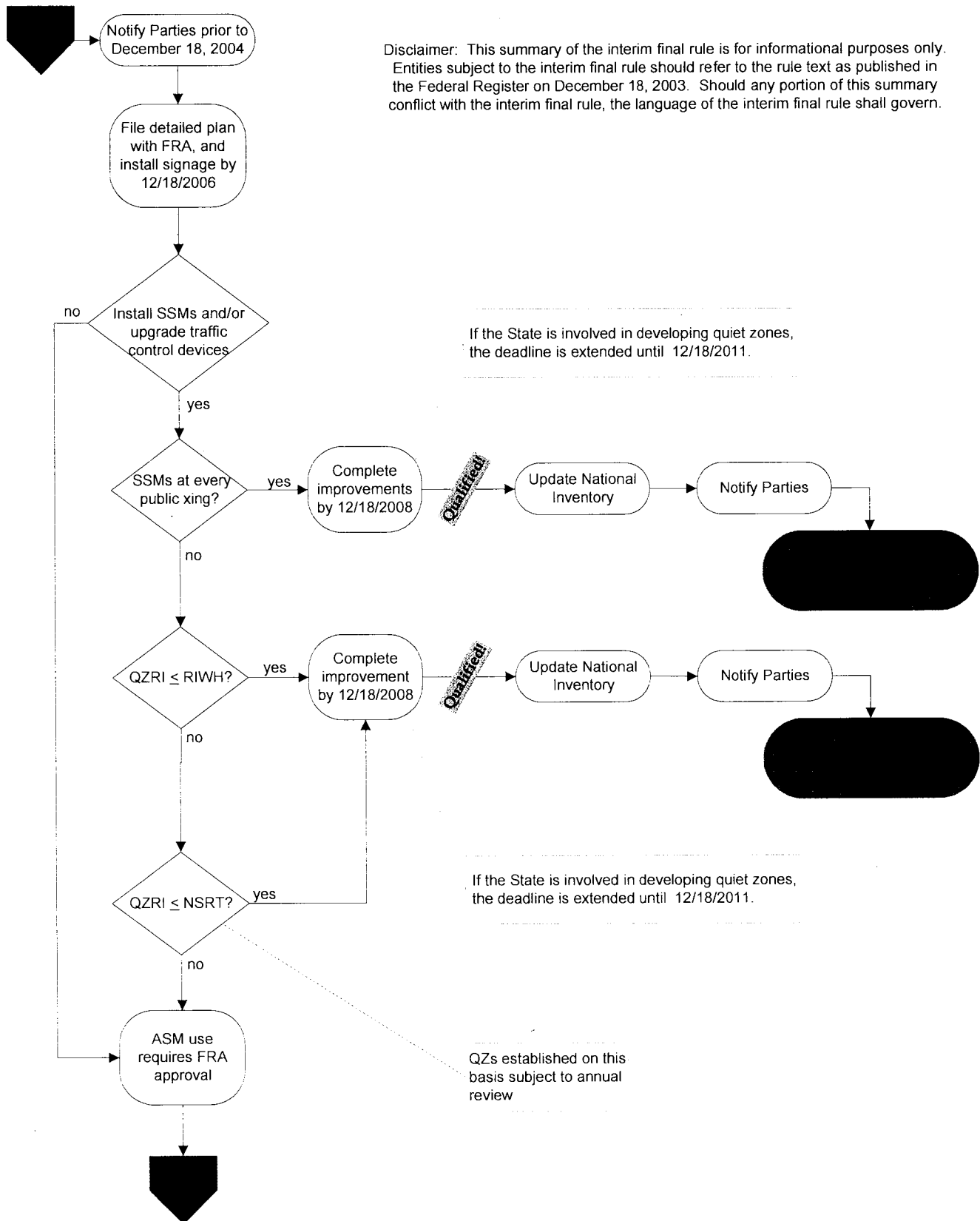


Chart 2 - Creating a New Quiet Zone using SSMs

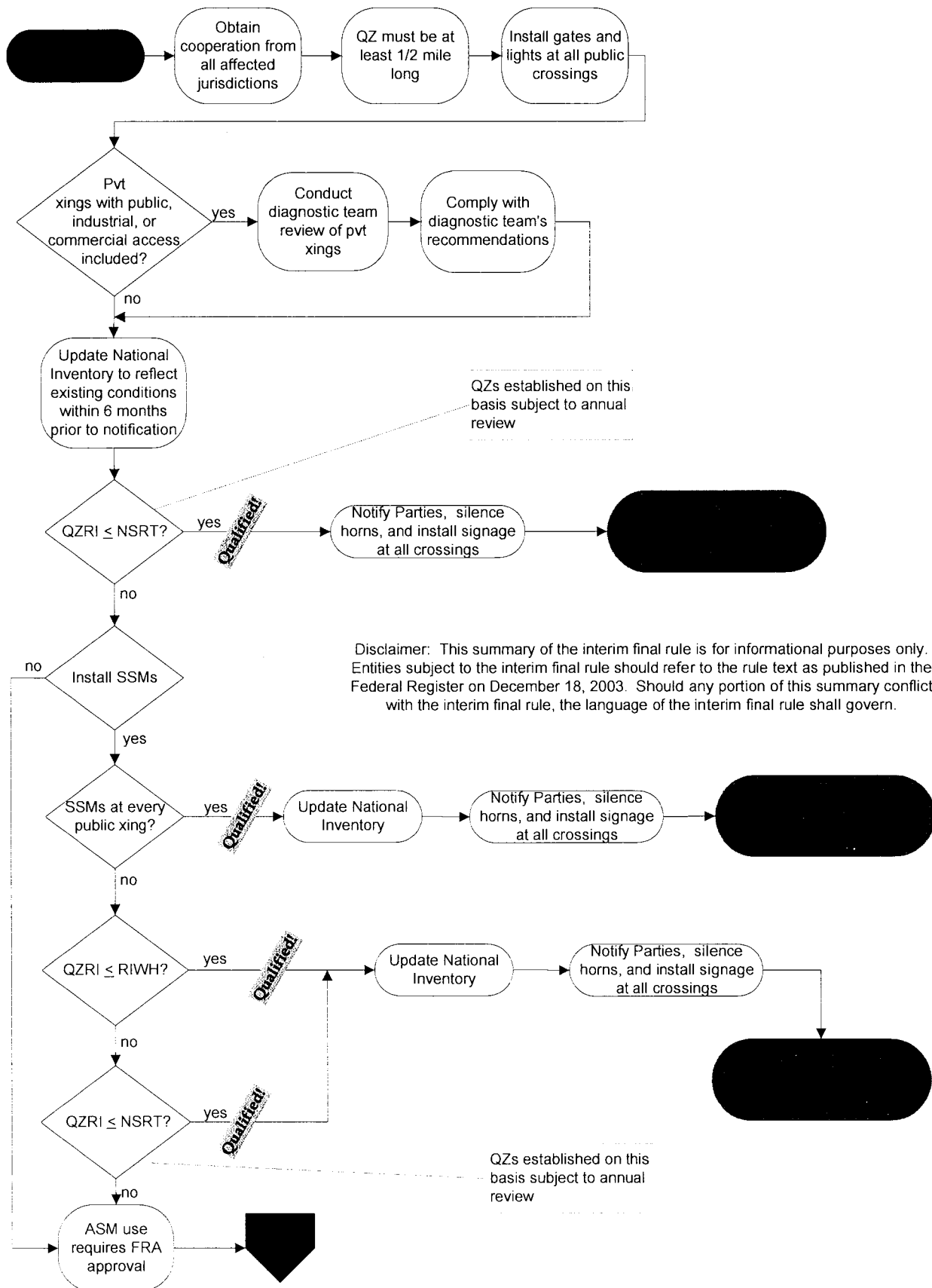


Chart 3A - Creating a Quiet Zone using Engineering ASMs (Modified SSMs)

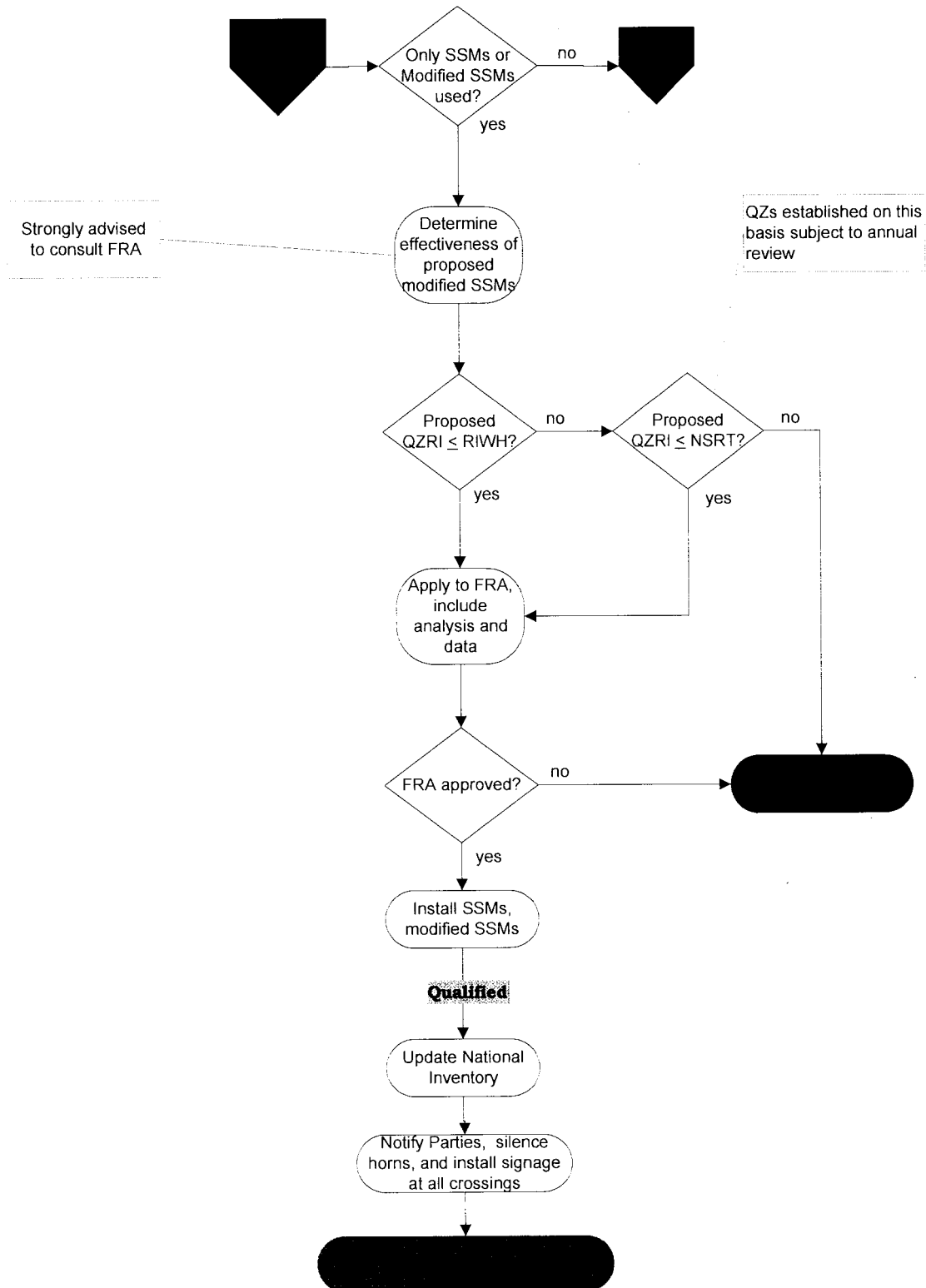
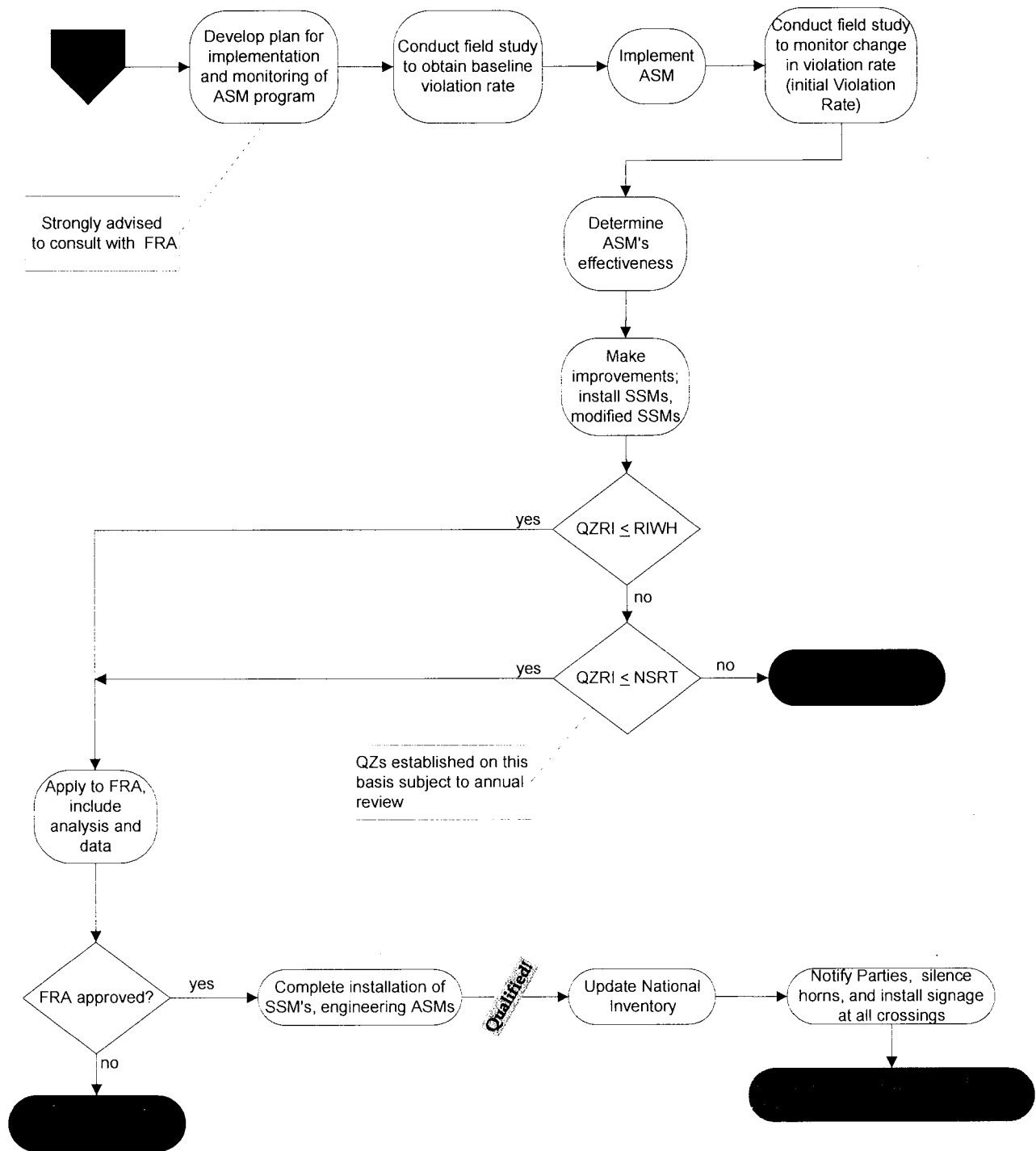


Chart 3B: Creating a Quiet Zone using Non-engineering ASMs



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List of Crossings within Quiet Zone

Submit to all Parties

Quiet Zone Name: _____

The following crossings are included in the above named Quiet Zone:

USDOT Crossing ID Number	Street or Highway Name
Sample	

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Basis for Continuation of a Pre-Rule Quiet Zone:

Submit to all Parties

Quiet Zone Name: _____

This quiet zone is being continued in compliance with the following (check all that apply):

☐ §222.41(a) Pre-Rule Quiet Zones that qualify for automatic approval because

- ☐ every call is equipped with an SS
- ☐ PRI s
- ☐ RT Zone < NSR and therefore remain relevant provisions within the 5 years preceding December 18, 2003

☐ §222.41(b) Pre-Rule Quiet Zones that do not qualify for automatic approval

Note: Quiet Zones established in accordance with §222.41(b) can be maintained under that provision for an interim period only. Continuation of the quiet zone beyond the interim period will require implementation of SSMs or ASMs in accordance with the section of the rule governing establishment of a New Quiet Zone (§222.49).

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Submit to all Parties

If the Quiet Zone is being continued under §222.41(a), Pre-Rule Quiet Zones which qualify for automatic approval, the notification to the parties must also include a copy of the FRA web page containing the quiet zone data upon which the public authority relies.

The Quiet Zone Calculator can be found at: <http://safetydata.fra.dot.gov/quiet/>

Sample

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Certificate of Service (submit one for each party notified)

Submit to all Parties including FRA

Quiet Zone Name: _____

Notice of the establishment or continuation of this Quiet Zone was provided to the following:

Name	
Title	
Organization:	
Address	
Notification Method:	
Notification Date:	

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Grade Crossing Inventory Form (Initial)

Submit to FRA Associate Administrator, Office of Safety

Submit an accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to notification of the quiet zone. This form should reflect conditions prior to implementation of SSMs and ASMs.

Copies of the Grade Crossing Inventory Form FRA 6180.71 may be downloaded from the FRA web site at <http://data.fra.dot.gov/officeofsafety/Forms/Default.aspx>

Sample

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Grade Crossing Inventory Form Reflecting Improvements

Submit to FRA Associate Administrator, Office of Safety

Submit an additional accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, reflecting the improvements implemented within the Quiet Zone.

Copies of the Grade Crossing Inventory Form FRA 6180.71 can be downloaded from the FRA web site at <http://data.fra.dot.gov/officeofsafety/Forms/Default.aspx>

Sample

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Point of Contact Information

Submit to FRA Associate Administrator, Office of Safety

Quiet Zone Name: _____

Date: _____

The following individual is responsible for monitoring compliance with §222:

Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

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Chief Executive Officer Statement

Submit to FRA Associate Administrator, Office of Safety

Quiet Zone

Designation: _____

I hereby certify that responsible officers of the public authority of which I am the Chief Executive Officer have reviewed documentation prepared by or for the FRA, filed in Docket No. FRA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

Signature

Date

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Pre-Rule Quiet Zone Notification Checklist

Be sure to include the following information when providing notification of the continuation of a pre-rule quiet zone. Notifications must be sent by certified mail, return receipt requested.

All parties, including FRA, must receive:

- ☐ List of Crossings within Quiet Zone
- ☐ Basis for Continuation of a Pre-Rule Quiet Zone
- ☐ FRA Quiet Zone Calculator Page if quiet zone qualifies for automatic approval under §222.41(a)
- ☐ Certificate of Service (submit one for each party notified)

FRA must also receive the following:

- ☐ Grade Crossing Inventory (with initial)
- ☐ Grade Crossing Inventory for all reflective improvements (when available)
- ☐ Point of Contact Information
- ☐ Chief Executive Officer Statement

Notification should be mailed to FRA at the following address:

Associate Administrator for Safety

Federal Railroad Administration

1120 Vermont Avenue, NW

Washington, DC 20590

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Pre-Rule Quiet Zone Notification Checklist

Be sure to include the following information when providing notification of the continuation of a pre-rule quiet zone. Notifications must be sent by certified mail, return receipt requested.

All parties, including FRA, must receive:

- ☐ List of Crossings within Quiet Zone
- ☐ Basis for Continuation of a Pre-Rule Quiet Zone
- ☐ FRA Quiet Zone Calculator Page if quiet zone qualifies for automatic approval under §222.41(a)
- ☐ Certificate of Service (submit one for each party notified)

FRA must also receive the following:

- ☐ Grade Crossing Inventory Form (Initial)
- ☐ Grade Crossing Inventory Form Reflecting Improvements (when applicable)
- ☐ List of Contact Information
- ☐ Chief Executive Officer Statement

Notification should be mailed to the following address:

Associate Administrator
Federal Railroad Administration
1215 Vermont Avenue, NW
Washington, DC 20590

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New Quiet Zone Notification¹

Parties to be notified

Once a public authority has successfully established a quiet zone either through public authority designation or through FRA approval, it must provide written notice to several parties. These parties include the following:

- ☐ All railroads operating over the public highway-rail grade crossings within the quiet zone,
- ☐ The highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic at the quiet zone crossings,
- ☐ Landowners with control over any private crossings within the quiet zone,
- ☐ The State agency responsible for highway and road safety, and
- ☐ The FRA Associate Administrator.

All notices must be provided by certified mail, return receipt requested.

Deadlines

The notice sent to the above parties must designate a specific date on which the routine sounding of horns at crossings within the quiet zone shall cease. On no account shall this date be earlier than 21 days after the mailing of this written notification.

¹ This collection of information will be used by FRA to increase safety at highway-rail grade crossings. Public reporting burden is estimated to average five (5) hours per response for notifications, and thirty-five (35) hours per response for the certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 2130-0560.

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Notification contents

- ☐ The notice must unambiguously state which crossings will be contained within the quiet zone. Each public and private crossing must be identified by both the U.S. DOT National Highway-Rail Grade Crossing Inventory number and the street or highway name.
- ☐ The notification must also clearly cite the regulatory provision that provides the basis for establishing the quiet zone. For a new quiet zone, one of the following provisions should apply:
 - §222.39(a)(1), implementation of SSMs at every public crossing in the quiet zone;
 - §222.39(a)(2)(i), the QZRI is at or below the NSRT without installation of any SSMs;
 - §222.39(a)(2)(ii), SSMs were implemented at some crossings to bring the QZRI to a level at or below the NSRT;
 - §222.39(a)(3), SSMs were implemented at some crossings to bring the QZRI to a level at or below the RIWH; or
 - §222.39(b), public authority application to the FRA.
- ☐ If the quiet zone is established on the basis of §222.39(a)(1), (2), or (3), the notification must include a copy of the FRA web page containing the quiet zone data upon which the public authority is relying.
- ☐ If the quiet zone is being established on the basis of § 222.39(b) (public authority application to the FRA), the notification must include a copy of the FRA's notification of approval.
- ☐ All notifications must contain a certificate of service. This certificate of service shall show to whom the notice was provided, and by what means the notice was provided.

Additional information that must be submitted to FRA

The items listed above must be submitted to each of the parties listed in the section labeled "Parties to be notified". Public authorities are also required to submit the following information in their submission to FRA:

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- ❑ An accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to designation or FRA approval of the quiet zone;
- ❑ An accurate, complete, and current Grade Crossing Inventory Form reflecting the SSMs and ASMs implemented within the quiet zone. (SSMs and ASMs that cannot be fully described on the Inventory Form must be described separately);
- ❑ The name and title of the person responsible for monitoring compliance with the requirements of the rule and his/her contact information. In addition to the person's name, title, and organization, contact information should include his/her business address, telephone number, fax number, and email address;
- ❑ A list of all parties notified in accordance with the rule; and
- ❑ A statement signed by the Chief Executive Officer (CEO) of each public authority establishing the quiet zone. In the CEO's statement, he or she must certify that responsible officials of the public authority have reviewed the documentation prepared by or for the FRA, and filed in Docket No. FRA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

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Pre-Rule Quiet Zone Notification¹

Parties to be notified

A public authority that wants to continue silencing the locomotive horn at grade crossings within a Pre-Rule Quiet Zone must provide written notice to several parties. These parties include the following:

- ☐ All railroads operating over the public highway-rail grade crossing within the quiet zone,
- ☐ The highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic at the quiet zone crossings,
- ☐ Landowners with control over any private crossings within the quiet zone,
- ☐ The State agency responsible for highway and road safety, and
- ☐ The FRA Associate Administrator.

All notices must be provided by certified mail, return receipt requested.

Deadlines

Notice of the continuation of a Pre-Rule Quiet Zone must be served no later than December 18, 2004.

¹ This collection of information will be used by FRA to increase safety at highway-rail grade crossings. Public reporting burden is estimated to average five (5) hours per response for notifications, and thirty-five (35) hours per response for the certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 2130-0560.

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Notification contents

- ☐ The notice must unambiguously state which crossings are contained within the quiet zone. All public and private crossings must be identified by both the U.S. DOT National Highway-Rail Grade Crossing Inventory Number, and by street or highway name.
- ☐ The notification must clearly cite the regulatory provision that provides the basis for continuing the Quiet Zone.

Note: The continuation of Pre-Rule Quiet Zones that qualify for automatic approval is governed by § 222.41(a). All other Pre-Rule Quiet Zones are governed by § 222.41(b).

- ☐ The notification must also include an explanation as to how the quiet zone is in compliance with § 222.41.
- ☐ If the quiet zone is being continued on the basis of §222.41(a) (automatic approval), the notification must include a copy of the FRA web page containing the quiet zone data upon which the public authority is relying.
- ☐ All notifications must contain a certificate of service. This certificate of service shall show to whom the notice was provided, and by what means the notice was provided.

Additional information that must be submitted to FRA

The items listed above must be submitted to each of the parties listed in the section labeled “Parties to be notified”. Public authorities are also required to submit the following information in their submission to FRA:

- ☐ An accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to designation of the quiet zone;
- ☐ An accurate, complete, and current Grade Crossing Inventory Form reflecting the SSMs and ASMs implemented within the quiet zone;
- ☐ The name and title of the person responsible for monitoring compliance with the requirements of the rule and his/her contact information. In addition to the person’s name, title, and organization, contact

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information should include his/her business address, telephone number, fax number, and email address;

- ☐ A list of all parties notified in accordance with the rule; and
- ☐ A statement signed by the Chief Executive Officer (CEO) of each public authority continuing the quiet zone. In the CEO's statement, he or she must certify that responsible officials of the public authority have reviewed the documentation prepared by or for the FRA, and filed in Docket No. FREA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

Note: Pre-Rule Quiet Zones that do not qualify for automatic approval can only be maintained for an interim period. Continuation of the quiet zone beyond the interim period will require submission of a detailed plan, as well as implementation of SSMs or ASMs in accordance with section 222.39. Please refer to sections 222.39 and 222.41 for more information.

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U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 07 / 05 / 2019	B. Reporting Agency ☒ Railroad ☐ Transit ☐ State ☐ Other	C. Reason for Update (Select only one) ☐ Change in Data ☐ New Crossing ☐ Closed ☐ Re-Open ☒ Date Change Only ☐ Change in Primary Operating RR ☐ No Train Traffic ☐ Quiet Zone Update ☐ Admin. Correction	D. DOT Crossing Inventory Number 521478B
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1. Primary Operating Railroad Finger Lakes Railway Corporation [FGLK]	2. State NEW YORK	3. County ONTARIO
4. City / Municipality ☒ In ☐ Near GENEVA	5. Street/Road Name & Block Number NORTH ST (Street/Road Name) * (Block Number)	6. Highway Type & No. L

7. Do Other Railroads Operate a Separate Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR	8. Do Other Railroads Operate Over Your Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR
--	---

9. Railroad Division or Region ☒ None	10. Railroad Subdivision or District ☒ None	11. Branch or Line Name ☐ None CANANDAIGUA LINE	12. RR Milepost 0051.86 (prefix) (nnnn.nnn) (suffix)
13. Line Segment *	14. Nearest RR Timetable Station *	15. Parent RR (if applicable) ☒ N/A	16. Crossing Owner (if applicable) ☐ N/A FGLK

17. Crossing Type ☒ Public ☐ Private	18. Crossing Purpose ☒ Highway ☐ Pathway, Ped. ☐ Station, Ped.	19. Crossing Position ☒ At Grade ☐ RR Under ☐ RR Over	20. Public Access (if Private Crossing) ☐ Yes ☒ No	21. Type of Train ☒ Freight ☐ Intercity Passenger ☐ Commuter ☐ Transit ☐ Shared Use Transit ☐ Tourist/Other	22. Average Passenger Train Count Per Day ☐ Less Than One Per Day ☐ Number Per Day 0
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23. Type of Land Use ☐ Open Space ☐ Farm ☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional ☐ Recreational ☐ RR Yard
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24. Is there an Adjacent Crossing with a Separate Number? ☐ Yes ☒ No If Yes, Provide Crossing Number
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26. HSR Corridor ID ☒ N/A	27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 42.8755822	28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -76.9810706	29. Lat/Long Source ☒ Actual ☐ Estimated
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30.A. Railroad Use *	31.A. State Use *
30.B. Railroad Use *	31.B. State Use *
30.C. Railroad Use *	31.C. State Use *
30.D. Railroad Use *	31.D. State Use *
32.A. Narrative (Railroad Use) *	32.B. Narrative (State Use) *

33. Emergency Notification Telephone No. (posted) 800-999-4559	34. Railroad Contact (Telephone No.) 315-781-1234	35. State Contact (Telephone No.) 518-457-5521
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1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 6	1.B. Total Night Thru Trains (6 PM to 6 AM) 0	1.C. Total Switching Trains 0	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day ☐ How many trains per week? 42
2. Year of Train Count Data (YYYY) 2016		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 10 3.B. Typical Speed Range Over Crossing (mph) From 1 to 10		
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) ☐ Constant Warning Time ☐ Motion Detection ☐ AFO ☐ PTC ☒ DC ☐ Other ☐ None				
6. Is Track Signaled? ☐ Yes ☒ No		7.A. Event Recorder ☐ Yes ☒ No		7.B. Remote Health Monitoring ☐ Yes ☒ No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 07/05/2019	PAGE 2	D. Crossing Inventory Number (7 char.) 521478B
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1. Are there Signs or Signals? ☒ Yes ☐ No	2. Types of Passive Traffic Control Devices associated with the Crossing <table style="width: 100%;"> <tr> <td style="width: 15%;"> 2.A. Crossbuck Assemblies (count) 2 </td> <td style="width: 15%;"> 2.B. STOP Signs (R1-1) (count) 0 </td> <td style="width: 15%;"> 2.C. YIELD Signs (R1-2) (count) 0 </td> <td colspan="2" style="width: 40%;"> 2.D. Advance Warning Signs (Check all that apply; include count) ☐ None ☒ W10-1 2 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12 </td> </tr> </table>					2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count) 0	2.D. Advance Warning Signs (Check all that apply; include count) ☐ None ☒ W10-1 2 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12	
2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count) 0	2.D. Advance Warning Signs (Check all that apply; include count) ☐ None ☒ W10-1 2 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12							
2.E. Low Ground Clearance Sign (W10-5) ☐ Yes (count _____) ☒ No		2.F. Pavement Markings ☐ Stop Lines ☐ Dynamic Envelope ☐ RR Xing Symbols ☒ None		2.G. Channelization Devices/Medians ☐ All Approaches ☐ Median ☐ One Approach ☒ None						
2.H. EXEMPT Sign (R15-3) ☐ Yes ☒ No		2.I. ENS Sign (I-13) Displayed ☐ Yes ☒ No		2.L. LED Enhanced Signs (List types) NONE						
2.J. Other MUTCD Signs ☐ Yes ☒ No Specify Type _____ Count _____ Specify Type _____ Count _____ Specify Type _____ Count _____										
2.K. Private Crossing Signs (if private) ☐ Yes ☐ No										

3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count) Roadway 2 Pedestrian 4	3.B. Gate Configuration ☐ 2 Quad ☐ Full (Barrier) ☐ 3 Quad ☐ Resistance ☐ 4 Quad ☐ Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 0 ☐ Incandescent Not Over Traffic Lane 0 ☐ LED	3.D. Mast Mounted Flashing Lights (count of masts) 4 ☐ Incandescent ☒ LED ☐ Back Lights Included ☒ Side Lights Included	3.E. Total Count of Flashing Light Pairs 4	
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ ☒ Not Required		3.G. Wayside Horn ☐ Yes Installed on (MM/YYYY) ____/____/____ ☒ No		3.H. Highway Traffic Signals Controlling Crossing ☐ Yes ☒ No	
3.J. Non-Train Active Warning ☐ Flagging/Flagman ☐ Manually Operated Signals ☐ Watchman ☐ Floodlighting ☒ None			3.K. Other Flashing Lights or Warning Devices Count 0 Specify type NONE		
4.A. Does nearby Hwy Intersection have Traffic Signals? ☐ Yes ☒ No	4.B. Hwy Traffic Signal Interconnection ☒ Not Interconnected ☐ For Traffic Signals ☐ For Warning Signs	4.C. Hwy Traffic Signal Preemption ☐ Simultaneous ☐ Advance	5. Highway Traffic Pre-Signals ☐ Yes ☒ No Storage Distance * _____ Stop Line Distance * _____		6. Highway Monitoring Devices (Check all that apply) ☐ Yes - Photo/Video Recording ☐ Yes - Vehicle Presence Detection ☒ None

1. Traffic Lanes Crossing Railroad ☐ One-way Traffic ☒ Two-way Traffic Number of Lanes 2 ☐ Divided Traffic	2. Is Roadway/Pathway Paved? ☒ Yes ☐ No	3. Does Track Run Down a Street? ☐ Yes ☒ No
4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) ☒ Yes ☐ No		
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * _____ Length * _____ ☐ 1 Timber ☐ 2 Asphalt ☒ 3 Asphalt and Timber ☐ 4 Concrete ☐ 5 Concrete and Rubber ☐ 6 Rubber ☐ 7 Metal ☐ 8 Unconsolidated ☐ 9 Composite ☐ 10 Other (specify) _____		
6. Intersecting Roadway within 500 feet? ☐ Yes ☒ No If Yes, Approximate Distance (feet) _____		7. Smallest Crossing Angle ☐ 0° - 29° ☐ 30° - 59° ☒ 60° - 90°
8. Is Commercial Power Available? * ☒ Yes ☐ No		

Part V Public Highway Information			
1. Highway System ☐ (01) Interstate Highway System ☐ (02) Other Nat Hwy System (NHS) ☐ (03) Federal AID, Not NHS ☒ (08) Non-Federal Aid	2. Functional Classification of Road at Crossing ☐ (0) Rural ☒ (1) Urban ☐ (1) Interstate ☐ (5) Major Collector ☐ (2) Other Freeways and Expressways ☐ (3) Other Principal Arterial ☐ (6) Minor Collector ☒ (4) Minor Arterial ☐ (7) Local	3. Is Crossing on State Highway System? ☐ Yes ☒ No	4. Highway Speed Limit 30 _____ MPH ☒ Posted ☐ Statutory
5. Linear Referencing System (LRS Route ID) * _____			
6. LRS Milepost * _____			
7. Annual Average Daily Traffic (AADT) Year 1999 AADT 007768		8. Estimated Percent Trucks 08 _____ %	
9. Regularly Used by School Buses? ☒ Yes ☐ No Average Number per Day 50		10. Emergency Services Route ☐ Yes ☐ No	

Submission Information: This information is used for administrative purposes and is not available on the public website.			
Submitted by _____		Organization _____	
Phone _____		Date _____	
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.			

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.									
A. Revision Date (MM/DD/YYYY) 07 / 03 / 2019		B. Reporting Agency ☒ Railroad ☐ Transit ☐ State ☐ Other		C. Reason for Update (Select only one) ☒ Change in Data ☐ Re-Open ☐ New Crossing ☐ Date Change Only ☐ Closed ☐ Change in Primary Operating RR ☐ No Train Traffic ☐ Admin. Correction ☐ Quiet Zone Update				D. DOT Crossing Inventory Number 521454M	
1. Primary Operating Railroad Finger Lakes Railway Corporation [FGLK]				2. State NEW YORK		3. County ONTARIO			
4. City / Municipality ☒ In ☐ Near GENEVA		5. Street/Road Name & Block Number STATE ST (Street/Road Name) * (Block Number)				6. Highway Type & No. L			
7. Do Other Railroads Operate a Separate Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR				8. Do Other Railroads Operate Over Your Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR					
9. Railroad Division or Region ☒ None		10. Railroad Subdivision or District ☒ None		11. Branch or Line Name ☐ None CANANDAIGUA LINE		12. RR Milepost 0051.75 (prefix) (nnnn.nnn) (suffix)			
13. Line Segment *		14. Nearest RR Timetable Station *		15. Parent RR (if applicable) ☒ N/A		16. Crossing Owner (if applicable) ☐ N/A FGLK			
17. Crossing Type ☒ Public ☐ Private	18. Crossing Purpose ☒ Highway ☐ Pathway, Ped. ☐ Station, Ped.	19. Crossing Position ☒ At Grade ☐ RR Under ☐ RR Over	20. Public Access (if Private Crossing) ☐ Yes ☐ No	21. Type of Train ☒ Freight ☐ Intercity Passenger ☐ Commuter ☐ Transit ☐ Shared Use Transit ☐ Tourist/Other		22. Average Passenger Train Count Per Day ☐ Less Than One Per Day ☐ Number Per Day 0			
23. Type of Land Use ☐ Open Space ☐ Farm ☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional ☐ Recreational ☐ RR Yard									
24. Is there an Adjacent Crossing with a Separate Number? ☐ Yes ☒ No If Yes, Provide Crossing Number				25. Is this crossing a grade-separated crossing? ☐ Yes ☒ No If Yes, Provide Crossing Number					
26. HSR Corridor ID ☒ N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 42.8735236		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -76.9820841			29. Lat/Long Source ☒ Actual ☐ Estimated		
30.A. Railroad Use *				31.A. State Use *					
30.B. Railroad Use *				31.B. State Use *					
30.C. Railroad Use *				31.C. State Use *					
30.D. Railroad Use *				31.D. State Use *					
32.A. Narrative (Railroad Use) *				32.B. Narrative (State Use) *					
33. Emergency Notification Telephone No. (posted) 800-999-4559			34. Railroad Contact (Telephone No.) 315-781-1234			35. State Contact (Telephone No.) 518-457-5521			
36. Estimated Number of Daily Train Movements									
1.A. Total Day Thru Trains (6 AM to 6 PM) 6		1.B. Total Night Thru Trains (6 PM to 6 AM) 0		1.C. Total Switching Trains 0		1.D. Total Transit Trains 0		1.E. Check if Less Than One Movement Per Day ☐ How many trains per week?	
2. Year of Train Count Data (YYYY) 2016		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 10 3.B. Typical Speed Range Over Crossing (mph) From 1 to 10							
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0									
5. Train Detection (Main Track only) ☐ Constant Warning Time ☐ Motion Detection ☐ AFO ☐ PTC ☒ DC ☐ Other ☐ None									
6. Is Track Signaled? ☐ Yes ☒ No				7.A. Event Recorder ☐ Yes ☐ No			7.B. Remote Health Monitoring ☐ Yes ☒ No		

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 07/03/2019	PAGE 2	D. Crossing Inventory Number (7 char.) 521454M
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1. Are there Signs or Signals? ☒ Yes ☐ No	2. Types of Passive Traffic Control Devices associated with the Crossing				
	2.A. Crossbuck Assemblies (count) 3	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count) 0	2.D. Advance Warning Signs (Check all that apply; include count) ☐ None ☒ W10-1 2 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12	
2.E. Low Ground Clearance Sign (W10-5) ☐ Yes (count _____) ☒ No	2.F. Pavement Markings ☐ Stop Lines ☐ Dynamic Envelope ☐ RR Xing Symbols ☒ None		2.G. Channelization Devices/Medians ☐ All Approaches ☐ Median ☐ One Approach ☒ None		2.H. EXEMPT Sign (R15-3) ☐ Yes ☒ No
2.J. Other MUTCD Signs ☐ Yes ☒ No Specify Type _____ Count _____ Specify Type _____ Count _____ Specify Type _____ Count _____			2.K. Private Crossing Signs (if private) ☐ Yes ☐ No		
			2.L. LED Enhanced Signs (List types) NONE		

3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)				
3.A. Gate Arms (count) Roadway 2 Pedestrian 4	3.B. Gate Configuration ☐ 2 Quad ☐ Full (Barrier) ☐ 3 Quad Resistance ☒ 4 Quad ☐ Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 0 ☐ Incandescent Not Over Traffic Lane 0 ☐ LED	3.D. Mast Mounted Flashing Lights (count of masts) 4 ☐ Incandescent ☒ LED ☐ Back Lights Included ☒ Side Lights Included	3.E. Total Count of Flashing Light Pairs 4
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ ☒ Not Required		3.G. Wayside Horn ☐ Yes Installed on (MM/YYYY) ____/____/____ ☒ No		3.H. Highway Traffic Signals Controlling Crossing ☐ Yes ☒ No
3.J. Non-Train Active Warning ☐ Flagging/Flagman ☐ Manually Operated Signals ☐ Watchman ☐ Floodlighting ☒ None			3.K. Other Flashing Lights or Warning Devices Count 0 Specify type NONE	
4.A. Does nearby Hwy Intersection have Traffic Signals? ☐ Yes ☒ No	4.B. Hwy Traffic Signal Interconnection ☒ Not Interconnected ☐ For Traffic Signals ☐ For Warning Signs	4.C. Hwy Traffic Signal Preemption ☐ Simultaneous ☐ Advance	5. Highway Traffic Pre-Signals ☐ Yes ☒ No Storage Distance * _____ Stop Line Distance * _____	
6. Highway Monitoring Devices (Check all that apply) ☐ Yes - Photo/Video Recording ☐ Yes - Vehicle Presence Detection ☒ None				

1. Traffic Lanes Crossing Railroad ☐ One-way Traffic ☒ Two-way Traffic Number of Lanes 2 ☐ Divided Traffic	2. Is Roadway/Pathway Paved? ☒ Yes ☐ No	3. Does Track Run Down a Street? ☐ Yes ☒ No
4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) ☒ Yes ☐ No		
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * _____ Length * _____ ☐ 1 Timber ☒ 2 Asphalt ☐ 3 Asphalt and Timber ☐ 4 Concrete ☐ 5 Concrete and Rubber ☐ 6 Rubber ☐ 7 Metal ☐ 8 Unconsolidated ☐ 9 Composite ☐ 10 Other (specify) _____		
6. Intersecting Roadway within 500 feet? ☒ Yes ☐ No If Yes, Approximate Distance (feet) 75	7. Smallest Crossing Angle ☐ 0° - 29° ☐ 30° - 59° ☒ 60° - 90°	
8. Is Commercial Power Available? * ☒ Yes ☐ No		

Part V: Public Highway Information

1. Highway System ☐ (01) Interstate Highway System ☐ (02) Other Nat Hwy System (NHS) ☐ (03) Federal AID, Not NHS ☒ (08) Non-Federal Aid	2. Functional Classification of Road at Crossing ☐ (0) Rural ☒ (1) Urban ☐ (1) Interstate ☐ (5) Major Collector ☐ (2) Other Freeways and Expressways ☒ (3) Other Principal Arterial ☐ (6) Minor Collector ☐ (4) Minor Arterial ☐ (7) Local	3. Is Crossing on State Highway System? ☐ Yes ☒ No	4. Highway Speed Limit 30 MPH ☒ Posted ☐ Statutory
5. Linear Referencing System (LRS Route ID) *			
6. LRS Milepost *			
7. Annual Average Daily Traffic (AADT) Year 2007 AADT 001251	8. Estimated Percent Trucks 03 %	9. Regularly Used by School Buses? ☒ Yes ☐ No Average Number per Day 7	
10. Emergency Services Route ☐ Yes ☐ No			

Submission Information - This information is used for administrative purposes and is not available on the public website

Submitted by _____	Organization _____	Phone _____	Date _____
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.			

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 06 / 19 / 2021	B. Reporting Agency ☒ Railroad ☐ Transit ☐ State ☐ Other	C. Reason for Update (Select only one) ☒ Change in Data ☐ New Crossing ☐ Closed ☐ Re-Open ☐ Date ☐ Change in Primary Operating RR ☐ No Train Traffic ☐ Quiet Zone Update ☐ Admin. Correction	D. DOT Crossing Inventory Number 521170H
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1. Primary Operating Railroad Norfolk Southern Railway Company [NS]	2. State NEW YORK	3. County ONTARIO
4. City / Municipality ☒ In ☐ Near GENEVA	5. Street/Road Name & Block Number CASTLE STREET (Street/Road Name) * (Block Number)	6. Highway Type & No. LS

7. Do Other Railroads Operate a Separate Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR	8. Do Other Railroads Operate Over Your Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR
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9. Railroad Division or Region ☐ None KEYSTONE	10. Railroad Subdivision or District ☐ None CORNING SEC	11. Branch or Line Name ☒ None	12. RR Milepost GL 0015.100 (prefix) (nnnn.nnn) (suffix)
13. Line Segment * 484822	14. Nearest RR Timetable Station * GENEVA	15. Parent RR (if applicable) ☒ N/A	16. Crossing Owner (if applicable) ☒ N/A

17. Crossing Type ☒ Public ☐ Private	18. Crossing Purpose ☒ Highway ☐ Pathway, Ped. ☐ Station, Ped.	19. Crossing Position ☒ At Grade ☐ RR Under ☐ RR Over	20. Public Access (if Private Crossing) ☐ Yes ☐ No	21. Type of Train ☒ Freight ☐ Transit ☐ Intercity Passenger ☐ Shared Use Transit ☐ Commuter ☐ Tourist/Other	22. Average Passenger Train Count Per Day ☐ Less Than One Per Day ☐ Number Per Day 0
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23. Type of Land Use ☐ Open Space ☐ Farm ☐ Residential ☒ Commercial ☐ Industrial ☐ Institutional ☐ Recreational ☐ RR Yard
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24. Is there an Adjacent Crossing with a Separate Number? ☐ Yes ☒ No If Yes, Provide Crossing Number	(This area is reserved for future use and should not be filled in.)
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26. HSR Corridor ID ☒ N/A	27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 42.8679571	28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -76.9804939	29. Lat/Long Source ☒ Actual ☐ Estimated
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30.A. Railroad Use *	31.A. State Use *
30.B. Railroad Use *	31.B. State Use *
30.C. Railroad Use *	31.C. State Use *
30.D. Railroad Use *	31.D. State Use *
32.A. Narrative (Railroad Use) *	32.B. Narrative (State Use) *

33. Emergency Notification Telephone No. (posted) 800-946-4744	34. Railroad Contact (Telephone No.) 800-946-4744	35. State Contact (Telephone No.) 518-457-5521
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1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 2	1.B. Total Night Thru Trains (6 PM to 6 AM) 0	1.C. Total Switching Trains 2	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day ☐ How many trains per week?
2. Year of Train Count Data (YYYY) 2020		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 10 3.B. Typical Speed Range Over Crossing (mph) From 5 to 10		
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) ☒ Constant Warning Time ☐ Motion Detection ☐ AFO ☐ PTC ☐ DC ☐ Other ☐ None				
6. Is Track Signaled? ☐ Yes ☒ No		7.A. Event Recorder ☐ Yes ☒ No		7.B. Remote Health Monitoring ☐ Yes ☒ No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 06/19/2021		PAGE 2		D. Crossing Inventory Number (7 char.) 521170H						
1. Are there Signs or Signals? ☒ Yes ☐ No 2. Types of Passive Traffic Control Devices associated with the Crossing <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td style="width: 20%;">2.A. Crossbuck Assemblies (count) 0</td> <td style="width: 20%;">2.B. STOP Signs (R1-1) (count) 0</td> <td style="width: 20%;">2.C. YIELD Signs (R1-2) (count)</td> <td colspan="2" style="width: 40%;"> 2.D. Advance Warning Signs (Check all that apply; include count) ☒ None ☐ W10-1 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12 </td> </tr> </table>						2.A. Crossbuck Assemblies (count) 0	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) ☒ None ☐ W10-1 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12	
2.A. Crossbuck Assemblies (count) 0	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) ☒ None ☐ W10-1 ☐ W10-3 ☐ W10-11 ☐ W10-2 ☐ W10-4 ☐ W10-12							
2.E. Low Ground Clearance Sign (W10-5) ☐ Yes (count _____) ☒ No		2.F. Pavement Markings ☐ Stop Lines ☐ Dynamic Envelope ☐ RR Xing Symbols ☒ None		2.G. Channelization Devices/Medians ☐ All Approaches ☐ Median ☐ One Approach ☒ None						
2.H. EXEMPT Sign (R15-3) ☐ Yes ☐ No		2.I. ENS Sign (I-13) Displayed ☒ Yes ☐ No		2.J. Other MUTCD Signs ☒ Yes ☐ No Specify Type <u>R8-8</u> Count <u>2</u> Specify Type _____ Count _____ Specify Type _____ Count _____						
2.K. Private Crossing Signs (if private) ☐ Yes ☐ No		2.L. LED Enhanced Signs (List types)								
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)										
3.A. Gate Arms (count) Roadway <u>2</u> Pedestrian <u>3</u>		3.B. Gate Configuration ☐ 2 Quad ☐ Full (Barrier) ☒ 3 Quad Resistance ☐ 4 Quad ☐ Median Gates		3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane <u>1</u> ☒ Incandescent Not Over Traffic Lane <u>0</u> ☐ LED						
3.D. Mast Mounted Flashing Lights (count of masts) <u>3</u> ☒ Incandescent ☐ LED ☒ Back Lights Included ☒ Side Lights Included		3.E. Total Count of Flashing Light Pairs 9								
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) _____/_____/_____ ☐ Not Required		3.G. Wayside Horn ☐ Yes Installed on (MM/YYYY) _____/_____ ☒ No		3.H. Highway Traffic Signals Controlling Crossing ☐ Yes ☐ No						
3.I. Bells (count) 1		3.J. Non-Train Active Warning ☐ Flagging/Flagman ☐ Manually Operated Signals ☐ Watchman ☐ Floodlighting ☒ None								
3.K. Other Flashing Lights or Warning Devices Count <u>0</u> Specify type _____		4.A. Does nearby Hwy Intersection have Traffic Signals? ☒ Yes ☐ No								
4.B. Hwy Traffic Signal Interconnection ☐ Not Interconnected ☒ For Traffic Signals ☐ For Warning Signs		4.C. Hwy Traffic Signal Preemption ☐ Simultaneous ☒ Advance		5. Highway Traffic Pre-Signals ☐ Yes ☒ No Storage Distance * <u>0</u> Stop Line Distance * <u>0</u>						
6. Highway Monitoring Devices (Check all that apply) ☐ Yes - Photo/Video Recording ☐ Yes - Vehicle Presence Detection ☒ None		1. Traffic Lanes Crossing Railroad ☐ One-way Traffic ☐ Two-way Traffic Number of Lanes <u>3</u> ☐ Divided Traffic								
2. Is Roadway/Pathway Paved? ☒ Yes ☐ No		3. Does Track Run Down a Street? ☐ Yes ☒ No		4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) ☒ Yes ☐ No						
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) _____/_____/_____ Width * _____ Length * _____ ☐ 1 Timber ☐ 2 Asphalt ☒ 3 Asphalt and Timber ☐ 4 Concrete ☐ 5 Concrete and Rubber ☐ 6 Rubber ☐ 7 Metal ☐ 8 Unconsolidated ☐ 9 Composite ☐ 10 Other (specify) _____										
6. Intersecting Roadway within 500 feet? ☐ Yes ☒ No If Yes, Approximate Distance (feet) _____		7. Smallest Crossing Angle ☐ 0° - 29° ☐ 30° - 59° ☒ 60° - 90°		8. Is Commercial Power Available? * ☒ Yes ☐ No						
Part V. Public Highway Information										
1. Highway System ☐ (01) Interstate Highway System ☐ (02) Other Nat Hwy System (NHS) ☒ (03) Federal AID, Not NHS ☐ (08) Non-Federal Aid		2. Functional Classification of Road at Crossing ☐ (0) Rural ☒ (1) Urban ☐ (1) Interstate ☒ (5) Major Collector ☐ (2) Other Freeways and Expressways ☐ (3) Other Principal Arterial ☐ (6) Minor Collector ☐ (4) Minor Arterial ☐ (7) Local		3. Is Crossing on State Highway System? ☐ Yes ☒ No						
4. Highway Speed Limit System? _____ MPH ☐ Posted ☐ Statutory		5. Linear Referencing System (LRS Route ID) *								
6. LRS Milepost *		7. Annual Average Daily Traffic (AADT) Year <u>2006</u> AADT <u>005194</u>								
8. Estimated Percent Trucks <u>12</u> %		9. Regularly Used by School Buses? ☒ Yes ☐ No Average Number per Day <u>1</u>		10. Emergency Services Route ☐ Yes ☐ No						
Submission Information - This information is used for administrative purposes and is not available on the public website.										
Submitted by _____ Organization _____ Phone _____ Date _____										
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.										