

AGENDA
REGULAR COUNCIL MEETING
CITY OF GENEVA, NEW YORK

Revised Agenda
November 3, 2021

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

Clr. Salamendra will be participating via teleconference at
51 John 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. GENESEE PARK RESTORATION PLAN PRESENTATION
- V. FOUNDRY UPDATE
- VI. CONSIDERATION OF MEETING MINUTES
This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:
 - A. October 6, 2021 (Regular Council Meeting)
 - B. October 13, 2021 (Special Council Meeting)
 - C. October 14, 2021 (Council Work Session)
 - D. October 19, 2021 (Special Council Meeting)
 - E. October 20, 2021 (Special Council Meeting)
- VII. 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.

VIII. 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

IX. 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.

X. 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 335 of the City Code Entitled "Vehicles and Traffic" – Presented by Clr. Burrall # 5-2021
- B. Resolution Authorizing Municipal Solutions to Apply for Grant Funds for Wastewater Treatment Plant Improvement Project - Presented by Asst. City Manager Blowers # 79-2021
- C. First Reading of an Ordinance Adding Chapter 111-A to the City of Geneva Municipal Code Entitled "Private Landlord Registration – Presented by Clr. Camera # 6-2021
- D. Resolution Authorizing Access for Foundry Remediation and Submission of Restoration Plan for Genesee Park – Presented by City Manager Gerling # 80-2021
- E. Resolution Establishing a Public Hearing for the Renewal of the Electric Franchise with the New York State Electric and gas Corporation – Presented by City Manager Gerling # 81-2021
- F. Discussion Resource Recovery Park Hauler License Outside the Facility

XI. 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. First Reading of an Ordinance Amending Chapter 335 of the City Code, Parking on Herbert Street – Presented by City Manager Gerling # 7-2021
- B. Boards and Commissions – Police Review Board term limits and vacancy discussion for PRB, Police Budget Advisory Board, and Police Body Camera Policy Task Force

XII. 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.

XIII. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

October 6, 2021 – 7:00 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. PUBLIC HEARING – Jay Street Property Sale

Deputy Mayor Pealer opened the public hearing at 7:16pm and with no one appearing, he closed the public hearing at 7:17pm

3. PUBLIC HEARING – 2022 Budget

Deputy Mayor Pealer opened the public hearing at 7:18pm and with no one appearing, he closed the public hearing at 7:19pm

4. FOUNDRY UPDATE

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

Remedial Design

- Inventories of plants and trees were prepared for properties located south of Lewis Street along Genesee Street, Geneva Street, and Tillman Street. Additional soil samples will be collected from some of these properties in mid-October, and structural inspections will be

conducted at some of these properties in late October or early November. The Department anticipates these properties will be remediated in 2022 and 2023.

- The project team met 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. The Department expects remediation of these properties to begin in spring 2022.
- Project staff and the project landscaper met with the City Manager and Director of Public Works to discuss options related to the restoration of plants, trees, and sidewalks during the proposed remediation of Genesee Park in fall 2022.

Remedial Construction

- Excavation, backfilling, and restoration activities were conducted within the block of eleven properties located in the area bounded by Genesee Street, State Street and Clinton Street. Substantial restoration of these properties will be completed this month.
- 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 this fall and during 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

- A group of residents with City staff have been working and creating a restoration plan for Genesee Park, which will be presented to Council at the November Council meeting and would be used if the State remediates the park starting next Fall 2022.

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. The Friday schedule for the mobile truck is 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. Please check the schedule for market day updates by googling "FoodLink + Curbside Schedule" or going to [Curbside Market - Foodlink Inc \(foodlinkny.org\)](https://www.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 through this weekend, Oct. 9th.
- 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@genev.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.

5. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the September 1 Regular Council Meeting be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

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

MOVED THAT the minutes of the September 15 Council Work Session be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

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

MOVED THAT the minutes of the September 22 Special Council Meeting be approved

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Regan,
and Clr. Camera

Abstain – Clr. Pealer and Clr. Salamendra

Absent - Mayor Valentino

MOTION CARRIED

6. PUBLIC COMMENT

Tom Millington told council that he is the Executive Director of Abroadia. He said that they are trying to raise money for the School of Leadership-Afghanistan (SOLA) through Go Fund Me. He asked council to please spread the word to help them reach their goal. He also asked if the city was interested in entering an international sister relationship with a city abroad.

Jessica Farrell said on February 20th, CET and the NAACP hosted an event titled “Anti-Racist Resolutions: Building Belonging.” In welcoming our audience—which included some of you—I explained that “we decided that the subtitle for [the day’s] event should be ‘Building Belonging’ so that we could discuss the everyday operations of white supremacy and racial exclusion and commit to taking concrete actions to build a Geneva where we all belong.” Some have said that the proclamation to declare Indigenous Peoples’ Day a holiday in Geneva would divide our city. I would like to ask that you listen with an open mind while I explain why instead I see what CET did as being part of the work of building belonging, and particularly the work of promoting racial inclusion. Columbus Day is a commemoration of the landing of Christopher Columbus in the Western Hemisphere on October 12, 1492. That is why it is the second Monday in October. A direct result of Columbus’s arrival was that the official European policy of the “Doctrine of Discovery” was extended to this side of the Atlantic. This idea basically said that any place that didn’t have Christianity could be “discovered” by Europeans and become their territory. In this way, non-Christians did not count as people, and they had no rights to the land they lived on. Their land was considered *terra nullius*, which translates to “land belonging to no one.” This is how the idea of “discovery” worked: by dismissing Indigenous people as non-humans, their land could be “discovered” by Europeans.

as the first humans there. Now, you might be saying, ok Jess, but that was 500 years ago, is it really necessary for us to do something about that to build belonging in our community today? And my answer to you is yes. In yesterday's Finger Lakes Times, we saw how the doctrine of discovery is still relevant. The president of the local chapter of the Order Sons and Daughters of Italy in America referenced—and even added extra intentional emphasis to—the word discovery. He spoke of Columbus Day as a day when we celebrate—and I quote—“all the tremendous contributions of Italians and Italian-Americans throughout history in the areas of art, science, music, mathematics, and yes, discovery.” By retaining and reinforcing this notion of discovery, and by actively celebrating it with Columbus Day, we continue to reinforce the notion that the Indigenous people of this hemisphere do not count as people. That is the direct meaning of saying that this land was discovered. There are plenty of other words that could be used instead if one did not want to negate the personhood of Indigenous people—for example, exploration. But that is the problem, by celebrating Columbus Day intentionally on the day that Columbus arrived in the Western Hemisphere, we reinforce this narrative of discovery which was used to allow and justify not only the intentional destruction of communities and cultures, but the attempted annihilation of entire nations of people—in other words, genocide. Because of all of these connotations with Columbus Day, it is important that we do something to counteract those associations and make sure that members of our community don't feel that we are ok with this denial of their humanity. And that is why I support the proclamation to recognize Indigenous Peoples' Day on October 11th in Geneva. Now you will notice that I did not say anything there about cancelling Columbus Day and only recognizing Indigenous Peoples' Day. In fact, despite beliefs to the contrary, the proclamation does not in any way cancel or stand in the way of the recognition of Columbus Day. All over the country, there are communities that are observing both holidays simultaneously. This is not a new idea. And this is laid out directly in the proclamation. The way it is written it says BECAUSE we have Columbus Day as a holiday on October 11th, we should also have Indigenous Peoples' Day that day, too. And yet, many people, and I suspect that includes many of you, read it to mean the cancellation of the one for the other. I would encourage you to ask yourselves why you would read it that way and what that means about your way of thinking about our community. Why would you think that the recognition of Indigenous history—yes, including the violence perpetrated against Indigenous people—and a celebration that they are continuing to thrive as communities today in spite of the attempt to eradicate them, would in some way inhibit your ability to celebrate Columbus Day? If you are truly celebrating the broad scope of Italian and Italian-American contributions—and I agree, there is a lot to celebrate!—then this proclamation does nothing to stop you. If you are celebrating “discovery,” and the associated denial of Indigenous humanity, then yes, this proclamation might put a bit of a damper on your celebration. Personally, I think that it is worthwhile to say to our Indigenous population—in which I include not only the Seneca on whose ancestral lands we now stand, but also the wealth of immigrants from other parts of the Western Hemisphere who have moved to this area with the dream of making a life here and being part of our community—that we recognize that your history is all of our history. That the history of the “Americas” is incomplete without your stories. I want to say to them that we recognize the importance of your contributions to our society. And yes, I want to say to them that on Columbus Day, we will no longer be celebrating “discovery” because we recognize the psychological and physical damage that that can continue to cause. If we really do embrace the diversity of our community and if we are really

looking to build belonging, then we should accept that that diversity is premised on people having had different historical experiences. And we shouldn't celebrate one in a way that harms another.

Michelle Neary told council that in 2019 they were elected to represent private citizens of Geneva and not to push their own agendas. She said that there are issues such as COVID 19 and Black Lives Matter happening that council did not have the ability to address during their campaigns. She said that residents did not have a chance to see how their candidates would address these issues. She mentioned municipalities who have defunded their police departments only to find the crime in their cities rise. These same municipalities are now increasing their departments a year later. She said we have seen that they can't do with reducing funding for the police departments. She said that Geneva needs a fully staffed and supported police department. She said that this was a chance to learn from the mistakes of others. She referred to council's discussion of hiring a firm to look at our police department and said it is too much money, and she is opposed to it. She asked members of council to think about why, specifically, they want to defund the police department, what evidence they have that it will benefit the city in terms of public safety, what statistics they have to support defunding, and what evidence they have that they are representing their constituents.

Carmie Simeone said that she is a member of One Geneva which is a group of residents who feel the majority of council does not support their citizens as nothing has been done for the betterment of Geneva, but rather most of council's time has been spent on bringing down the police department. She asked why they haven't focused on more important things like recruiting and keeping businesses in Geneva and reducing taxes without budget cuts. She asked why council does not like the Geneva Police Department, and they have given no data to support their decisions. She questioned how they all became experts on the issues they are discussing. She said that she does not feel they are reaching out to their constituents, and along with One Geneva, she would like to bring Geneva back to what it was.

Tony DiCostanzo said that he is the President of the Geneva Lodge 2397, Sons and Daughters of Italy in America which has been chartered since 1977 noting that some of their members are here tonight. He referred to the proclamation presented to council with regard to Indigenous Peoples' Day and asked why this is being proposed while the city is still divided and when everyone knows this topic is causing division in other parts of the country. He said that it is clear that this is an opening to eradicate Columbus Day in the City of Geneva, and once the door is open, revisionists will come back again and again. He told council that Italians were mistreated when they came to America because they had darker skin and did not speak the language. He also noted that 11 Italian-Americans were lynched in New Orleans after being exonerated at trial. He said that a year later, President Benjamin Harrison set the date for Columbus Day because he saw Italian-Americans struggling against religious and ethnic discrimination. Columbus Day became a federal holiday in 1931. He said that much of the negative information about Columbus came from a book "Peoples History in the United States" published in 1980, and since written, many prominent scholars have debunked much of the information in the book as half-truths, falsehoods and outright lies. He said that the movement against Columbus is a movement against every other European immigrant group who came here after 1492. He said that condemning Columbus is condemning every other

historical figure, and after Columbus is done being the target, revisionists will move on to the next target, perhaps George Washington or Abraham Lincoln. He told council that Italian-American do not oppose Indigenous Peoples' Day here in Geneva, but they do oppose any attempt at elimination of Columbus Day now or in the future. They also oppose sharing the holiday with any other ethnic group. He said that saying that Indigenous People are linked to Columbus Day is another falsehood. He said that the Indigenous People of that time were not without sin, and they recognize that they were people of their time and not our time, just as Columbus was a man of his time operating under the accepted ways of his time. He suggested picking the birthday of one of the many Indigenous People who were great leaders to celebrate this group. He said that Italian Americans stand for inclusion and adding to American History and not rewriting it. He said they respectfully request council reject this proclamation and future versions of it that would designate the second Monday in October as Indigenous Peoples' Day.

Jacob Fox, CEO of Closed Loop Systems, reminded council that they had a good discussion last month to allow him to run the transfer station. He said he is eager to provide a beneficial waste service in Geneva and to provide a cost savings for residents. He said they have had a lot of success with organic collection and would like to offer the complete solution. He thanked council for their support so far.

7. MAYOR AND COUNCIL REPORTS

Clr. Noone said that since the last city council meeting, the Police Review Board has had 1 monthly meeting of the full board, 7 committee meetings (3 each for the Complaint Process and Review Process Committees and 1 for the External Communications Committee), and 2 trainings. The Complaint Process Committee has been hard at work developing the materials necessary to intake complaints, including the complaint form, the standard response letter to a complainant, and the coversheet that will accompany a complaint as it moves through the system to keep track of the necessary data points for annual reporting, etc. The Review Process Committee has been busy developing a disciplinary matrix. This involves a close reading of all of the GPD General Orders. The External Communications Committee has been preparing a strategy for introducing the PRB to the public when they are ready to accept complaints, including producing an informational brochure and developing a presentation which can be presented at local organizations and community groups. The two trainings that the PRB had were on interviewing and investigative techniques and on Adverse Childhood Experiences. The PRB has its monthly meeting tomorrow at the Geneva Housing Authority at 6:30pm in Conference Room B.

Clr. Burrall thanked the people who came to the podium tonight to speak. He told everyone that they can also phone or email council as well. He said that there is an emergency blood shortage, and encouraged everyone to give blood. He said there are blood drives Monday October 11th at Geneva General Hospital from 9-2pm, October 18th at the Presbyterian Church from 1-6:30pm, and October 21st at the Hall Fire Department from 2-6:30pm. He gave a shout out and thank you to Lt. Matt Valenti and his team at the Geneva Police Department who stopped a burglary at a home occupied by William Smith students. He

said that new banners went up in downtown, and he thanked Joe Venuti and the Department of Public Works staff who installed them at 4am to not disrupt downtown activity. He said the Business Improvement District is promoting a "Fall in Love with Geneva" Halloween Decoration Contest along with a coloring contest and scarecrow decorating and construction contest around light poles. He said the Recreation Department is bringing back Halloween window painting, and 35+ businesses have donated their windows. He gave a shout out to Anne Brown, Trisha Noel and Ellie Lewis-Mollina for coordinating with Dave Sharman at the Recreation Department. He said the Jingle Week activities will be the week of November 27 thru December 4 to draw visitors and shoppers downtown. This will include "Shop Small" promotions, school and adult choirs and bands, Smith Opera House showing holiday movies, window decorating and more coloring contests for the younger population as well as street vendors in downtown. He said that the BID is searching for a communications manager which, hopefully, will be a shared position with the City of Geneva next year. He said Live from Linden has been extended through October, noting that the Bank of the Finger Lakes has supported this from the beginning, and this is the first year with a full six months of operation. He also noted that in October, there will be live music every Friday night. Lastly, he said that the Historic Districts Commission and the College Livability Task Force did not meet this month.

Clr. Regan also thanked the speakers tonight and the Sons and Daughters of Italy for the fried dough on the way in. She said that she was happy to work with Petr Premyslovsky and the IT Department on the new website noting that it is up and running to help improve communications with citizens. Clr. Regan said that she and Neil Sjoblom contributed photos to the site. She said that there is information on the website about the Heritage Trail getting underway with QR codes going up on buildings, noting that this is being managed by Historic Geneva (formerly the Historical Society). Clr. Regan said that the Green Committee had various meetings along with a native plant sale focused on education and an opportunity to adopt a flower bed along the lakefront. She gave a shout out to DPW for their support, tools and mulch to the flower bed project. Lastly, she said that there has been a lot of collaboration with the Town Sustainability Committee, and the city was able to work with Roctricity and Joule to manage our community choice aggregation program to bring sustainable energy sources to the City of Geneva.

Clr. Camera told council that the landlord registration resolution is getting legal review and will be on next month's agenda, noting that this will be a way to set up good communication with landlords. He said he would like to set a date tonight for the budget work session that was cancelled Monday. He said that council needs to deal with the tax rate in the city and get the Legion project started. He said he knows that the downtown construction is disruptive and businesses have been suffering for a while, but he does not feel the city can provide assistance to downtown businesses, noting that the end product will be nice, and we will all benefit from it.

Clr. Salamendra said that the Human Rights Commission will have a table at the farmer's market on Saturday from 9am to noon and office hours the second Saturday of the month from 9 to 12 at the library through May of 2022. She asked that anyone with ideas reach out to Erica Collins at ecollins@geneva.ny.us. Next, she referred to a proclamation submission from Community Education for

Transformation hoping to promote a more inclusive community in which everyone's stories are provided with equal weight. She said this proclamation was proposed in an attempt to address the indisputable historical realities of the violence perpetrated by European settlers against Native Americans that has been documented. She said that they wanted to eradicate the Native Americans, and to pretend it did not happen is worse. She said that the proclamation recognizes Native American communities that have survived and continue to thrive along with their many contributions to the United States and Geneva. She said that the importance of celebrating these two holidays on the same day as the arrival of Columbus is a means of acknowledging with the Native Americans that the arrival of Columbus inaugurated the violence. Clr. Salamendra said that 17 states and over 130 cities celebrate Indigenous Peoples' Day in place of, or in addition to, Columbus Day. Clr. Salamendra read the proclamation submitted by CET: WHEREAS, the second Monday in October is the federal holiday of Columbus Day in remembrance of the arrival of Christopher Columbus in the Americas in 1492; and WHEREAS, the City of Geneva recognizes that this event initiated centuries of violence, exploitation, enslavement, acts of genocide, and displacement of Indigenous people across the Americas and specifically within the land that today constitutes the United States of America; and WHEREAS, the City of Geneva acknowledges that part of that bloody history happened here on the land where our city stands, particularly when troops from the Continental Army invaded the area, destroying homes, orchards, and fields as part of the Sullivan Campaign of 1779; and WHEREAS, the City of Geneva recognizes that for too long the history of the United States has been told in a way that suppresses and misrepresents the stories of the Indigenous peoples of the Americas; and WHEREAS, the City of Geneva acknowledges the United States' indebtedness to the continent's Indigenous people for the lessons in democracy and governance that they shared with the country's founders, particularly through the Haudenosaunee Great Law of Peace; and WHEREAS, the City of Geneva would like to celebrate and express its appreciation for the vibrant and civically engaged Indigenous communities that continue to make vital contributions to our country and our city today; NOW, THEREFORE BE IT RESOLVED that October 11, 2021 is officially Indigenous Peoples' Day in the City of Geneva.

Clr. Pruett said that from now thru November, Historic Geneva (formerly the Geneva Historical Society) is doing a "My Geneva is" project where people send in pictures of their homes where they grew up in Geneva. He said they are open Monday thru Saturday from 9:30am to 4:30pm. He announced that Karen Osburn, the city historian, had kitchen gardens focused on the Historic Geneva Walk, and Historic Geneva is also auctioning off handmade quilts. He reminded everyone that they have a bed and breakfast out near Rose Hill Mansion. Next, Clr. Pruett asked council to respond to Asst. City Manager Blowers' email about free WIFI in the city to benefit everyone. He gave a shoutout and thanks to Katie Labbe and Kerry Lippincott for their work on the Heritage Trail. He said the Shadetree Committee did an analysis of trees in the city and he gave a shout out to the people taking care of the saplings they are growing. Clr. Pruett said that he would like to see Clr. Regan take over as liaison to the Public Art Committee as he is stepping down December 31st unless someone steps up sooner. He said the Castle Creek Greenway is a group of individuals who have their own money invested in clearing the trail. He questioned why there was no money in the budget for the Heritage Trail and Greenway this coming year. He asked that the city get some sort of insurance rider on their city policy for liability insurance, and Friends of the Greenway can pick up the charge, so they can move forward on the bridge over Doran Avenue. He said it would be nice if council could have a meeting where they can interact with the public, noting it could be done by a committee or in some format that is educational. He said that with regard to Doran Avenue, he is not opposed to the initiative of a transfer station, but he wondered why we cannot combine with the Town of Geneva. He said his concern is the place for it, as Doran Avenue is not meant for truck traffic with no sidewalks or curbs. He said trucks should use the Industrial Park entrance.

Clr. Gaglianese asked for a moment of silence in remembrance of former Fire Chief Bruce Moore who passed away recently. Next, he said he wanted to make it clear that what Clr. Salamendra read was a statement and not a proclamation, and he 100% does not support it. He said that Columbus Day's meaning goes beyond just Columbus. He said our nation did not establish Columbus Day to commemorate oppression, but to overcome it. He said that many of the people we admire from centuries ago have their own failings, but we admire them for the great things they have done rather than their negative ones. He said that Indigenous People already have days on the calendar, so a different day should be picked. He said that the proposed proclamation puts the blame on Italians and Europeans. Clr. Gaglianese said that this past Monday the Planning Board approved the American Legion site plan which is a win/win for the city. He thanked the residents of Lochland Road for being engaged, noting that the Lakefront Development Group listened and adapted their plan to resident needs and wants. Lastly, Clr. Gaglianese thanked the City Manager, Assistant City Manager and department heads and staff for putting together a responsible and solid budget that reflects council's direction.

Clr. Salamendra said that she is glad Clr. Gaglianese asked questions about the proposed proclamation noting that Jessica Farrell sent an email to council clarifying a lot of information. Clr. Salamendra noted that council has a habit of not listening to answers. She said that she is uncomfortable with the amount of time council had to address the budget, and she would like to request a budget work session and executive session to discuss staffing.

Deputy Mayor Pealer said that the Recreation Board did not meet, but he did meet with Dave Sharman to complete the questionnaire to go out, noting that he was sad it could not go out before the budget. He told council that he has Housing Authority questions in to the Director, Andy Tyman. He thanked his mother, Anne Brown and others for organizing the downtown Halloween painting project. He said with regard to the proposed proclamation, he feels a discussion is in order because he feels it is spiritually inappropriate to have a counter-holiday along with an established holiday. He said he would love to see a holiday to focus on, and celebrate, Indigenous People.

8. CITY MANAGER REPORT

City Manager Gerling asked council to give any questions to her and Mr. Blowers as soon as they can so they can provide clarification before the budget work sessions. She announced that she appointed Keith Polanski to the Shadetree Committee. She announced that staff has done a soft launch of the city website, and the notification system is changing so residents will need to sign up again for the information they would like to receive. She encouraged residents to download the Instant Input app to receive updates on the DRI project. She said a parks and trails branding survey is out, and there will be a community workshop at Gulvin Park Saturday at 10am. Lastly, Mrs. Gerling said that trick or treat will be on Halloween, October 31st from 6-8pm with the Halloween parade being October 30th pending any COVID updates.

9. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 300 OF THE CITY CODE

Asst. City Manager Blowers presented the following ordinance for second 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 told everyone that this ordinance is providing a dedicated operator of the Resource Recovery Park, and they will accept no more than 20 cubic yards of waste per day, excluding hazardous materials.

Clr. Pruett said that he would prefer to see ingress and egress of trucks with 10 wheels or more off N. Exchange Street or PreEmption Street rather than Doran Avenue. After some discussion, council decided that a resolution will need to be presented at a future meeting concerning allowable truck traffic on Doran Avenue.

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

MOVED THAT this ordinance be approved for second reading

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

Nay – Clr. Pruett

Absent - Mayor Valentino

MOTION CARRIED

10. MARIJUANA DISCUSSION AND DIRECTION

Asst. City Manager Blowers told council that there are two parts to the legalization that they will need to decide on. He noted that council already did an informal vote to allow the sale of marijuana in the city, but the other portion is on-site consumption establishments. He said that this is similar to the sales option in that council needs to opt out by the end of the year if they choose. He told council that there are State regulations in place saying where these establishments can be located, but the State is still working on other regulations. He noted that the city will have the option to set our own regulations as well, including updating the new zoning laws once we decide how we want to regulate.

Clr. Salamendra said she is in favor of on-site consumption places, noting that it will bring in more people to our city. Clr. Burrall said he is in favor of retail sales, but he is hesitant with this and would like to consult the business community first, noting that he is not running after tax dollars on this. Clr. Salamendra said that these café's will be beneficial to travelers who cannot otherwise smoke in their hotel room or Air BnB. Clr. Regan said that she believes the Town of Geneva has opted in, and we have to trust the regulations needed will be in place.

After a straw vote was called, it was agreed that the city would allow on-site consumption establishments.

11. RESOLUTION AUTHORIZING THE SALE OF JAY STREET PROPERTY (119.7-1-51)

Asst. City Manager Blowers presented the following resolution:

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.

Mr. Blowers said that this was done by a sealed bid process, noting that it is a buildable lot with a creek running through it that could possibly affect the building process. Clr. Salamendra said that she does not approve of this sale since the \$10,000 bid is so much less than the assessed value of \$30,000.

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

MOVED THAT this resolution be approved

**ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Regan,
Clr. Pealer, and Clr. Camera**

Nay – Clr. Salamendra

Absent - Mayor Valentino

MOTION CARRIED UNANIMOUSLY

12. RESOLUTION AUTHORIZING THE SALE OF 38 JACKSON STREET PROPERTY

Asst. City Manager Blowers presented the following resolution:

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.

Mr. Blowers said that this property is located in the Foundry area, and the city could not sell it until it was cleaned up. He said there were three bids for this lot which is assessed for \$6,000, and the winning bid was \$2,000. He noted that it is a buildable lot based on the current zoning, and the buyer is interested in building a home on the property.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

13. RESOLUTION OF SUPPORT AND AUTHORIZATION FOR CLEAN WATER GRANT APPLICATION

City Manager Gerling presented the following resolution:

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.

City Manager Gerling told council that this is for the upgrades to the Marsh Creek Wastewater Treatment Plant including the construction of the autothermal thermophilic aerobic digester (ATAD) System and the Marsh Creek Pump Station. She said this resolution is authorizing her to submit an application for \$7 million, which has been bonded for, with 25% of the funding coming from the grant. She explained that this is a critical step for the city’s growth including the American Legion property and the Ag Tech’s expansion since we are already at 96% of our capacity. She said this will allow us to expand our customer base.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Pruett
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

14. RESOLUTION APPROVING THE AMERICAN RESCUE PROTECTION ACT (ARPA) FUNDS PLAN

City Manager Gerling presented the following resolution:

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.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Regan
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

15. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS

Asst. City Manager Blowers presented the following resolution:

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.

Asst. City Manager Blowers explained that his office put out an RFP to get lower interest rates on several of our current bonds in order to save approximately \$1.4 million in all three funds over the next 20 years.

ACTION TAKEN by Clr. Camera; seconded by Clr. Noone
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

16. RESOLUTION ESTABLISHING A LAKEFRONT RAILWAY INTEGRATION COMMITTEE

Clr. Camera presented the following resolution:

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.

Clr. Camera said that this committee is interested in helping the city adjust its relationship to the railroad. He said that the city currently receives approximately \$4400 per year from the railroad. The committee would like to look at access for the 6th ward to the lakefront. He said the committee was established to meet periodically and report to council to ask for initiatives and resolutions to make adjustments in the relationship.

Clr. Burrall said he feels this is potential lakefront development view, and the more volunteers we have, the better. He encouraged Clr. Camera to get more volunteers. Clr. Salamendra said she appreciates Clr. Camera for setting up this committee. Clr. Pruett said he asked to be on the committee because he believes in it, and stated that they are not looking to negotiate with the railroad. They will just gather facts to bring back to council. When asked, the City Manager said she sees this as a more informal committee that will bring resolutions forward for council to approve, noting that it was not officially established by the charter or city code.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

17. RESOLUTION APPROVING THE SALE OF AN EASEMENT ON INDUSTRIAL PARK PROPERTY

Asst. City Manager Blowers presented the following resolution:

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, does exercise its voting privilege in support of the sale of easements for parcels in the Geneva Industrial Park, tax maps # 90.12-3-1.113 and 90.12-3-3 from the Geneva Industrial Development Agency to American Tower Asset Sub II, LLC for \$620,000 with approximately 15% of the sale price remaining in the Industrial Park bank account for operating expenses.

ACTION TAKEN by Clr. Pruetz; seconded by Clr. Gaglianese
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

18. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 335 OF THE CITY CODE ENTITLED "VEHICLES AND TRAFFIC"

Clr. Burrall presented the following ordinance for first reading:

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.

Clr. Burrall said that he was approached by several people on S. Main Street to look into changing the time limit for parking spaces in this area due to the reduced number of businesses. He said they are looking to remove the 2-hour parking signs on the west side of the street for nine spaces since there are no businesses located there. He said there are four businesses on the east side of the street, and when he contacted them, three said the change would not affect their business, and the fourth asked to keep the parking spaces on the east side at 2-hour parking.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Camera
MOVED THAT this ordinance be approved for first reading
MOTION CARRIED UNANIMOUSLY (8-1 absent)

19. DISCUSSION REGARDING ESTABLISHING A TRAIN QUIET ZONE IN THE CITY OF GENEVA

City Manager Gerling said staff received a request from a resident since people are home more and the railroad says they have more traffic in the city. She said that this is a quality-of-life issue, and the federal process takes time and money. She did make council aware that there are safety risks of a train quiet zone.

Mrs. Gerling said that Katie Labbe looked at the Town of Camillus who paid \$200,000 for a crossing. She said that we do not have infrastructure in place, and there are a range of costs.

Clr. Regan and Clr. Gaglianese said they would like to defer this to the Railroad Committee to move the train tracks. City Manager Gerling told council that this is not the first time this issue has come up. Clr. Salamendra said she does not feel it is an economically responsible decision.

20. PUBLIC COMMENT

No public comment was offered at this time.

21. ADJOURNMENT

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Salamendra
MOVED THAT the meeting be adjourned at 10:29pm
MOTION CARRIED UNANIMOUSLY (8-1 absent)

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

October 13, 2021 – 6:00 PM

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

Presiding – Steve Valentino, Mayor (arrived at 6:18pm)

1. ROLL CALL

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

2. 2022 BUDGET DISCUSSION

Clr. Regan told council that she was looking for a consensus of council to determine if there was still a goal to reduce the tax rate, noting that last year council came up with a number that they wanted staff to reduce the proposed budget by. Clr. Pruett said he is concerned with the way council sets goals to begin with, noting that it should be a lot easier than what it has been. He said there are elements to setting a goal; it should have an end result and it should be measurable over a specific period of time. He said the City Manager sent several messages asking what council wanted to see, and only a couple councilors responded. He said that next year at the council retreat, they should come out of the retreat with an end result. He said that when we look at zero-based budgeting, and then council comes in after the fact to say what we want, it is putting the cart before the horse. He said it would be good if council could come out after the next retreat and tell the city managers what we want to see as an end result that year. He said that he would like to see a reduced tax rate, but he knows it cannot all come from tax cuts, and needs to come from increased revenues. He said that the city needs to give more back to residents and figure out how to balance it all.

Clr. Gaglianese thanked the city managers and department heads for putting forth a responsible budget. He said he feels they went by council's direction noting that their top priority needs to be revenue generation and controlling expenses. He said the city needs to find more ways to give people something to do while focusing on taxpayer needs and public safety.

Clr. Camera said he does not want a tax increase. He said he does not think this is a responsibly presented budget. He said he feels the city is focused on the marina, yet council has not seen any costs in the budget yet. He questioned the dredging of the lake saying it was a surprise to him, noting that the capital budget shows \$3 million on a sinking sea wall. He said that the city should not build more projects until we prove we can take care of them. He said we need to spend money on people, and not just rich people, and council needs to see the information all at once. City Manager Gerling told council that the sea wall and marina are not connected, and she can send council an analysis. She noted that we will need to dredge less than staff originally anticipated.

Clr. Salamendra said she does not want to raise the tax rate, and she agrees with Clr. Pruett that council needs to set goals at the next retreat, noting that \$.45 of every dollar for public safety is too much to spend. She told everyone that housing is public safety, and she also does not support the marina.

Clr. Pealer said he thought council agreed that they wanted to freeze or lower the tax rate, but how we get there is the debate. He said that he wants a beautiful community that is safe for people and has things for them to do. He feels we need a strong DPW, very strong public safety, and to enhance our lakefront. He said we need to look at revenue generation and not at cutting services, programs, beautification, public safety, recreation, or events. He said he feels council should rely on staff to come up with a plan.

Clr. Salamendra said that she feels the city spends a lot on recreation, but there is nothing to do in the city. She said rather than throwing money at something, she said council needs to recognize there is a problem. She said she feels people want experiences.

Clr. Noone said that council has been saying that we want to grow departments and add positions, and now we are saying we don't want taxes to increase. He noted that our human infrastructure has been at bare bones for too long, and reducing taxes will bring more cuts. He said we need to invest and grow our tax base. Clr. Noone said that when he was campaigning, every person he spoke to said they did not know what they were getting for their taxes. He said we need to continually grow our city and improve services so residents can see what they are getting. He finished by saying it is unrealistic to reduce the tax rate.

Clr. Burrall thanked department heads for the work on the budget, and said that they are all valued every single day. He said he would like to see a flat rate change if it makes sense, and if possible, he would like to see a reduced rate, noting that the budget is a data driven discussion.

Clr. Salamendra said that she would like to respond to Clr. Noone's question about getting the tax rate down, and she said that council will do it by taking individual line items out that council does not agree with. She said that council can both improve services and keep the tax rate the same if we are ranking what is us as a council.

Clr. Pruettt said that council has been saying that we need to grow out of our deficits, and he referred to the new buildings going up on Lochland Road, and doesn't feel the tax revenue will be enough to help with the increases for the year. He said that even if the city were able to put up condominiums along Middle Street by the lake, that will not help us grow either. He said we need to focus more on bringing people to our city and to get the Finance Committee going.

Mayor Valentino thanked the city manager, asst. city manager, and department heads saying that council knows that staff knows how important it is to be efficient and have economic vision noting that staff has adjusted their budgets every year. He said that at different times in history, the city has struggled and been able to apply for funding to get us out of our troubled times. He said private investors have come in when they saw the need. He said the city needs to have a vision to keep the momentum moving forward and increase revenue. He said that the city has improved its housing stock and neighborhoods, noting that houses are selling quickly, and tax rates are not driving people away. He said that the city has saved money in recent years by funding equipment amortization, but he cautioned against pulling from fund balance later to help fund things cut during the budget process.

When Clr. Regan asked about the funding for the Innovation Kitchen, City Manager Gerling said that Real Eats will be there until March, and staff is looking for a new business to come in. She clarified that the city does receive revenues from the Innovation Kitchen which are shown on a different line and cover the costs. She reminded council that the city is launching the Geneva Made Brand to try and cultivate more food and beverage businesses here. When asked about the fire department agreements providing an accounting of the money spent, Mrs. Gerling said that the request was put into the 2021 agreement, so she planned to have it for council in March of next year for 2021. Clr. Regan said it would be helpful to have that information now so council can see where the money is being spent.

Clr. Camera asked about the large increase in the fire department equipment line on page 37, item 2029. The city manager said that an audit of the current equipment was performed, and we are deficient which is causing a safety hazard. She noted that purchases have been deferred for a while, and staff put in the items that are absolutely necessary. Asst. City Manager Blowers told council that some of the money for equipment is coming from equipment amortization. Next, he asked about the revenues for the former American Legion property, and Mrs. Gerling explained that the city was always going to receive taxes, but the formula for taxes on the apartments/condominiums has yet to be determined. Clr. Camera cautioned against spending the money for those buildings before they are complete. As another way to reduce the budget, Clr. Camera suggested waiting on the purchase of the new pumper or reducing the number of new hires or hiring contractors. He said he would also hold off on the appointment of the Deputy Fire Chief position until we have the money. He said he would like to revisit his idea of a housing court and get one set up in Geneva to get rid of the worst properties. He said he feels code enforcement needs to be more creative and go after the bad guys.

Clr. Salamendra said with regard to the firefighter agreement, council requested an accounting last year with the understanding that the funding would be cut if not provided. Mayor Valentino told her that without

the volunteer fire department, the city would have more expenses. Clr. Noone asked council members to visit the departments in order to be educated on the deficiencies and to see where the money goes to. Clr. Gaglianese said that it isn't council's job to see where every penny is spent, but rather to see that our residents are safe. Mrs. Gerling said that staff did hear council's request for an accounting, and that was put in the 2021 agreement which is not over yet. She told council that staff will work to get this year's numbers noting that the amount of money in these agreements has not increased in the number of years she has been with the city.

**ACTION TAKEN by Clr. Salamendra; seconded by Clr. Regan
MOVED THAT the firefighter agreements be removed from the budget**

Clr. Burrall said he is not in favor of eliminating this line item without the data to support it. He said that not getting the report is not a reason to take it away. He said that a quarterly or semiannual report would be helpful. He said that everyone agrees we have an unbelievable fire department, and council just wants to see the accounting. Clr. Regan said she has no problem with tabling this motion, but she remembers years ago that the Smith Opera House had to provide an accounting of where they spent their money. She said she did go to the fire department to speak to the members. Clr. Salamendra said she will not support an extension next year if council does not receive the information.

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera
MOVED THAT this request be TABLED until next week when council will receive an
accounting of the money spent by each department**

**ROLL CALL VOTE: Aye – Clr. Pruetz, Clr. Burrall, Clr. Gaglianese, Clr. Noone, Clr. Regan, and
Clr. Camera**

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

MOTION CARRIED

Next, Clr. Salamendra said she would like to remove the Deputy Fire Chief position from the budget. She said she supports code enforcement and not another fire position. Clr. Noone said that the majority of the country is in favor of public safety. Clr. Regan said she would like to see what the position does and why it is needed. City Manager Gerling said that this position will assist with inspections and provide more training and oversight to the firefighters doing the inspections. She noted that the firefighters doing code inspections need to hand off their work to a code officer or the city attorney for court appearances. When Clr. Salamendra asked about the assistant chiefs, Fire Chief Combs explained that they do not oversee the career firefighters. Clr. Burrall asked why the city couldn't hire two code enforcement officers in place of one Deputy Fire Chief.

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

MOVED THAT the Deputy Fire Chief position be removed from the budget

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

**Nay – Clr. Pruett, Clr. Gaglianese, Clr. Noone, Mayor Valentino, and
Clr. Pealer**

MOTION DEFEATED

Mayor Valentino asked councilors to take a night to think about what questions they would like to present to staff tomorrow when they will continue the budget discussion.

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 8:03pm

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

Nay – Clr. Camera

MOTION CARRIED

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL
JOURNAL OF PROCEEDINGS
REGULAR COUNCIL WORK SESSION

October 14, 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, Clr. Burrall, Clr. Pealer,
and Clr. Salamendra

2. 2022 BUDGET DISCUSSION

Mayor Valentino said he would like to go around to each councilor to come up with a consensus on what direction they would like to give staff. Clr. Regan said that at a very minimum she would like to keep the budget at a 0% increase or to even go down 1%. Clr. Salamendra said she agrees with Clr. Regan.

Clr. Pealer said he feels the budget is conservative, but he is concerned with the services we are providing our residents not being funded well enough. He referred to all of our parks and the green space being added to downtown this year, and he wonders how the city will keep up with maintenance with a lack of funding. He said he would like to hold the tax rate at what was presented, and he puts the creative and innovative challenge to staff to improve our services with what they have.

Clr. Camera said he would like to see a 3.7% reduction or to cut \$700,000 from the proposed budget.

Clr. Burrall said he would like to keep the budget flat, with anything less than zero being a bonus.

Clr. Noone said he would like the budget to stay as is and for the city to focus on rebuilding capital which is long overdue.

Clr. Gaglianese said he feels the budget is conservative and responsible and would like to keep the budget as is, but if it were lowered, he would like to see money go to Recreation and services for the YMCA.

Clr. Pruett said that if the city is looking to remain stable and rebuild infrastructure, council needs to set up goals to do that. He said the budget needs to be reduced by \$350,000, and council and staff need to look at revenue opportunities.

Asst. City Manager Blowers told council that if they want to go from the proposed 3.7% increase back to zero, that would be about \$289,000.

Mayor Valentino said that for a while, the city was having 3 and 4% increases because they knew they needed to invest in infrastructure in order to grow and get us to where we are today. He said that we also need to look at succession planning and a vision to see what challenges we will face. He said he does not want to make decisions on a conservative basis to take the city in a negative direction or leave a future council with a double digit increase in one year. He said he would support a neutral tax rate, but he is okay with the 3.7% increase. He said he has never wanted to increase taxes, but he does support council's vision.

Clr. Pealer said that one of the reasons he supports the budget is because the cost of living has jumped historically with a 6% increase. He noted that 3.7% is under the cost-of-living rate.

Mayor Valentino said that it looks like the majority of council is asking for a zero percent increase in the budget. Clr. Gaglianese asked for clarification that a 3.7% increase in the budget would mean roughly \$64 per household per year, and staff agreed. Mayor Valentino said that the City Manager will come back to council with a revised budget, and council will have the opportunity to add or remove items with a majority vote. City Manager Gerling noted that staff has already come down \$2 million so she feels it will be difficult to come back with another \$700,000 cut. Mayor Valentino said they appreciate the professional direction staff will provide.

When Clr. Regan questioned "Other Economic Assistance" in the budget, City Manager Gerling said she will get that information for council. She also questioned the ice rink costs going up, and Mr. Blowers confirmed and noted that the revenue went up the same.

Clr. Camera said he is not comfortable with giving staff a number and would like to help the city managers focus on some things, give them guidance and talk about realignment. He said there is another way to deal with succession planning noting that there are 18 firefighters who have watched the fire chief and another position does not need to be added since there is a pool of people to choose from to replace the chief. City Manager Gerling asked to clarify that succession planning is not the reason for this new position. She said that the goal is a larger picture with our code enforcement strategy.

Clr. Camera next suggested that instead of hiring two MEA positions and two code enforcement officers, that maybe the city only hire one of each. He said that he is not sure how effective the current code enforcement office operates, noting that he is trying to streamline things with the registration of landlords with a resolution on the next agenda. He said he has serious problems with what he feels is staff hiding

the marina project in the capital projects list. Mrs. Gerling explained that there are no capital projects budgeted in 2021 because of COVID-19, noting that what is in there is what council passes budget wise. She said what she is hearing from Clr. Camera is that he would like to see in the capital projects budget that we anticipate going into construction for the marina in 2022 even though we do not need any funds for it at that time.

Clr. Camera said he loves the idea of flattening out Bicentennial Park and moving the Farmer's Market there. He said we could put up signs for cars driving by, and he feels they will come to the market and even downtown. He said he saw that in the 2026 capital improvement budget there is \$5 million set aside to flatten the park, and he feels it can be done for \$100,000 to \$200,000. Next, he said that he wondered if we should realign the Recreation Department and ONI to an office called "Office of City Life" that could include recreation and beautification. He added that he would like to see an additional \$25,000 in the budget to cut down dead trees on our main streets. He said he would like to see one super department including recreation to art to history that can create efficiencies by involving other offices that do these types of activities.

When Clr. Pealer asked about ONI and the GNRC, City Manager Gerling explained that Liz Toner coordinates the neighborhood programs as part of ONI, and City Manager Gerling oversees Economic Development along with Mr. Blowers. She noted that community development and neighborhood development can all grow at this point. Clr. Pruet said that council needs a long range or 5-year plan started in January or February noting that one of council's objectives is beautification, and cutting down the 250 dead trees on the Shadetree Committee's list would be a good start. Mrs. Gerling said that when cutting down trees, staff takes care of the ones presenting safety concerns first, and they would also like to address pruning to help trees last longer.

Clr. Gaglianese reminded everyone of council's decision to cut back on the funding for tree removal last year noting that there are consequences down the road like needing to add more money now to catch up. Clr. Burrall said that dead trees can become a liability noting that it can cost \$5,000 to \$6,000 to remove one tree. Clr. Salamendra said she is glad to see more money for trees in the budget, but she agrees with other councilors that it could be more.

Clr. Pealer said he would like to reprioritize money to DPW to take care of green space and especially the downtown DRI area. Clr. Burrall said he feels this is a wonderful opportunity to subcontract out for the care of our green spaces since this is a seasonal task. Clr. Burrall then asked about the 305 Main Street property being in the capital improvement program, and asked why the city is hanging on to this property. City Manager Gerling explained that we do have the property on the market, but in the meantime, staff has had a request to clean up the back parking area as it has become an eye sore. She said that cleaning it up could make it more attractive to developers.

Clr. Camera said that one of the things he is on the record for is focus and he feels there are signature derelict properties in or city that staff needs to focus on.

Clr. Pruett said that he would like to see someone with a mental health or drug addiction profession background on the police department roster. Police Chief Passalacqua explained that his department currently uses the County Mental Health and is looking at other avenues. He said that discussions began a year ago to see if we could bring on a staff member, but it comes down to funding. He added that his department is looking into grants. He said that they also have the ability to face time on an iPad with professionals at any time. City Manager Gerling said that the Police Collective has the idea of working with mental health professionals on their agenda so there is more information to come. Clr. Salamendra said that she feels the city needs an independent person to be available in person because she feels the iPad idea is not sufficient. She said she does not want people with mental health issues to be under the direct supervision of the police department. When Clr. Camera mentioned Seneca Falls also using an iPad for professionals to communicate with individuals, Chief Passalacqua said that it has been working well. Clr. Camera said that we should definitely look at contractor opportunities for these situations.

Clr. Burrall asked about the parking enforcement line item, and Chief Passalacqua said that it is not a civil service position. Clr. Burrall said he would like to see the data of revenue generation from parking enforcement. City Manager Gerling said she will check the numbers and get the information to council.

3. EXECUTIVE SESSION

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

MOVED THAT council move to executive session at 7:29pm to discuss a personnel matter

**ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Burrall, Clr. Gaglianese, Clr. Noone, Clr. Regan, Mayor Valentino, Clr. Salamendra, and Clr. Camera
Nay – Clr. Pealer**

MOTION CARRIED

4. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 8:55pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL WORK SESSION

October 19, 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 (attended via Zoom), Clr. Camera (left the meeting at 7:13pm), Clr. Gaglianese, Clr. Noone, Clr. Pruett, Clr. Burrall, Clr. Pealer, and Clr. Salamendra (left the meeting at 7:13pm)

2. 2022 BUDGET DISCUSSION

Mayor Valentino said that council is returning tonight after asking staff to focus on a zero percent increase, and they have provided a document with the information they came up with.

City Manager Gerling explained that much of the proposal is the delay of hiring new positions along with some economic development related items and reducing neighborhood revitalization or programming. She said that staff made an effort to delay equipment purchases and maintenance of McDonough Park, and they added Clr. Pruett's items; funding for the Heritage Trail and tree removal. Mrs. Gerling said that she will have the fire company agreements tomorrow night, noting that those agreements are what allow us to use our volunteer services for firefighting. She said they are about \$1000 over a neutral budget not including the additions presented.

Clr. Gaglianese said he would like to add three items to the budget; \$22,500 each for the YMCA, Boys and Girls Clubs, and the Recreation Department. He said that this money would provide programming and healthy things to do for our youths, families and seniors. He said he is also against holding off on positions noting that it has been hard to get people to fill positions up until now.

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

MOVED THAT three items be added to the budget; \$22,500 each for the YMCA, Boys and Girls Clubs, and the Recreation Department

Deletions/Additions

Potential Deletion	Savings	Potential Addition	Added Cost
ONI - Neighborhood Revitalization	\$ 3,000	Heritage Trail	\$ 8,000
Personnel - Electronic Payroll	\$ 35,000	Trees	\$ 20,000
Cornell Ag & Food Tech Farm Park	\$ 5,000	TOTAL	\$ 28,000
BID - Economic Development	\$ 5,000		
Deputy Fire Chief - Start in April	\$ 33,179		
Police Admin - Start in June	\$ 26,248		
One Code Officer - Start in July	\$ 33,989		
Rec Supervisor - Start in March	\$ 9,301		
One MEO - Start in March	\$ 11,636		
One MEO - Start in May	\$ 22,663		
B&G Equipment - Loader	\$ 30,000		
B&G Equipment - Weed Steamer	\$ 25,000		
B&G - McDonough Park	\$ 10,000		
Highway Equipment - 3/4 Ton Pickup	\$ 40,000		
TOTAL	\$290,016		

Other Economic Assistance – Contracted Services breakdown listed on page 26

\$30,000 Innovation Kitchen – 6326.4075 – City Manager

\$15,000 Cornell Ag & Food Tech Farm Park – 6326.4062 – City Manager

\$5,000 Collateral Development – 6326.4066 – ONI

\$30,000 Marketing/Communications – 6326.4061 – City Manager

\$30,000 Economic Development Support – 6326.4104 – City Manager

\$75,000 Business Improvement District – 6326.4064 – Highway

Parking Enforcement Position

2020 Pay - \$16,635.80

2020 Ticket Revenue - \$14,000.00

2021 Pay - \$14,170.60

2021 Ticket Revenue - \$15,376.50

DEPUTY FIRE CHIEF/FIRE MARSHAL OVERVIEW

CODE ENFORCEMENT	
<u>Supervisor Duties</u> • Oversee Fire Dept. code enforcement personnel regarding inspections and unresolved fire code issues and complaints. • Reviews code inspections conducted by team, advises team and trouble shoots issues • Handles courts cases/paperwork and completes court paperwork • Answer complaints/public questions regarding code	<u>Operational/Administrative Duties</u> • Reviews new fire alarm and sprinkler systems plans and tests installed systems • Performs code inspections • Code admin work related to code complaint fire inspections

FIRE SAFETY, PREVENTION & FIGHTING	
Supervisor Duties • Acts for and in place of Fire Chief as assigned • Assists in dept. budget and makes equipment purchase recommendations • Assists in planning and directing training activities for Career Firefighters • Assists in planning and direction fire prevention activities (inspections, industrial processes, public education) • Assumes command at fires and emergency incidents in absence or direction of Chief. • Assists in discipline of subordinate staff • Other assigned supervisory duties	Operational/Administrative Duties • Assists, develops and implements operational policies, procedures, standards and goals • Conducts investigation and determination of fire causes. • Approve fireworks/bonfire permits • Covers limited apparatus as needed. • Manages other assigned operational/admin duties

Clr. Pruett said he will match the Heritage Trail funds in order to make Geneva a destination and as a benefit to our residents. He said that eventually the city will be covered with heritage trails. When Clr. Pruett asked Clr. Gaglianese how he came up with the \$22,500 for each organization, he said that he believes in 2019 the YMCA asked for \$22,500, then the city reduced it to \$18,000 in 2020, and eliminated their funding in 2021. He said he feels it is fair to give the same amount to each group for our youth.

Clr. Salamendra said she supports these institutions, but can't give funding to recreation department and also outside contractors. She said that she is all for contracting out, noting that the Boys and Girls Clubs just had a successful campaign, and she would like to hear from each of these organizations what their needs are including Epic Zone.

Clr. Camera said he agrees with adding money for the Boys and Girls Clubs and the YMCA, but maintaining ONI and the Recreation Department can be done together. He said that he is not sure money will help the recreation department because he feels they have not performed.

Clr. Pealer said that it is inappropriate to assess the recreation department based on the past two years. He said they have been underfunded in programming and playgrounds maintenance for the past three years. He said he would like to see \$10,250 of that money go to playground and maintenance revitalization noting that many of ONI's activities, besides the Farmer's Market, this year were cancelled such as the Pumpkin Roll and Musical Porches. He said that the recreation department has been performing with a stripped-down budget.

When the city manager was asked about requests for funding from outside agencies, Mrs. Gerling said that staff did not put out requests for proposals, noting that if they had, there would have been many requests. Mayor Valentino said he would be in favor of tabling this motion in order to find out what services these organizations would be able to provide for that much money.

Clr. Regan said that you can't not be in favor of these initiatives, but the problem is that council is trying to reduce the budget tonight, and if we wanted to fund these organizations, we should open it up to other organizations. She said that the city is not in a position to afford these programs. She said they deserve to ask, but she is not in favor at this time. Clr. Salamendra said that because the city did not take requests, it would not be fair, and she would rather see money go to direct programming and not overhead.

Clr. Pruett said it is difficult without more specificity. He recommended a subcommittee be formed for recreation to see what types of programming should be in there, and council should table this motion.

Clr. Gaglianese said that this money could bring back programs that have been removed, and council needs to listen to the experts. Clr. Pealer said that the regular topic at the recreation meetings is no funding. He said he would like to see input from the three organizations before voting to approve this request. Clr. Salamendra questioned what recreational programming the city provides to residents.

ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese
MOVED THAT this request be tabled
MOTION CARRIED UNANIMOUSLY (9)

Clr. Noone said he is concerned what the impact will be of holding off on hiring the Deputy Fire Marshall and the other new hires and buildings and grounds equipment. He said he is still in favor of the original budget as it builds on positive things in the city. City Manager Gerling said that the Deputy Fire Chief is a new position and there will be less time for training that position, and the police admin position has been vacant for several months, but with vacations coming up, it makes it difficult with only one person in the office to get FOIL requests done and to take vacations. Delaying equipment purchases may require more maintenance.

Clr. Burrall said that he is still on the fence with adding the Deputy Fire Chief position noting that in the long run, we would be saddling the tax payers. When he asked about the \$10,000 delay for buildings and grounds for McDonough Park, Mrs. Gerling explained that it is for maintenance and upkeep of the facility. Clr. Burrall questioned whether this park feeds into recreation and investment in a revenue generator in our community. City Manager Gerling said that this could be a retreat conversation for council.

Clr. Regan questioned the parking enforcement position noting that the city is losing money with it. She questioned if the police could handle that task. She also questioned the line item of Other Economic Assistance of \$100,000. Asst. City Manager Blowers explained that all of the items related to economic assistance are listed in two sections; first in the state version, and then in the localized budget. He said that they are all the same, but the local version separates them out. He said that the parking enforcement for downtown is not designed for revenue generation, but rather to deter behavior for parking regulations and not having vehicles parked in places they are not supposed to park. He said that the goal is to break even, noting that parking enforcement is not a top priority for our police officers with their current staffing level.

Clr. Camera said he does not support the new Deputy Fire Chief position as the items in the list given to council by the fire chief are already being done. He said he feels there are 18 firefighters who know the job well enough to step in to cover. He said that a code enforcement officer would be a better use of the funding.

Police Chief Passalacqua asked to elaborate on the parking enforcement position. He explained that his office receives frequent requests from businesses about long term parking in front of businesses. He said that his officers cannot adequately monitor parking since they would need to come back in a certain amount of time to verify the vehicle is parked over the limit. He said that if parking is not enforced, it would be a free for all, and businesses will suffer. He said that he feels that position needs to stay. Clr. Camera said he agrees with the chief about keeping this position.

Clr. Pealer said he supports the presented budget because it is under-funded compared to the rate of inflation. He said he is all for lowering taxes, but does not feel this is the way to do it, noting that our property

values are lowest in the region. He said that the things that are cut from the budget this year will only be more expensive next year. When he asked the Director of Public Works about the green space for downtown, Mr. Venuti said that there are expected to be roughly 9,200 trees, plants and shrubs in addition to the green space in the downtown plan. He said that his office requested extra help for maintenance. Clr. Pealer said that if the maintenance of this additional greenery is not funded, then council needs to lower their expectation of maintenance.

When Clr. Pruettt asked Mr. Venuti about the Shadetree Committee's inventory of trees needing removal, Mr. Venuti said that the inventory done in 2015 of 250 trees are still standing, and six years later, there are now hundreds more trees that need to be cut down. He noted that they have not planted any trees in the past three years either, which is something they like to do when taking a tree down.

Clr. Salamendra said she supports the new DPW positions, but not the Deputy Fire Chief position or the admin position at the police department. She said that emphasis needs to be put on code enforcement and the police and fire departments do not need more staff.

Clr. Pruettt said he feels the fire department inspectors look at more issues than the code inspectors. He also mentioned that the fire chief is the only department head who does not have a deputy, and he is reluctant to cut that position when inspections are not being taken care of. He said that the salary is not much higher than other positions with the city noting that the training this position would provide is needed for volunteers. Fire Chief Combs told council that there are constant updates and continuous training that has to be done every year, and even the trainers have yearly, mandatory training to do.

Clr. Camera said that the DPW is a safety department as well that keeps our city running and streets open, and we need to put money toward DPW and hire outside contractors to supplement the workload and to respond to emergencies.

Mayor Valentino thanked staff noting that they did what council asked by being fiscally responsible, and it is important that council understands what the cuts are and how they will impact us in the future. He asked the city manager that as council talks about the deletions presented tonight, what are we looking at for next year's budget. Mrs. Gerling said that it will be even harder next year unless we are able to generate revenue. Asst. City Manager Blowers told council that the originally presented budget is an aggressive budget from a staffing point in part since last year's was so conservative, but he noted that the rate of inflation never stops. He said that staff heard council's request for beautification, code enforcement and DPW. He said that many factors will affect next year's budget as we have new ideas coming in for revenue growth. He said that they felt strongly about the presented budget based on the goals of council. Mrs. Gerling added that it is a desire to be able to serve our residents better, but our frustration as a team is that we are overloaded, and we are okay with that, except we do not get to be as proactive as we would like to be when we keep skimping.

Clr. Noone referred to Clr. Pruett's statement that council needs to set goals and asked what council is going to do with this information. He said it would be nice to have a goal at each session. Mayor Valentino said that the goal set at the last session was a 0% increase based on the majority of council. He said that moving forward, council has the opportunity to make changes with a goal of passing the budget.

Clr. Pruett made a motion to approve the add-ons presented by the city manager including \$8,000 for the Heritage Trail and \$20,000 for tree removal. Clr. Pealer asked to make them two separate items, and Clr. Pruett agreed to that. Clr. Pruett said that the amount requested was \$10,000 which is twice the amount that has already been invested. He said they put 7 stations together with artwork, and they are looking to put more panels up along with 2 kiosks and a mounting post. He said that matching funds would give them \$20,000 for this year to expand the program significantly.

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

MOVED THAT \$8,000 be added to the budget as funding for the Heritage Trail

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

Nay – Clr. Pealer

Absent - Clr. Salamendra and Clr. Camera

MOTION CARRIED

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

MOVED THAT \$20,000 be added to the budget as funding for tree removal

MOTION CARRIED UNANIMOUSLY (7-2 absent)

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

MOVED THAT the Deputy Fire Chief position be filled in January 2022

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

Nay – Clr. Pruett and Clr. Regan

Absent - Clr. Salamendra and Clr. Camera

MOTION CARRIED

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

MOVED THAT the police admin position be filled in January 2022

When asked about the vacant position, Police Chief Passalacqua said that the last two chiefs had the luxury of long tenured staff, and he lost both administrative aids recently due to retirement. He currently

has one full time administrative aid working two desks, and she is extremely behind. He said he has trouble listening to council member(s) wanting to cut positions when they don't know what staff's duties are. He said leaving this position vacant was supposed to be a team approach, but it is hurting his department with different issues.

Clr. Regan reminded everyone that the majority of council wanted to see this budget held at neutral. They asked the city manager to provide some methods to get there, and this is how this list came up. She said that so far, all council has done is add when that was not the direction of council. She said she would like to hold at a minimum what was recommended by staff tonight. Clr. Gaglianese thanked the two chiefs and director of public works for giving detailed answers to council's questions. He said that having a flat rate this year will hurt us later, noting that next year will see large increases. Clr. Pruett said it would be nice to afford a lot of stuff, but our tax rate is too high.

{vote on the above motion}

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

Nay – Clr. Pruett and Clr. Regan

Absent - Clr. Salamendra and Clr. Camera

MOTION CARRIED

Clr. Pruett said he would like to take off the additions voted on tonight and maintain the \$16.17 tax rate. Clr. Pealer said he does not support the funding for the Heritage Trail at this time. Mayor Valentino explained that this cannot be done as one vote from Clr. Pruett's motion. Clr. Regan asked if council could look at other items such as delaying the purchase of the fire truck.

Mayor Valentino said that a majority of council needs to give direction to staff for tomorrow night's meeting. Clr. Gaglianese suggested compromising with a 2% increase. Clr. Burrall, Clr. Regan, Clr. Pruett and Mayor Valentino said they would like to see staff try to get to zero again.

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 8:01pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

October 20, 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 (attended via Zoom), Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruett, Clr. Burrall, Clr. Pealer (arrived at 6:03pm), and Clr. Salamendra

2. 2022 BUDGET DISCUSSION

Mayor Valentino said that staff brought reductions for the proposed budget yesterday, and council voted to add a few items back in, so staff brought back a second list of items to reduce the budget back to a zero increase. City Manager Gerling told everyone that they were able to get down to a neutral budget again tonight, but they feel these reductions take away from what we all want to achieve, noting that the flexibility staff has within the budget is minimal. She asked them to keep that in mind while moving forward. She said that council's questions from last night are answered in the handout she has given them.

Deletions/Additions

Item	Savings	Item	Savings
Deletions		Approved Additions	
<i>ONI - Neighborhood Revitalization</i>	\$ 3,000	<i>Heritage Trail</i>	\$ 8,000
<i>Personnel - Electronic Payroll</i>	\$ 35,000	<i>Trees</i>	\$ 20,000
<i>Cornell Ag & Food Tech Farm Park</i>	\$ 15,000	TOTAL	\$28,000
<i>Economic Development</i>	\$ 15,000		
<i>One Code Officer - Start in July</i>	\$ 33,989		
<i>Rec Supervisor - Start in March</i>	\$ 9,301		
<i>One MEO - Start in March</i>	\$ 11,636		
<i>One MEO - Start in May</i>	\$ 22,663		
<i>B&G Equipment - Loader</i>	\$ 30,000		
<i>B&G Equipment - Weed Steamer</i>	\$ 25,000		
<i>B&G - McDonough Park</i>	\$ 10,000		
<i>3/4 Ton Pickup</i>	\$ 40,000		
<i>Utility Vehicle w/ Trailer</i>	\$ 27,000		
<i>Management Training</i>	\$ 10,000		
<i>Communication</i>	\$ 10,000		
<i>Seneca Park Trail Project</i>	\$ 13,000		
<i>ONI Director - Start in Feb</i>	\$ 7,411		
TOTAL	\$318,000		

Provide information on Fire Companies expenditures for City funds in 2020.

Three companies (allocation amount):

- Nester Hose Co. No. 1 (\$11,000)
- C.J. Folger Hook and Ladder Co. No. 1 (\$11,000)
- Hydrant Hose Co. No. 1 (\$22,000)

Additional info recap on Geneva Fire Department 2020 stats:

Department Calls & Details: 1531 Runs

- 60 Fires
- 12 Building Fires
- 37 Other Fires: outside fires, vehicle fires, natural vegetation fires, trash/rubbish fires
- **Hazmat Calls:**
 - Ethanol leak at Zotos
 - Fuel leak at Bryne Dairy
 - Large oil spill East Castle St.

Service Call Hours (Firefighter and Volunteer): 7,814.42 hours

Training Firefighters and Volunteers: 5,260.5 hours

How much do we get from the McDonough Park lease?

\$1 per year

Would delaying or removing items from the Capital Plan help get to a lower tax rate?

Not in 2022. Most capital projects are bonded for, with the first payment being in the subsequent fiscal year.

Why is Farmer's Market mentioned in Rec blurb?

We changed the funding line item from Rec to ONI and listed in ONI notes. We missed changing in the paragraph Rec blurb and will update for the final budget.

What rec programming is Rec blurb referring to?

Planned Recreation Program offerings 2022

Youth

Learn to Skate

Skating Lessons

Beginner Hockey

Birthday parties at the rink

Easter Egg Hunt

½ Summer Recreation with Field Trips to a State Park on Friday

Tennis Lessons

Youth summer soccer

Soccer tots
Fishing clinic
Halloween Parade
Halloween costume contest
½ Weekend Pop up day activities at various playgrounds. 8 Weekends in the Summer.
Touch a truck
Host Geneva Generals Youth Hockey over 100 Games and 175 Practice hours

Adults

Yoga at the Lake
Adult soccer
Adult co-ed softball
Adult box lacrosse
Adult Hockey League
Pickleball
Adult co-ed volleyball
Photography class
CPR/AED & 1st Aid instruction
Kanadasaga Dog Show
Boater safety
Stand up Paddleboard
Cake decorating
Flower arranging
Knitting for beginners
Painting classes – One Stroke, Theorem, watercolors
Concerts at Lakefront Park
Makers Classes
Century Tennis Tournament
Pickle Ball Tournament

Family / All ages

Movie Nights
Concerts at Lakefront Park
Painting Classes
Kanadasaga Dog Show
Bounce House at the Rink Free play
Lacrosse Tournaments

375 Hours of Public Skating open to everyone

What did ONI do?

ONI Neighborhood Involvement Items

(ONI was staffed April 1st for the GNRC side with no 2021 budget for programming. Had one member retire in April who oversaw admin reporting for most grants. Current City grant load is 18.)

- Farmers Market (impacted all neighborhoods)
 - Created new vendor guidelines
 - Established SNAP program
- Created & sent out neighborhood engagement survey (impacted all neighborhoods)
- Reconvened neighborhood leaders in May for planning meeting (impacted all neighborhoods)
 - Need for city financial assistance stated by N.L. (request made in 2022 budget)
- Assisted in coordination of 3 supervised play days at Gulvin Park (East Lakeview neighborhood)
- Onboarded new East Lakeview neighborhood leader (East Lakeview neighborhood)
- Continued assistance with city-wide greenway creation (impacted all neighborhoods)
- Helped in promotion of summer garden events organized by Blueprint (East Lakeview neighborhood)
- Facilitated lease of empty city owned lot to Blueprint for community garden/park (Downtown neighborhood)
- Geneva Heritage Trail creation (Trail located in South Lake, Downtown, Hildreth Hill, and Founders Square neighborhoods)
- Brought on & managed food access VISTA who leads city wide Geneva Food Task force (all neighborhoods impacted)
- ONI is project lead on the following state grants:
 - Zombie (all neighborhoods impacted by housing quality)
 - BOA (East Lakeview neighborhood impacted)
 - MAP (Downtown neighborhood impacted)
- ONI facilitates grant admin for the following grants:
 - Beach/Marina (all neighborhoods impacted)
 - Rts. 5 & 20 enhancement (all neighborhoods impacted)
 - BOA (East Lakeview)
 - Zombie (all neighborhoods impacted)
 - MAP (Downtown neighborhood)
 - Parrott Hall (Castle Heights)
- ONI is responsible for:
 - Housing quality training (all neighborhoods)
 - Housing quality survey (all neighborhoods)
 - NYSERDA fast charging stations (Downtown neighborhood)
- ONI is primary city liaison for the following committees:
 - All neighborhood committees (all neighborhoods)
 - Public Art (all neighborhoods)
 - Green Committee (all neighborhoods)
 - Housing Quality Task Force (all neighborhoods)
 - Events committee (all neighborhoods)

- ONI handled city administration, logistics, and support in 2021 for the following events:
 - Unification Day Softball Tournament (East Lakeview)
 - Ironman/Musselman (Downtown)
 - FLXcursion (Downtown)
 - Cubby Chase (Lehigh Gardens)
 - Drink Like a Girl 5K (Downtown)
 - Geneva Half Marathon (Downtown)
 - Hildreth Hill Food Truck Rodeo (Hildreth Hill)
 - Back-to-School Giveaway (East Lakeview)
 - Relay for Life (Downtown)
 - Outstanding in the Field/Geneva Community Table (Downtown)
 - Drumstock (Downtown)
 - Latino Festival (Downtown)
 - Safe Harbors Walk + Wag (Downtown)
 - Holiday Market (Upcoming event, Downtown)

Clr. Regan questioned two of the items being cut, the steam weed killer and the truck for bringing water to plantings, noting that council previously voted to eliminate use of pesticides, and both pieces of equipment would allow the city to honor that and maintain beautification. She made a motion to retain the water truck and steam weeder.

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

MOVED THAT the utility vehicle with trailer be added back to the budget to better maintain our parks

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

MOTION CARRIED

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

MOVED THAT the weed steamer be added back to the budget to better maintain our parks

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

MOTION CARRIED

Clr. Salamendra said she asked the city manager for a list of what the recreation department did last year, but the list presented tonight has the plan for 2022. She said that she does not support giving out money

for contracts when we have a recreation department. She asked if the recreation department requires a full-time manager, noting that if this position only has time for the ice rink, that is a problem.

Clr. Pruett said he would like staff to go back and look for \$700,000 worth of cuts from the proposed budget so council can whittle it down to \$290,000 and keep the tax rate at \$16.17.

Clr. Gaglianese said he does not agree with this proposal saying council needs to be smart and responsible noting that next year council may need to increase both taxes and water/sewer rates.

Clr. Camera said he agrees with Clr. Pruett's request and said he would like staff to go back and come up with the numbers. He said he would like to look into consolidating ONI and the Recreation Department along with having the college take over the ice rink.

Clr. Salamendra said that the list presented tonight is not in line with council's values, and she would like to see more options.

Mayor Valentino said that staff has now brought \$406,016 in cuts, but council is asking for \$700,000. He said that the challenge now questions if council is representing the people who voted us into office. He said that he would love to be at neutral, but that can't always happen in order to provide the services that our constituents need and want.

Clr. Regan said that in terms of priorities, lower taxes is what she ran on in the election, noting that there are some big things in the budget that can be removed to get us to the zero percent increase. She suggested holding off the purchase of the pumper truck for another year.

Clr. Noone said that staff's job was to present council the best possible, fiscally responsible budget to move Geneva forward, and they did that. He said that cutting taxes will mean less services and a burden on staff of doing more with less along with not addressing aging infrastructure. He feels we will pay more in the long run.

Clr. Pruett said that having \$700,000 presented to council will give council more to choose from when deciding what they want to end up with. He said that there is nothing in the budget about revenue production. He also said that one way to change the balance of numbers is with the rental license, assessments, and outsourcing. He said that council needs to set goals at the beginning of the year. He said that the right thing is to work for the taxpayers. He said he would like to see the City Manager bring back everything that was voted on already to allow council to pick the ones that are a priority.

City Manager Gerling told council that she and the Asst. City Manager will not include revenues in the budget until they have them, noting that they budget conservatively. She added that procedurally, she cannot bring back the items council already voted on. Mayor Valentino said that the initial direction given to staff was for a zero % increase as there were not 5 councilors who voted for the decrease. He said that

he is in favor of equipment amortization because if you trade in a piece of equipment at the optimal time for trade-in and purchase value, you can save taxpayers millions of dollars.

When Clr. Camera mentioned removing the pumper from the budget, Asst. City Manager Blowers explained that the truck is not anticipated to be out of commission tomorrow, but the longer we wait to replace, the more maintenance costs we will have. He said that with regard to maintenance costs, it could end up costing the same amount as bonding for a new vehicle. He noted that it would not impact the budget until 2023.

Clr. Noone said that many good points have been brought up tonight with regard to ONI and the Recreation Department, and he would like to see that whole discussion removed from the budget so it is not held up and brought up at a much larger discussion that may impact next year's budget.

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

MOVED THAT staff come back to the next meeting with \$700,000 in cuts to the proposed budget in an attempt to keep the tax rate flat

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Burrall, Clr. Regan, Clr. Salamendra, and Clr. Camera

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

MOTION CARRIED

Clr. Camera said that she feels there are some revenue avenues the city can explore that he does not feel staff is aware of. Clr. Salamendra said she would like to address the votes from last night.

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 7:22pm

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

Mayor Valentino, and Clr. Pealer

Nay – Clr. Camera and Clr. Salamendra

MOTION CARRIED

Lori Guinan

City Clerk



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Clr. Burrall

Meeting Date: November 3, 2021

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

Action Required: To amend the city code to remove two-hour parking signs on the west side of S. Main Street between William Street and Park Place giving 9 parking spaces extended parking.

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: Adam Blowers, City Comptroller/Asst. City Manager

Meeting Date: November 3, 2021

Item Title: Resolution Authorizing Municipal Solutions to Apply for Grant Funds for Wastewater Treatment Plant Improvement Project

Action Required:

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

Background:

- Proposed financing of \$7,000,000 for improvements to the City's wastewater plant including:
 - Reconstructing the existing anaerobic digester tank into an autothermal thermophilic aerobic (ATAD) reactor tank
 - Reconstructing the existing industrial waste holding tank no. 2 into an ATAD storage nitrification denitrification reactor (SNDR)
 - Constructing a new biofilter and odor control unit
 - Construction of new additions or improvements to increase the capacity of the WWTP to 3,100 gallons per minute
- Town of Geneva is paying for half of the Marsh Creek Upgrades up to \$325,000
- The other half of the Marsh Creek Upgrades will be funded by the City's American Rescue Plan Funds

Comptroller's Office

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- 25% of the total cost potentially covered by Water Infrastructure Improvement Act (WIIA) grant, if successful

Financial Impact:

The cost of applying for these grant funds is estimated at \$1,500 or \$155 per hour, whichever is less.

RESOLUTION # 79 – 2021

RESOLUTION AUTHORIZING MUNICIPAL SOLUTIONS TO APPLY FOR GRANT FUNDS FOR WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

WHEREAS, the City of Geneva engaged MRB Group to complete an engineering report for the City's Marsh Creek Wastewater Treatment Plant and Pump Station Improvement project identifying the current system shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the City: and

WHEREAS, affordability for City residents and property owners is a significant concern in advancement of the proposed project: and

WHEREAS, the City is eligible for Clean Water State Revolving Loan and Grant funding based upon the Draft 2022 State Revolving Fund Intended Use Plan (IUP) ranking and the City's desire to submit a competitive application to obtain WIIA funding to assist in making the project economically viable to the City's sewer users.

NOW, THEREFORE, be it RESOLVED as follows:

1. The City Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. The City Board authorizes City Comptroller Adam Blowers and Lori Guinan in her role as City Clerk, to execute the application and any necessary supporting document required to apply for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.



**Geneva City Council
Agenda Item Briefing**

To: Geneva City Council

From: Clr. Camera

Meeting Date: November 3, 2021

Item Title: First Reading of an Ordinance Adding Chapter 111-A to the Geneva City Municipal Code Entitled "Private Landlord Registration"

Action Required: Passage by City Council so that the City may complete this task early on in the 2022 budget year.

Background: The City of Geneva is responsible for enforcing City ordinances related to the physical condition of its properties. The physical inspection of residential dwellings is the responsibility of the Geneva City Code Inspection office. The standards of construction and maintenance of the structures themselves are established in the 2020 Residential Code of New York State (44 Chapters, 20 Appendices) which exists for the benefit of all residents in the City to insure safe and attractive structures that together add to the health and well-being of residents and depict an attractive City with a well-maintained built environment.

In order for the City to provide oversight in a timely and expeditious way, it needs a complete landlord/rental property owner data base.

Alternative: Continued lack of complete landlord contact information that will hamper and delay City Staff response to code, nuisance, housing issues that arise.

Financial Impact: This will save the City money by providing a data form for completion by the registering landlord/rental property owner. The City's costs will be limited to populating and maintaining a database which will be more than offset by the fees that registrants will pay.

Attachments: Ordinance.

4th Ward City Councilor Robert "Ken" Camera

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CITY OF GENEVA

CITY COUNCIL ORDINANCE NO 6 - 2021

**ORDINANCE ADDING CHAPTER 111-A TO THE GENEVA
CITY MUNICIPAL CODE ENTITLED "PRIVATE LANDLORD REGISTRATION"**

WHEREAS it is the policy of the City of Geneva to promote the availability and accessibility of safe housing for all persons in the City, and

WHEREAS, Identification of private rental properties in the City and the ownership of said properties is incomplete, and

WHEREAS, Creation of a registry of private rental properties in the City will facilitate contact by the City with the owners of such properties to resolve code issues, to identify and prosecute nuisances, and resolve other matters, and

WHEREAS, Creation of a registry of private rental properties in the City will enable the City to provide information to Landlords, Renters, and State and Federal agencies to enable access to financial assistance, including funds available regarding COVID-19 impacts,

**THEREFORE, BE IT ORDAINED BY THE GENEVA CITY COUNCIL THAT A NEW CHAPTER SHALL
BE ADDED TO THE GENEVA CITY MUNICIPAL CODE IDENTIFIED AS CHAPTER 111-A,
ENTITLED "PRIVATE LANDLORD REGISTRY"**

111-A-1 PURPOSE

The purpose of this chapter is to establish a procedure for the identification and registration of private rental properties, and to ensure that the City of Geneva, hereinafter "City", has a meaningful, efficient, and effective means of communicating with the persons and companies who own private rental property. This chapter is adopted to promote the health and safety of tenants and residents of the City, and to alleviate conditions of substandard housing.

111-A-2 ENFORCEMENT.

This registry shall be enforced by the City Office of Code Enforcement. See § 230-12. Code Enforcement Officers and Inspectors.

111-A-3 DEFINITIONS

- A) **REGISTRY AUTHORITY** shall mean the City Office of Code Enforcement.
- B) **PRIVATE LANDLORD** shall mean any private person or persons, Corporation, LLC or other entity who owns and operates residential rental property or properties in the City as a for profit business.

- C) **RENTAL PROPERTY** shall mean any Dwelling as defined in §350-2(B) of the Code which is, or any part of which is rented or leased by the owner for residential purposes.
- D) **DWELLING UNIT** shall have the same meaning as provided under §350-2(A) of this Code under the term "Dwelling".

111-A-4 REGISTRATION OF PRIVATE LANDLORDS

- A. All Private Landlords shall register with the Registry Authority within ninety (90) days of the effective date of this chapter. The registration form shall be known as a "Private Landlord Registration Statement", and shall be signed and affirmed under penalty of perjury by the property owner of record, and if applicable, the managing agent.
- B. It shall be unlawful for any Private Landlord to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied after ninety (90) days of the effective date of this chapter without having first registered pursuant to this chapter as required herein and payment of the registration fee within the time prescribed for such registration and the payment of the registration fee. Failure to receive notice of the registration deadline shall not be a defense for failure to register rental property. It is responsibility of the Private Landlord to fulfill the requirements of this chapter.

111-A-5 DESIGNATION OF MANAGING AGENT

- A. In the event that a Private Landlord does not reside within twenty (20) miles of the City limits, or if the Private Landlord is not a natural person, or if the Private Landlord has employed a Managing agent, the Private Landlord shall identify or designate a managing agent.
- B. The managing agent shall be a natural person, eighteen (18) years of age or older, who actually resides within twenty (20) miles of the City limits or has a regular place of business within twenty (20) miles of the City limits.
- C. The managing agent shall be licensed by the New York State Division of Licensing Services.
- D. The managing agent shall be designated by the Private Landlord as the person responsible for and in control of the maintenance and operation of such rental property, and upon whom process may be served on behalf of the owner.
- E. Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent with respect thereto any officer of such corporation who meet the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.
- F. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as herein provided.

111-A-6 PRIVATE LANDLORD REGISTRATION STATEMENT

- A. Every Private Landlord as defined above shall file with the Registry Authority, within ninety (90) days after the adoption of this chapter, a Private Landlord Registration Statement on forms to be supplied by the Registry Authority, containing the following information:
- (1) Property Description: A description of the premises, including: address, number of units, number of floors, total number of bedrooms, whether the units are rented or leased, the name listed on the property deed, and any other identifying information as requested by the Registry Authority.
 - (2) Private Landlord Information: The owner's name, physical address (P.O. Box is not acceptable), mailing address, and primary and secondary voice telephone numbers, fax number and an e-mail address shall be provided.
 - (3) Designation of Managing Agent: If a managing agent is required by § 111-A 5, then the Private Landlord shall provide the following information: the name, business address, business telephone number, and fax number of the managing agent.
 - (4) Insurance Information: The name, address, and business telephone number of the insurance provider, along with a Certificate of Insurance.
- B. The Private Landlord shall be obligated, at all times, to keep this information updated, and when there is a change in any of the requested items (ownership, managing agent, insurance coverage, etc.), the Private Landlord shall update the information by amending the Private Landlord Registration Statement within thirty (30) days from the date of any such change.
- C. Upon completion, execution and submission of the Private Landlord Registration Statement as aforesaid, said registration shall be reviewed by the Registry Authority or their designee for adequacy. Should the Registry Authority and/or their designee determine that said application is incomplete for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed compliant with the requirements of this article.
- D. Where after filing any Private Landlord Registration Statement in relation to any rental property under the applicable provisions of this chapter, a Private Landlord shall have granted or transferred his/her/its right, title or interest therein or in any part thereof, the new Private Landlord shall file a new Private Landlord Registration Statement with the Registry Authority within thirty (30) days after such grant or transfer.
- E. Any designation of the managing agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent. A Private Landlord may terminate such designation by filing with the Registry Authority a sworn written statement designating a new managing agent made in conformity with the provisions previously cited.
- F. The Private Landlord Registration Statement shall be signed by the Private Landlord, or if the

Private Landlord is a corporation, by an officer thereof, or if such owner is a partnership, by a partner thereof, and said statements must be sworn to under the penalties of perjury.

- G. If a managing agent is designated pursuant to the applicable provisions of this section, the Private Landlord Registration Statement shall also be signed by said managing agent.
- H. Any such Private Landlord Registration Statement or designation of a managing agent shall be deemed prima facie proof of the statements therein contained, in any criminal or civil prosecution instituted by the City or by any proper prosecutorial agency against the owner or managing agent of a rental property.

111-A-7 PRIVATE LANDLORD REGISTRY

- A) The City Office of Code Enforcement shall maintain a Private Landlord Registry, listing all Rental Property within the City, the name, address, telephone number and e-mail contact information of each owner of such Private Rental Property.

111-A-8 REGISTRATION FEE

Private Landlords subject to this Chapter shall pay a Fee of Fifty Dollars (\$50.00) for registration of each Rental Property consisting of four or fewer Dwelling Units and One Hundred Dollars (\$100.00) for each registration of a Rental Property consisting of five or more such Dwelling Units. Said Registration Fee shall be paid to the City Clerk.

111-A-9 AMENDMENTS TO REGISTRATIONS

Private Landlords shall maintain correct information in the Registry. No fee shall be charged for necessary amendments.

111-A-10 PENALTIES

Private Landlords who fail to register ownership of any Rental Property as required by Chapter shall be guilty of a violation and subject to a fine, not to exceed One Hundred Dollars (\$100,00) per month that such failure to register such Rental Property continues.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Sage Gerling, City Manager

Meeting Date: November 3, 2021

Item Title: Resolution: Genesee Park: Authorizing Access for Foundry Remediation and Submission of Restoration Plan

Action Required:

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

Background:

Genesee Park is located within the State Superfund Program Site No. C835027A, Air Deposition Area OU3. The New York State Department of Environmental Conservation ("NYSDEC") has requested access to Genesee Park to conduct the recommended remediation in 2022. City Council requested a proposed Restoration Plan be developed with community involvement prior to granting access for remediation.

Through collaboration with neighbors, residents, interested citizens and Historic Geneva, a community-led Restoration Plan was developed. We are extremely grateful to the participants and the extra efforts done by Bob Cobb and Owen Sellers. They will give a presentation of the plan at the beginning of the Council meeting.

The restoration plan maintains the original layout of this National Registry historic park. Examples of the additional elements that will be presented include:

- A historically appropriate water fountain in the center of the main access walkway including a seating area with chess/activity tables;
- Larger size street trees installed as well as a grove of flowering trees. Trees to have base surrounded by ferns. (Type of trees to be finalized. The park deed includes planting Oak trees in the park.)
- A sculpture of Frederick Douglass in the northeast corner with path from main access walkway (Spoke several times in the park in the mid to late 1800s);
- Low brick/paved structure for small performance in the southwest corner with path from main access walkway (approximately where original bandstand was located)
- Additional lighting and electrical outlet access;

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- Historic markers or educational plaques

The items being approved include granting access to the NYSDEC to the Park to perform the proposed remediation plan at the State's expense; authorizing the City Manager to submit a plan to the NYSDEC for the restoration of the Park as part of the remediation plan; authorizing the City Manager to coordinate with the State for the additional amenities proposed in the community-led Restoration Plan of the Park; and authorizing funds from the Parks Master Plan Improvements allocation in the 2022 Capital Project budget be used for additional amenities presented in the community-led Restoration Plan that are not be covered by the State.

Alternatives:

City Council could choose to make modifications to the restoration plan.

Financial Impact:

The 2022 budget allocates \$300,000 for multiple park improvement projects. Approving this project would authorize usage of these funds for the additional amenities being proposed in the Restoration Plan (such as, but not limited to, the water fountain, additional benches, or sculpture).

Attachments:

Resolution

RESOLUTION # 80 - 2021

GENESEE PARK: AUTHORIZING ACCESS FOR FOUNDRY REMEDIATION AND SUBMISSION OF RESTORATION PLAN

WHEREAS, The City of Geneva (“the City”) owns Genesee Park (“the Park”) located in Ward 5; and

WHEREAS, is the Park is located within the State Superfund Program Site No. C835027A, Air Deposition Area OU3; and

WHEREAS, The New York State Department of Environmental Conservation (“NYSDEC”) has requested access to Genesee Park to conduct the recommended remediation in 2022;

WHEREAS, City Council requested a proposed Restoration Plan be developed with community involvement; and

WHEREAS, the City Manager collaborated with neighbors, residents, interested citizens and Historic Geneva in developing a Restoration Plan; and

WHEREAS, this community-led Restoration plan presented to City Council honors the National Historic District: Genesee Park Historic District and historic events; provides new opportunities for engagement in the park; and reestablishes a healthy planting plan.

NOW, THEREFORE BE IT

RESOLVED, The City grants access to the NYSDEC to the Park to perform the proposed remediation plan at the State’s expense; and it is further

RESOLVED, The City Manager is authorized to submit a plan to the NYSDEC for the restoration of the Park as part of the remediation plan; and it is further

RESOLVED, The City Manager is authorized to coordinate with the State for the additional amenities proposed in the community-led Restoration Plan of the Park; and it is further

RESOLVED, The City authorizes funds from the Parks Master Plan Improvements allocation in the 2022 Capital Project budget be used for additional amenities presented in the community-led Restoration Plan that are not be covered by the State.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council

From: Sage Gerling, City Manager

Meeting Date: November 3, 2021

Item Title: Resolution Establishing A Public Hearing For The Renewal Of The Electric Franchise
With New York State Electric & Gas Corporation

Action Required:

A vote on establishing a public hearing for the renewal of the Electric Franchise with the New York State Electric & Gas Corporation (NYSEG)

Background:

Utility companies provide electric and gas service to municipalities by virtue of the “franchise” granted to them by the municipality with oversight of the Public Service Commission. The City currently has a perpetual gas franchise to NYSEG. The electric franchise to NYSEG was established on May 21, 1959 and was granted for 50 years. The franchise lapsed in 2009. City staff is recommending to enter into an agreement that would extend the franchise until May 21, 2029. The full agreement will be presented in the Council packet for the November 6, 2019 Council meeting, which corresponds with the public hearing.

The Electric Franchise would grant to NYSEG its successors and assigns, the right and privilege to use the streets, highways and public places of said City to erect and maintain poles, wires, conduits, cables and other fixtures and appurtenances for the transmission of electricity for lighting, heat and power purposes, in the public and private buildings and places within the said City, upon such terms and conditions as may be deemed proper and may be permitted by law. NYSEG is required to properly maintain the wires and poles, as well as provide space and facilities in or near trenches for other services rendered to the public, including communication services. The renewing of the Electric Franchise would not interfere with the City’s ability to engage in a Community Choice Aggregation (CCA) or another form of energy performance contract.

Alternatives:

N/A

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Financial Impact:

No impact.

Attachments:

Resolution

RESOLUTION # 81 - 2021

RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE RENEWAL OF THE ELECTRIC FRANCHISE WITH NEW YORK STATE ELECTRIC & GAS CORPORATION

WHEREAS, the New York State Electric & Gas Corporation (NYSEG) is requesting the renewal of the Electric Franchise; and

WHEREAS, the Electric Franchise would grant to NYSEG its successors and assigns, the right and privilege to use the streets, highways and public places of said City to erect and maintain poles, wires, conduits, cables and other fixtures and appurtenances for the transmission of electricity for lighting, heat and power purposes, in the public and private buildings and places within the said City, upon such terms and conditions as may be deemed proper and may be permitted by law; and

NOW, THEREFORE BE IT RESOLVED, that a public hearing for the renewal of the Electric Franchise with NYSEG be held at the regular City Council meeting on December 1, 2021.

ELECTRIC FRANCHISE

THE GENEVA CITY COUNCIL, County of Ontario and State of New York (hereafter, “City Council”), by resolution at a meeting of said City Council duly called and held for such purposes on the _____ day of _____, 2021, after hearing, notice of which was given by publication in the official newspaper of said City at least ten (10) days prior to the public hearing, authorized the granting of an electric franchise to **NEW YORK STATE ELECTRIC & GAS CORPORATION**, pursuant to its Petition for a Public Hearing of _____, 2021.

NOW, THEREFORE, the CITY OF GENEVA, by:

STEVE VALENTINO, Mayor

TOM BURRALL, Councilor

ROBERT K CAMERA, Councilor

FRANK L. GAGLIANESE III, Councilor

ANTHONY NOONE, Councilor

WILLIAM J. PEALER, Councilor

JOHN PRUETT, Councilor

JAN REGAN, Councilor

LAURA SALAMENDRA, Councilor

does hereby grant New York State Electric & Gas Corporation (hereafter, “NYSEG” or “Company”), its successors and assigns, upon due acceptance hereof in writing, a franchise for a term of TEN (10) years commencing on this _____ day of _____, _____ to lay, place and maintain conduits, to contain wires for transmitting electricity and to erect and maintain in any of the streets, avenues, lanes, highways, public alleys and other public places, poles, lines, wires, insulators, transformers, arms, braces, and all other necessary or usual attachments and devices, both above-ground and underground, and to suspend from the poles and wires to be so erected electric lights for street lighting and other purposes, and to connect said wires with all public and private buildings in said City for the purpose of lighting the same

with electricity, and to distribute over said wires at all times such an electric current as shall be required and necessary and proper for such street lighting and for lighting the public and private buildings, and such electricity and electric current over said wires for the purpose of heat and/or power to be used in any of said public or private buildings.

That at all times after the placing of said poles and conduits and installation of said wires, the Company shall be permitted to examine and keep the same in proper condition and repair, and do all necessary work properly to maintain the construction, integrity and operation thereof, including but not limited to, the right to trim and/or cut trees, branches, brush or other vegetation to the extent necessary to clear the Company's facilities by at least ten (10) feet on either side of NYSEG's outermost energized equipment. Under normal operating conditions, NYSEG shall perform such trimming and cutting in the public right-of-way at NYSEG's expense following issuance of a work permit from the City's Department of Public Works or other similar authorization to proceed with such work. Under normal operating conditions, NYSEG must obtain the Department of Public Works' express written approval to remove entire trees or clear areas of brush within the City's public right-of-way, and such clearance or removal must be performed in accordance with sections 327-11 and 327-12, as applicable to NYSEG, of the City Code.

Where Company in its sole discretion determines that the condition of a tree, branch or other vegetation presents an imminent risk to health and/or safety and/or reliability of the electric system resulting from natural or weather-related emergencies, fire, vehicle accident or other incident causing immediate danger, the Company shall not be required to provide the City notice in advance of such trimming, cutting or removal. Where advanced notice is impracticable and/or would compound said risks, notice shall be given to the City as soon as reasonably possible during or after the performance of such emergency trimming, cutting or removal. Any emergency trimming, cutting or removal shall be at NYSEG's expense.

Upon the request of a third party attacher the Company shall provide space and facilities in or near its trenches for other services rendered to the public, including communications services, in said City, so long as the interested party is prepared to share the cost and such sharing of space would not interfere or impede the safe and reliable operation of Company's facilities as determined by the Company in its sole discretion.

PROVIDED, HOWEVER, that all poles, wires and fixtures shall be placed in such a manner as to cause as little inconvenience to the public in the use of such highways as is practicable and consistent with the safety and efficiency of such poles, wires and fixtures.

PROVIDED FURTHER, that all of said poles, wires and fixtures shall be placed, erected and maintained in a proper and workmanlike manner so that the same shall in no way endanger the public and, to the extent permissible under law, Company shall at all times indemnify and save harmless said City and the members of said City Council from and against any and all actions, suits, damages, costs, charges and expenses (hereafter "Claims") with respect to the operation and maintenance of said poles, wires and fixtures in any of the streets, highways, avenues, lanes and other public places, or by reason of any act or omission committed in the City's public right-of-way by said Company, except to the extent that such Claims arise solely from the City or a third-party's negligence or intentional misconduct.

PROVIDED FURTHER, whenever said Company shall have occasion to make an opening in the surface of any street, highway or other public place for the purpose of laying or repairing any conduits, poles, wires or fixtures, it will first procure any permits necessary under the law or ordinances of said City (except in an emergency), conduct such work in a careful and workmanlike manner, cause as little disturbance of traffic as reasonably possible, and restore the surface of such street, highway or other public place equal to or better than its former condition, including restoration of pavements where it has been necessary to disturb the same.

PROVIDED FURTHER, that this grant of a franchise is made upon the condition that

permission be secured from the Public Service Commission (PSC) as is required by law.

PROVIDED FURTHER, that the Company's Franchise shall remain in effect for a term of ten (10) years from the date executed by the Parties and shall continue thereafter unless and until the City exercises its option to renegotiate the terms of said Franchise upon no less than six (6) months prior written notice to the Company's Legal Department. If the City and Company are unable to come to terms after a good faith attempt to renegotiate, the City shall have the option of declaring that the Franchise is terminated upon no less than an additional six (6) months prior written notice to the Company. Notwithstanding the City's right to declare the franchise terminated, nothing in this paragraph shall be construed or interpreted as a waiver of the Company's right to challenge the terms, scope, or legality of such termination in a venue of proper jurisdiction, or to seek necessary authorization(s) from the Public Service Commission to effectuate said termination of service. Notices from the City covered by this provision shall be sent to the Company's Legal Department by Certified or Overnight mail.

PROVIDED FURTHER, that the parties hereto agree and accept that this Franchise agreement constitutes a continuation and extension of the Franchise dated May 21st, 1959 ("1959 Franchise"), which 1959 Franchise is deemed to have been in full force and effect up to the effective date of this Franchise Agreement.

PROVIDED FURTHER, that the parties hereto agree and acknowledge that the terms of this Electric Franchise Agreement shall not be effective and in force unless and until the Commission issues an Order approving NYSEG's Petition pursuant to PSL § 68 to exercise a renewed electric franchise in the City of Geneva; NYSEG shall file such Petition with the Commission after the Mayor and the City Council approve NYSEG's renewed electric franchise.

IN WITNESS WHEREOF, the City of Geneva has caused this instrument to be signed in its name by its Mayor and City Council, and the seal of the City to be hereunto affixed this ____ day of _____, 2021.

CITY OF GENEVA, by:

STEVE VALENTINO, Mayor

TOM BURRALL, Councilor

FRANK L. GAGLIANESE III, Councilor

WILLIAM J. PEALER, Councilor

JAN REGAN, Councilor

ROBERT K CAMERA, Councilor

ANTHONY NOONE, Councilor

JOHN PRUETT, Councilor

LAURA SALAMENDRA, Councilor

(SEAL)

Ratification of Franchise by Superintendent of Public Works

I, Joe Venuti, Director of Public Works of the City of Geneva, County of Ontario and State of New York, do hereby join in the execution and delivery of the foregoing Franchise or privilege and do hereby approve, ratify and confirm the same this ____ day of _____, 2021.

Mark Perry

Certification of Clerk

I, LORI GUINAN, Clerk of the City of Geneva, in the County of Ontario and the State of New York, do hereby certify that the attached copy of the Resolution and Franchise is a true and complete copy of the originals thereof granted this day to New York State Electric & Gas Corporation by the City of on the _____ day of _____, 2021.

Clerk of the City of Geneva

Clerk

NEW YORK STATE ELECTRIC & GAS CORPORATION hereby accepts the terms of the foregoing Franchise this _____ day of _____, 2021.

NEW YORK STATE ELECTRIC & GAS CORPORATION

By: _____

Title: _____

(SEAL)



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Joseph Venuti, Director of Public Works

Meeting Date: November 3, 2021

Item Title: First Reading of an Ordinance Amending Chapter 335 Entitled "Vehicles & Traffic" of the City of Geneva Municipal Code

Action Required:

Change code to include No Parking Here to Corner Signage on Herbert Street and allow enforcement of such. Install one street sign post and sign.

Background:

32 East North Street, located on the NW corner of Herbert St and East North St has multiple residents parking multiple vehicles on Herbert Street. This location is also used by motorists to frequent several commercial businesses nearby where short and long term parking, stopping and standing occurs. A safe line of sight for vehicles turning onto or out of Herbert Street to/from E. North Street is reduced by the vehicles that are parking close to E. North Street. Requiring a 40 Feet set back from E North St. still safely allows for multiple vehicle parking spaces to remain at this location and removes the unsafe situation that is currently being observed.

Financial Impact:

Less than \$200.00

Director of Public Works

Joseph Venuti

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Looking From East North South on Herbert. SUV parked near corner creates unsafe and very limited sight distance when multiple cars are parked all way to E North St. Recommend "no park here to corner" 40 feet to south.

ORDINANCE # 7 - 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 current section 335-17, entitled “Parking standing and stopping restrictions.” Indicates No special parking restrictions for Herbert Street, and

WHEREAS, the City Director of Public Works recommends no parking from the south curb line of East North Street to a point 35 feet southerly on the west side of Herbert Street, and

That Section 335-17. entitled “Parking standing and stopping restrictions.” is hereby amended to read as follows:

Herbert Street: On the west side: No parking from the south curb line of East North Street to a point 40 feet southerly.



Board and Commissions

Appointment of the terms for the Police Review Board (PRB) Members:

1-yr term (until EOY 2022): Charles King, Amaris Elliott-Engel, VACANCY

2-yr term (until EOY 2023): RJ Rapoza, Rick Barnard, Theresa Johnson

3-yr term (until EOY 2024): Jess Farrell, Wil Wolf, Ahmad Whitfield

Notes from the PRB 9/2/21 meeting explaining terms: City Council did not specify which members of the Police Review Board were to serve in which staggered terms and invited the Board to propose its own members' terms. The PRB discussed how it could assign terms in a way that would offer City Council maximum flexibility in appointing replacements given the requirements and aspirational goals in Local Law ("LL") 1-2021. These requirements and aspirational goals include: That City Council appoint individuals from the three Supervisory Districts (Wards 1&2=SD1, Wards 3&4=SD2, Wards 5&6=SD3) distributed so that one representative is in each of the three term groups. That City Council aspire to have two mental health professionals (MHP), a member of the clergy (Clergy), and an attorney in good standing (Atty) on the Board. That the member nominated by the Mayor (Myr) be in the third (EOY 2024) group. The PRB rationalized that it could offer CC the maximum flexibility in future appointments if the Aspirational Goals appointments and the Supervisory District representatives were different members. In other words, if one member was serving multiple roles (for example, as a SD representative and an Atty), City Council might be obliged to replace that member when their term came up with someone who fulfilled both of those roles—something which would be much more difficult than if the individual roles from the Local Law could be handled with individual appointments.

Discussion on Appointment of Alternates to Police Review Board, Police Budget Advisory Board and Body Camera Task Force as vacancies arise.

Currently there is a vacancy on the Police Review Board and a vacancy on the Body Camera Task Force.

**Office of the City Clerk
Lori Guinan**

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