

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

November 3, 2021 – 7:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruett, Clr. Burrall,
Clr. Salamendra (Attended via Zoom, arrived at 7:06pm), and Clr. Pealer

2. GENESEE PARK RESTORATION PLAN PRESENTATION

City Manager Gerling introduced Bob Cobb and Owen Sellers. Mr. Cobb said that the idea behind this is to start focusing people on what the park can look like after restoration to make it more usable. He said that he did preliminary drawings, and turned them over to Mr. Sellers who took them to the next step.

Mr. Sellers said that one of his teachers at Geneva High School approached him with an idea, and he went to work with Mr. Cobb. He said that a fountain would be the centerpiece of the design adding a focal point to the park to draw people in. He said there will also be a performance platform with seating along with a statue of Frederick Douglass because he has spoken in Genesee Park multiple times. He said the statue would not only honor Mr. Douglass, but it would also help to educate people on other historical figures. Lastly, he said there would be a paved activity area including benches and chess/game tables to help engage the community to spend more time in the park. He said they have received positive responses from neighborhood groups. Mr. Sellers said that the goals of this project would be to bring awareness to the historic significance this park has in Geneva, and to bring in community engagement and give resources to foster activity in the park. He said that the plan after remediation would be to install the fountain and path, with the platform and statue coming at the end.

3. FOUNDRY UPDATE

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

Remedial Design

- Additional soil samples were collected from properties located south of Lewis Street along Genesee Street, Geneva Street, and Tillman Street. Structural inspections will be conducted at 15 of these properties this week and next week. Remediation of these properties is expected to occur in 2022 and 2023.
- Progress continued on remedial design plans for the group of properties located north of Middle Street along the west side of Exchange Street and the east side of Wadsworth Street. Remediation of these properties is expected to occur in 2022.
- Remedial design plans for Genesee Park continue to remain on hold pending City Council review of city-developed plans.

Remedial Construction

- Excavation, backfilling, and restoration activities continued within the block of eleven properties located in the area bounded by Genesee Street, State Street and Clinton Street. Excavation is complete and restoration is substantially complete at most of these properties. Additional property features are expected to be restored prior to Thanksgiving. Plants and trees will be replaced in 2022.
- Minor restoration activities continued on the block of properties west of Genesee Park that includes addresses on Goodelle Terrace, Genesee Street, and Lewis Street. Additional replacement plants and trees will be installed this fall and in spring 2022.
- Additional trees will be planted 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 is being presented to Council at the November Council meeting, as well as a resolution for approval for authorization access for Foundry remediation and submission of the restoration plan for Genesee Park.

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 at 41 North Street from 11:15 AM to 12:15 PM, Lyceum Heights Apartments at 150 Lyceum St. 1:15 PM to 2:00 PM, Elmcrest Apartments at 99 Lewis St. from 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.
- 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.

4. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the October 6 Regular Council Meeting be approved

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

Abstain - Mayor Valentino

MOTION CARRIED

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

**MOVED THAT the minutes of the October 14 Council Work Session and October 13, 19,
and 20 Special Meetings be approved**

MOTION CARRIED UNANIMOUSLY

5. PUBLIC COMMENT

Dan Belliveau of 95 Lafayette Ave said that he owns a boat, and he wants to go on the record saying he feels the marina project is not a good investment for the city. He said that he sent a memo to city council back in 2018 showing reasons to abandon the idea and no need for tax payers to pay for it saying that there is excess docking space at other privately run marinas in the area. He said he feels this will be a city-funded, members-only, gated community for well-off boat owners. He said it would become a parking lot in front of the Ramada, it will spoil our view of the lake, and financial bonding risk is unacceptable. He also noted that with the fees suggested are not realistic. He finished by saying that the dining revenues are not realistic as many will be transient boaters will not stay and go into downtown. He noted that city staff is already underfunded and overworked, and they would now have to maintain the area, provide security, and maintain bathrooms and showers that will need to be built. He asked council to please abandon the idea of a city-run marina.

Charles King said that he is here tonight as the secretary of the Police Review Board to let council know that the page in the agenda about the Police Review Board terms was missing some information. He said that the board's idea was to make sure if a vacancy came up, that council would have the fewest possible restrictions for replacing that person. He explained how the bylaws suggest having members with certain

backgrounds, and the list presented to council shows what each member's background is and how they are divided up.

EOY2022: Mr. King (SD1), Ms. Elliott-Engel (Atty), VACANT

EOY2023: Mr. Rapoza (SD2), Mr. Barnard (MHP), Ms. Johnson (Clergy)

EOY2024: Ms. Farrell (SD3), Mr. Wolf (Myr), Mr. Whitfield

Larry Campbell of 366 Castle Street said I speak to the issue of building a marina on our lakefront, a possibility that registered on my radar when I read the Finger Lakes Time about the city's request for approval to dredge some part of Seneca Lake. Council, the city manager and the comptroller were all sent copies of my letter objecting to building such a marina, which was recently published in the Finger Lakes Times. So they know where I stand. But I rise here tonight to register my objection personally to you all. A letter is not adequate to express the deep revulsion I feel about this project. It does not show the smoke coming out of my ears, the fire out of my eyes, or the grim visage of a Jeremiah pronouncing woe on the Isrealites for following false gods. I had thought that Geneva citizens and government had come to some understanding about the limits of commercialization that would be acceptable, and I feel betrayed. Both sides have had to make compromises, and I understand that we can't live on Walden Pond. But we seem to have arrived at a reasonable accommodation. The boaters have a fine place to launch their boats and park their cars and trailers, and there are adequate boat slips to accommodate those who live on the lake and want to boat here to shop or dine. There is a hotel with a lovely lakeside setting to attract tourists. But we all still have free access to one of the loveliest views in the state. But now we propose offering the wealthy few who can't live in condominiums on the lake, a nest in the water where they can park their power boats and create the kind of noise and water and air pollution that is the antitheses of what this lake stands for. This waterfront needs to be dedicated to the unfettered use of strollers, bikers, sailors, wind surfers, kayakers, ducks, fish, turtles, meditators, relaxers, and children. Activities which are incompatible with noxious fumes and noise, and high-power boat traffic. Won't it be charming to take a lakefront walk and come upon a raucous flotilla party. It is always about the money – bitcoin mining in Dresden, landfills in Ontario and Seneca County, never mind the devastation of the environment. Money never gives up. It is always fighting to eat up our free spaces. We have to be eternally vigilant. Stop this cancer now. We have something unique and special here in this lakefront. Kill the goose and there won't be any more golden eggs. You don't have to wait to see the bids to decide this question. It should not be a money question. A bad idea does not suddenly become a good idea just because it can be found in our comprehensive plan.

6. MAYOR AND COUNCIL REPORTS

Clr. Gaglianese said that the Planning Board met last month to approve subdivision plans for 165 White Springs Road, a Katherine Street Subdivision, and plans for a building at the Ag Tech Park were submitted. He said he is pleased with what council accomplished at last week's budget meeting saying that they provided staff with what they need to do their jobs noting that everyone compromised. He thanked the city managers, department heads, and staff saying he appreciates what they did. He said now he would like to move forward noting that there isn't one person on council who does not care about

the City of Geneva. He thanked the many people who were in attendance and who watched it online saying that it is nice to see people engaged in our community.

Clr. Pruettt said that Historic Geneva is doing "Take a Chance on History," and they have two quilts up for auction on their website. He said the Shadetree Committee is working on plans for downtown plantings and the city nursery at the water department. He reminded everyone that he will be vacating his seat no later than December 31st. He asked the city manager if there were any results from the Brownfield Opportunity BOA in terms of the assessments of the sixth ward. He said that traffic on Doran Avenue had an issue with an 18-wheeler recently where the truck had traffic stopped while they tried to make the turn and had to keep backing up. He said he would like to see a letter sent to the business owners on the street and questioned the possibility of a camera on the corner to monitor traffic.

Clr. Salamendra said she had no reports this month.

Clr. Camera said that there was a lot of unprofessional behavior at the last meeting, noting that Clr. Salamendra is often interrupted or disparaged by some of the council members, and it really bugs him. He said that according to the rules of order, council is supposed to react to content of information. He said that she represents people who have been underrepresented for years and who are struggling to make ends meet. He said that she receives acrimony from people at meetings, and he would like us to make a better effort to let her say what she wants. Next, he said that the city has neighborhood issues on N. Genesee St and Doran Ave, and we need to address traffic and nighttime disruptions. He said that recently a number of residents on lower Washington Street are upset about noise, and now we have duck hunting issues on the lake. He said he would like to see a coordinated effort by staff, the police department, council and code enforcement to engage with residents and develop an intelligence system. He said that residents need to write down information and get it to staff, or the quality of life will continue to deteriorate if we don't do something. Lastly, he said that the marina information discussion needs to be on the agenda with all of the facts.

Clr. Regan requested that council hold a work session to discuss the marina noting that there are so many questions. She said that council needs a focus group. Clr. Regan addressed the audience about the budget process saying that it may have looked chaotic, but council wasn't elected to just rubberstamp what is put before them. She said that council needs time to review the budget thoroughly, and she would appreciate receiving it at least a month earlier saying that council needs to address the tax burden and be honest in facing it. She said that a goal of council could be as simple as requesting a flat rate or 2% decrease for the budget, then the budget can be presented as such. She said with regard to recreation, she feels we need organization and creativity, and to use our resources to pull together a weekend of events with a lot of advance publicity. She said the Green Committee is meeting with the Town Sustainability Committee on waste management. She gave a shoutout to Sarah Britting who has led the charge. She said that the landfill is looking to close, and the city needs to look at the impacts of that. Lastly, she said that all but one of the beds at the lakefront has been adopted, and the beds have been put to bed for the winter. She thanked Anne Hoyt, the HWS students and all of the adoptees.

Clr. Pealer said that Recreation had their Halloween celebration over the weekend with judging of the storefront decorating. He said that skating started last Saturday, and residents can call 315-789-2277 to get skating going for the season. He said he heard major false statements made about the possible marina tonight, noting that it will be a public marina and not a member's only club. He said that Roy's Marina and Beach Club are packed with no vacancies and the marina could provide a lot of tourism for our city. He said that the plan for the marina has been in the works for 8 years of councils. He said that the estimates given were conservative, and there may be other economic opportunities that they may have failed to account for. He said Geneva will not get better if we don't increase commercial activity. He said that he feels a lot of the comments made tonight about the marina are just not true. He said that this has been improperly politicized, and plenty of middle and lower-class people can enjoy it.

Clr. Burrall said he feels these council reports are a good interaction with comments on prior reports. He asked to clarify that the quilt fundraiser at Historic Geneva is a raffle rather than an auction, and tickets can be purchased online. He said with regard to the Doran Avenue truck situation, large trucks that are not making a delivery can be ticketed, so the neighbors need to call the police. He said he would like to see a marina work session, and prefers it when the bids come in. City Manager Gerling told council that we are in the DEC permitting stage, and should go out to bid in early 2022. Clr. Burrall said that there is currently a 100 boat waiting list at a local marina, so he is on the fence about the idea of a marina. He said with regard to the budget process, he would also like an additional 2-3 weeks to look at the budget next year. He said that recreation has been a steady topic, and he noted that there used to be a printed schedule in the newspaper monthly. He suggested that this could be done again with local businesses covering the cost. He said we have to do something about communication, including making the scheduled available at local businesses. He announced that there will be blood drives November 16 at the Presbyterian Church from 1-7pm and the 17th at Geneva General Hospital from 10-4pm. He said that the BID did a school age children's coloring contest with over 200 coloring sheets turned in. He said that gift cards were given out for Lake City Hobby and the winning pictures were framed by Stomping Grounds. He thanked the owners of those businesses and encouraged others to do the same. The BID will be holding Jingle in Geneva from November 27th to December 4th with many activities in the downtown. He said that the BID Board appreciates the city's funding and are looking forward to the new communications director position. They also thanked councilors for funding the Heritage Trail. He said the BID is implementing a merchant task force to strengthen retail and business collaboration among downtown businesses. Lastly, he said that the Historic Districts Commission and College Livability Task Force did not meet.

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, and 2 trainings. Their next monthly meeting is tomorrow night at 6:30 in the Geneva Housing Authority's Conference Room B, and it will be streamed live on the city's YouTube channel. The PRB has invited Chief Passalacqua to come and meet with them, so they have spent the majority of the past month preparing for that meeting. They have sent documents—including drafts of a complaint form and disciplinary matrix—to the Chief, along with some questions that they would like to discuss. Disciplinary matrices are used by law enforcement agencies and other civilian

law enforcement review boards across the country to ensure that similar complaints are adjudicated in a consistent, just, and transparent manner. The goal of the meeting is for the PRB and Chief Passalacqua to discuss how the PRB can improve the documents and plans they have developed so that these materials and procedures are as effective and useful as possible. Next, he said that he would like to see a work session about recreation including the director. He said he goes to Canandaigua and sees a thriving, bustling city. He said the lake is packed with people and the downtown has many activities going on. He said that from PennYan to Hammondsport the lake is busy, and those communities are also thriving.

Clr. Gaglianese said that a prior council passed the marina project and blazed a trail for this council, including Clr. Camera's vote in favor of it. He said we currently have nothing for people to do so we need to see the marina through.

Mayor Valentino said that the Local Development Corporation met today and passed their 2022 budget. Next, the Mayor read two reports from the Board of Ethics:

BOARD OF ETHICS DECISION ON "CITIZEN VS. SALAMENDRA" 24 JUNE 2021

OVERVIEW:

An ethics complaint was made by a citizen against Councilor Salamendra regarding an incident where the sidewalk/entryway to the Public Safety Building was chalked with various statements, including statements which could be construed as hateful towards the Geneva Police Department.

COMPLAINT SUMMARY:

The complainant called out Councilor Salamendra for defacing public property and mentioned in the complaint that "she had done so before".

The incident itself occurred on or about April 26th 2021 at the Public Safety Building. Councilor Salamendra and others allegedly chalked hateful messages on the sidewalk in front of the Public Safety Building. This incident was a part of a larger gathering apparently commemorating the life of a woman who was shot by police in Minneapolis.

EVIDENCE PRESENTED:

The Board was shown two video clips, one showing the aftermath of the incident. Statements like "You are not heroes" and "APAB" ("All Police are Bastards", considered to be hate speech) and others were chalked on the sidewalk. The other clip shows Councilor Salamendra and several other individuals writing on the sidewalk, though who is writing what is unclear. The rest of the gathering could be seen across Exchange Street in front of the furniture store and a few were also off to the south side of the Public Safety Building. The evidence shows Councilor Salamendra willfully writing on a public sidewalk, which is in violation of section 64-3 of the Geneva City Code.

BOARD DETERMINATIONS:

The evidence shows that Councilor Salamendra willfully violated Section 64-3 of the Geneva City Code, and is therefore in violation of Tenet 2 of the Code of Ethics. She is also in violation of Tenet 3, as breaking the City Code is not in keeping with the exemplary behavior expected of an elected official.

Respectfully submitted,

The City of Geneva Board of Ethics

CITIZEN(S) vs. SALAMENDRA, 07 JUNE 2021

SUMMARY:

Several citizens lodged complaints as to the behavior of Councilor Salamendra towards Chief Passalacqua and Lt. Potter of the GPD at the 07 June Council meeting. Video footage of the meeting was submitted and shows Councilor Salamendra interrupting the Police Chief and addressing him disrespectfully, specifically by asking them to leave after their presentation. This action triggered members of the public who were present for the meeting who became unruly, eventually forcing the Mayor to cancel the meeting. Councilor Salamendra was also seen texting several times while the Chief was speaking.

The Board of Ethics has determined that, based on the evidence, Councilor Salamendra addressed Chief Passalacqua and Lt. Potter disrespectfully and has found Councilor Salamendra in violation of Tenet 3 of the Code of Ethics.

Respectfully Submitted,

City of Geneva Board of Ethics

7. CITY MANAGER REPORT

City Manager Gerling said that the Industrial Development Agency will meet Friday at 8:30am for the first step of their financial assistance application for the 1115 Lochland Road property. She said the meeting will be at city hall and on YouTube. She said there will be a public hearing coming up. She said the final budget is being prepared and hard copies will be given to council and it will be on the website. She said that the Welcome Center hours are changing noting that this includes hours when the bathrooms will be accessible.

Monday – closed --- Restroom Lobby will be open 6am – 4pm

Tuesday through Friday – 9am – 4pm --- Restroom Lobby will open at 6am

Saturday and Sunday – 9am – 5pm --- Restroom Lobby will open at 6am

City Manager Gerling said that debris pick up is up and running, and staff will be doing continuous pickup until the leaves have fallen. She noted that DPW prefers to see leaves in bags for easy pickup. She said the rezoning process was held up due to a couple employees transitioning, but there will be a special session for council coming up at a later date. She said with regard to the DRI Streetscape, Exchange Street has pavers and planting going in, and Castle Street is in the active phase with the north side getting granite curbing. She said that milling is being done as well, and she thanked everyone for their patience and cautioned everyone to pay attention to the traffic patterns. She said that tree removal and planting is being done on Seneca Street and Exchange Street along with park benches being installed. Lastly, Mrs. Gerling said that the duck hunting on the lake is very unnerving and staff is looking into what can be done.

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

Clr. Burrall presented the following ordinance for second 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.

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

MOVED THAT this ordinance be approved for second reading

MOTION CARRIED UNANIMOUSLY

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

Asst. City Manager Blowers presented the following resolution:

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.

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

10. FIRST READING OF AN ORDINANCE ADDING CHAPTER 111-A TO THE CITY OF GENEVA
MUNICIPAL CODE ENTITLED "PRIVATE LANDLORD REGISTRATION"

Clr. Camera presented the following ordinance for first reading:

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.

Clr. Camera said that the city and the city code enforcement department are responsible for enforcing city ordinances related to the physical condition of its properties. He said the Residential Code that the city follows exist for the benefit of all residents to insure safe and attractive structures. He said that in order for the City to provide oversight in a timely and expeditious way, it needs a complete landlord/rental property owner data base. He said that the current procedure is to mail notices, and that takes too long. He said that this registry is a one-time fee, and will pay for itself.

When asked, City Manager Gerling explained that the city currently has a list of 3+ unit owners for commercial inspections. Clr. Pruett said he feels it is like licensing a business as a way of keeping track of the owner. He voiced his concern that landlords are not being required to register every 2-3 years as owners change, noting that this type of registry is not uncommon in other cities.

Clr. Salamendra said she supports the idea of a registry as code cannot reach landlords when repairs need to be made. She said this will give renters assurance that the code department can follow up, and she feels registration should be done every other year.

Clr. Burrall said it should be a one-time registration, and Clr. Gaglianese said there should not be a fee to do it. Mayor Valentino said he would like to see legal provide council with advice, and also for clarification on the actual process presented.

Clr. Gaglianese suggested putting a portal on the website for landlords to go to register. Clr. Noone said he supports the idea of a registry to have a consistent database for times of need, but he is concerned with some of the conflicting information. He said he would also like to see an estimate of staff time and cost to maintain.

Clr. Burrall said that if the goal is to collect information, then why are there different fees. He said he feels this ordinance is riddled with too much detail when all we want is contact information.

City Manager Gerling said she wanted to clarify that this ordinance is an example from Troy, NY noting that staff had some questions also. She said that staff feels the number of miles from Geneva is important as it is helpful to have someone close by. Clr. Burrall asked why this was just for residential landlords and not commercial also. Mrs. Gerling said that would be a question for legal.

Clr. Regan said that this sounds like it is targeted at landlords we don't want, so if we need the information, we should be charging for it. She said the information is important, and the fee helps fund it.

Clr. Noone suggested a penalty fee for not registering rather than the initial registration fee.

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

MOVED THAT this ordinance be approved for first reading

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

MOVED THAT this ordinance be amended to require landlords to register biannually

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

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

MOTION DEFEATED

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

MOVED THAT this ordinance be TABLED in order to get better information for the first reading

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

Nay – Clr. Salamendra, Clr. Regan, and Clr. Camera

MOTION CARRIED

11. RESOLUTION AUTHORIZING ACCESS FOR FOUNDRY REMEDIATION AND SUBMISSION OF RESTORATION PLAN FOR GENESEE PARK

City Manager Gerling presented the following resolution:

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.

City Manager Gerling said that the plan is to keep the current layout along with improvements suggested earlier and the same fence. Clr. Gaglianese suggested getting a quote to refurbish the fence and to install uplighting on the trees. When asked, Mrs. Gerling said that 6 trees are being retained unless they don't survive restoration. Clr. Pruett said additional monuments for other famous people and city history would be nice.

Clr. Salamendra said she was upset voting for remediation, but she feels comfortable with this plan because the Foundry residents need to get what they want out of this. Clr. Camera said he feels we need to remediate to eliminate questions moving forward, but he hopes the six trees can be saved. Clr. Regan said she is in favor of this plan.

Clr. Pealer asked if there were cost estimates for all of the items mentioned, and Mrs. Gerling said that will be the next step along with looking at the design. She also noted that there is funding in the budget of \$300,000 for park improvements, and that money will be maximized to get the most for the park that we can. Clr. Pealer said he would like to see some of that money go to other parks. Mrs. Gerling said that the city started investing in our parks with prior budgets, and staff feels this year money needs to be spent on this park since the state is doing remediation and is willing to do some of the work for us to help cut down on our costs. She explained to council that approving this resolution does not mean they are required to use all of the money, noting that any leftover money can be spent on other parks in the city where it is needed.

Clr. Noone commended Mr. Cobb and Mr. Sellers for their efforts, noting that remediation has been tough for residents, and this plan is great. He said he supports funding all of the amenities and also honoring city officials and the idea of purchasing of bricks and honoring veterans from our city.

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

MOVED THAT this resolution be approved

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

MOVED THAT this resolution be amended to remove the last paragraph

ROLL CALL VOTE: Aye – Clr. Burrall and Clr. Pealer

**Nay – Clr. Salamendra, Clr. Pruett, Clr. Regan Clr. Gaglianese,
Mayor Valentino, Clr. Noone, and Clr. Camera**

MOTION DEFEATED

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

MOVED THAT this resolution be amended to put a \$200,000 cap on spending

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

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

MOTION DEFEATED

{Roll call on the original resolution as presented}

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

Nay – Clr. Pealer

MOTION CARRIED

12. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE RENEWAL OF THE ELECTRIC FRANCHISE WITH THE NEW YORK STATE ELECTRIC AND GAS (NYSEG) CORPORATION

City Manager Gerling presented the following resolution:

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.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

13. DISCUSSION RESOURCE RECOVERY PARK HAULER LICENSE OUTSIDE THE FACILITY

Mayor Valentino said that Closed Loop is looking for approval to go around the city to collect debris. City Manager Gerling said that Jacob Fox wanted to clarify a couple things; this would be primarily for customers who come to the station who might need them picked up periodically, and he would also be picking up construction debris to recycle.

Clr. Regan asked council to keep in mind that this is a local business, and the idea of picking up construction debris is really good as it stays out of the landfill. Clr. Noone said he supports this idea saying it is good to keep the material out of the landfill, and the construction debris pick up is huge.

Clr. Gaglianese said he would like to see this put out to bid because he does not want to push out other businesses. Some other councilors agreed that this should be put out to bid, and it was noted that other haulers could take their recyclables to Doran Avenue.

Clr. Regan said that they tried to get the current haulers to transport compost, and they wanted nothing to do with it.

14. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 335 OF THE CITY CODE - PARKING ON HERBERT STREET

City Manager Gerling 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 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 40 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.

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

MOVED THAT this ordinance be approved for first reading

MOTION CARRIED UNANIMOUSLY

15. BOARDS AND COMMISSIONS DISCUSSION

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

MOVED THAT the following terms be set for the Police Review Board members

EOY2022: Charles King (SD1), Amaris Elliott-Engel (Atty), VACANT

EOY2023: RJ Rapoza (SD2), Charles Barnard (MHP), Theresa Johnson (Clergy)

EOY2024: Jessica Farrell (SD3), Wil Wolf (Myr), Ahmad Whitfield

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT the following terms be set for the Police Budget Advisory Board

2-year term: Robert Maclean, James McCorkle, Evelyn Buisch

1-year term: Amara Dunn, Irene Rodriguez

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

Nay - Mayor Valentino

MOTION CARRIED

16. PUBLIC COMMENT

No public comment was offered at this time.

17. UPCOMING WORK SESSION DISCUSSION

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

**MOVED THAT council discuss Recreation at the December 6th work session and
Retreat and Goals for 2022 at the January 3rd work session**

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

MOVED THAT this motion be amended to separate the two sessions

MOTION CARRIED

{Roll call on the motion for just the December work session to discuss Recreation}

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

Nay – None

MOTION CARRIED

{Roll call on the motion for just the January work session to discuss Retreat and Goals for 2022}

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

Nay – Clr. Noone, Clr. Salamendra, Clr. Camera, and Clr. Regan

MOTION CARRIED

18. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 10:25pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk