

AGENDA
REGULAR COUNCIL MEETING
CITY OF GENEVA, NEW YORK

April 6, 2022

**Public Safety Building
255 Exchange 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. PROCLAMATIONS: Joanne Wisor
Geneva's 125th Anniversary
- V. PUBLIC HEARING – Local Law Creating Staggered Terms of Office for Members of the Geneva City Council
- VI. COUNTY SUPERVISOR UPDATE
- VII. FOUNDRY UPDATE
- VIII. DRI UPDATE
- IX. CONSIDERATION OF MEETING MINUTES
This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:
 - A. March 2 (Regular Council Meeting) {Page 3}
 - B. March 21 (Special Council Meeting) {Page 18}
 - C. March 28 (Special Council Meeting) {Page 19}
- X. 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.

XI. 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

XII. 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.

XIII. UNFINISHED BUSINESS

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

- A. Local Law Creating Staggered Terms of Office for Members of the Geneva City Council – Presented by Mayor Valentino #3-2022 {Page 21}
- B. First Reading of an Ordinance Amending Chapter 300 Entitled “Solid Waste” of the City of Geneva Municipal Code – Presented by Clr. Camera #4-2022 {Page 23}
- C. First Reading of an Ordinance Adding Chapter 111-A to the Geneva City Municipal Code Entitled “Private Landlord Registration” – Presented by Clr. Camera #5-2022 {Page 28}
- D. Resolution Authorizing the Acting City Manager to Execute a Grant Agreement for Parrott Hall Stabilization and Remediation – Presented by Acting City Manager Slywka #11-2022 {Page 34}

XIV. NEW BUSINESS

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

- A. Resolution Establishing a Means for Providing Local Laws to City Councilors – Presented by Mayor Valentino #12-2022 {Page 36}
- B. Resolution Calling for an Increase in Aid and Incentives for Municipalities (AIM) Funding – Presented by Mayor Valentino #13-2022 {Page 38}
- C. Resolution Authorizing the Acting City Manager to Execute a Lease for Lakefront Services – Presented by Mayor Valentino #14-2022 {Page 40}
- D. Resolution Approving a Data Breach Notification Policy – Presented by Mayor Valentino #15-2022 {Page 42}

XV. 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.

XVI. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

March 2, 2022 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. PROCLAMATION – Problem Gambling Awareness Month

3. FOUNDRY UPDATE

Remedial Design

- Progress continued on remedial design plans for the group of properties located north of Middle Street along the east side of Exchange Street and the west side of Wadsworth Street. Beginning this month, NYSDEC's engineering contractor will meet with each property owner to review design plans. Excavation of this block is expected to begin in late April or early May.
- Additional soil samples will be collected in April or May from several properties located south of Lewis Street on Genesee, Geneva and Tillman Streets.

Remedial Construction

- An annual Community Update fact sheet was mailed to property owners, residents, and other project stakeholders in January.
- No Further Action letters were issued over the winter to the owners of 29 properties that were remediated in 2021. Summary reports for 2021 activities are in progress and will be mailed to property owners when complete.

- The project team met with Joe Venuti and Sage Gerling in January to provide an update regarding plans for the 2022 season and to discuss Genesee Park, which will be remediated during fall 2022.
- NYSDEC's construction contractor will resume on-site project activities this month. The three project staging areas will continue to be operated on State Street, Middle Street, and Lehigh Avenue.
- Excavation is anticipated to begin mid-March at six properties located south of Middle Street between Exchange Street and Wadsworth Street. Property owners have been notified.
- Properties remediated in 2021 that did not yet receive replacement plants and trees will receive them during spring 2022.

4. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the February 2 Regular Council Meeting and the February 21 Special Council Meeting be approved

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

Abstain – Clr. Salamendra

MOTION CARRIED

5. PUBLIC COMMENT

Charles King said that he is in favor of staggered terms as long as early voting is going to remain an option. He said the 10 day early voting period in 2019 and 2020 was very valuable. He said he feels it is easier for the parties to find candidates to run in wards 1 and 2, and not so easy in wards 5 and 6, so if candidates in wards 1 or 2 ran in the same election as a candidate from 5 or 6, they could campaign together. He finished by saying that early voting is his primary concern.

6. MAYOR AND COUNCIL REPORTS

Clr. Camera thanked council members for supporting the landfill petition that was submitted on February 21st to the Governor with over 1000 signatures. He said he would like staff to put the document on the city website for all residents to see. He said that the Lakefront Railway Committee met with Ontario County Planner Tom Harvey to talk about the grant they received for a transportation study from the state. He said that our county is part of an eleven-county council called the Genesee Transportation Council, and these councils meet to distribute money by ranking projects. This year they are looking to make the railroad more efficient by providing the county with \$117,000 for a steering committee and to hire a

consultant. Next, he explained why he asked the two questions of John Salone before he voted to have him as our new sixth ward councilor. The first question was to see if he supported the new Police Review Board, which he does. He said the second question was asked to see if he felt the 2020 federal election was stolen. Clr. Camera said that he felt if Mr. Salone responded that he did feel it was stolen, then he would have been concerned about his assessment of the facts. He told everyone that council is supposed to prepare a set of facts to come up with a plan, and Clr. Camera would be crossing party lines by voting for a Republican. Clr. Camera said that he hopes for a status of new staff hires in the near future.

Clr. Salamendra referred to the possible moving of the railroad and development in the sixth ward saying that she hopes any development will respect the people who live there. She said she is frustrated with the lack of a city planner as the housing group needs support from the city.

Clr. Salone told everyone that he has visited the DPW, fire and police departments, and will be going to the GEDC building on Monday. He said he plans to visit all facets of the city. He noted that recently the mayor told him that he did not need to answer Clr. Camera's question about the 2020 election, but he is not a person who ducks questions. He said that Tuesday he will have a Zoom call with a smaller grocery chain to see what they can do in our city. He finished by saying that he will continue to visit city departments to see how they operate and what their needs are.

Clr. Gaglianese thanked council for choosing Clr. Salone saying he is a good candidate. He said he hopes council can make a good choice tonight as well for the District 3 Supervisor. With regard to a city planner, he said he hopes the city can find someone in the city manager search with strong economic development skills who is also qualified in city planning who we could also hire. He also agrees that we need to complete the new hires for the code office. Lastly, he said that we need to be proactive with the DRI project finishing up as many of the plantings have overgrown quickly and need to be maintained.

Clr. Regan said that she attended a NYCOM conference in Albany where she met other councilors. She said she had another one of her town hall meetings a week ago where there were questions about the Enhanced STAR program and a possible grocery store. She said the Public Art Committee did not meet. The Green Committee is very active with a subcommittee working with the Town of Geneva about the landfill and recently met with Carla Jordan from Ontario County. Clr. Regan said that the chairs of the Shadetree and Green Committees met with Joe Venuti, Director of Public Works about tending to garden beds, and Mr. Venuti updated them on council approved purchases and plans moving forward. She said that on April 30th, the Shadetree Committee will be celebrating Arbor Day and Earth Day with speakers and family-friendly events and giveaways at the Community Center on Carter Road. She noted that a Geneva High School Green Club member, Katelyn Ikle, attends their meetings and is helping with the event. She said they want booths to present information about the environment the world is in today. She said the working title is "Mission Zero - Living in Harmony with the Earth". She said she went to the Canandaigua Winter Festival, and it was packed. The following weekend, she spent both nights downtown and it was wonderful, and she encouraged everyone to go downtown.

Clr. Pealer asked Clr. Camera if he knew where the line between the Norfolk Southern and Finger Lakes Railroad was. Clr. Camera said that the Norfolk Southern line is continuous and the plan is to divert Finger Lakes Rail with the Norfolk Southern staying where it is. Clr. Pealer said the Recreation Board is meeting March 16th to talk about drop-in events in parks and at the recreation center. Spring program will begin the first week of April with adult coed soccer and men's box lacrosse leagues. He announced that the skating rink had over 8000 skaters this winter with over 100 youth lacrosse games and 25 college games. He said the Recreation Board is looking at drop-in activities and needs help coordinating, so anyone with ideas is asked to call the Recreation Department at 789-2277 or Clr. Pealer at 945-1906.

Clr. Burrall thanked Charles King for his fresh ideas tonight. He said that the Red Cross has a huge shortage of blood noting that someone in our country needs blood every two seconds. He said that there will be blood drives on March 8th at the Presbyterian Church from 1-7pm, March 22nd at the Hydrant Hose Fire Department from 11-4pm, March 25th at Geneva General Hospital from 10-4pm and March 31st at Finger Lakes Community College in Geneva from 1-6pm. Clr. Burrall said that the BID talked about amending, or making more robust, the legal dumping legislation in the city. He said they are more concerned with creating solutions rather than enforcement. He said that the Winter Arts and Film Festival was a success with the Art Walk hosting 90 people, the film festival had over 150 attendees, and the lantern parade had over 35 marchers led by Don Liberatore on a John Deere tractor. He gave a shout out to Lt. Potter who volunteered to lead the parade on his day off. He said the BID recently held their election for new officers with John Brennan elected the new president. He said there were ribbon cuttings at Finger Lakes Juice Bar on Exchange Street and Vinifera on Linden Street. He announced that the Rose Soiree is in the planning phase. He said he attended the Shadetree Committee meeting where they discussed which trees to purchase for the nursery and giveaways for Arbor Day. He said that he and Jim Norwalk delivered \$275 worth of firewood bringing their total to \$1000 to use to purchase new trees. He said that an order for 130 - 24" or less trees is being placed that will cost \$1450 plus \$875 for shipping. Clr. Burrall finished by asking people to pray for the people of Ukraine in any way they feel comfortable noting that the world is scary right now.

Clr. Noone said that since the last meeting, the Police Review Board has had one monthly meeting of the full board, five committee meetings, and a training session. The PRB is waiting to hear back from legal about a review that is being conducted from materials the PRB produced. This will ensure that when the PRB is up and running, everything they do is in accordance with all the relative laws and collective bargaining unit agreements. In the meantime, the PRB is developing additional materials that they will need to begin accepting and reviewing cases. The PRB is also conducting a series of trainings that they will go through and discuss as a group the particular general orders that Chief Passalacqua identified as the most important for reviewing accusations of misconduct. The PRB has had trainings in January and February. The next PRB meeting is tomorrow night at 6:30pm. It will be a virtual meeting by Zoom and will be streamed live on the City's YouTube channel. He said he echoes the need for some type of economic planning position moving forward, but he feels that a position that cannot wait is grant writing. Clr. Noone said that people may already be aware, but it is taking city staff a little more time to return messages, and he just wanted to remind everyone that we are short staffed and cannot get back to people

as quickly as staff would like. He noted positions have not been filled yet due to a backlog at the county, and council needs to keep that in mind when they are making decisions that require more staff time.

Mayor Valentino said that all applications for the city manager search were received by February 18th, they met with the committee on February 21st, and the committee was split into 4 groups of five with a leader in each group. He said everyone is going to review the applications and the council will get together on March 21st at 6:00pm to review the ratings provided by staff and the committees. He said that council members need to sign their confidentiality agreements. He noted that after the meeting March 21st, the plan is to move to Zoom interviews. He said the Local Development Corporation met today and Michael Mills from the BID talked about the communications manager partnership with the city. He said they talked about grant writing and Tracy from MRB Group talked about the gap in grant writing. They talked about Bicentennial Park with possible options moving forward. He said the Industrial Development Agency heard an update from Mr. Grenier from the school board, and Craig Webster of Webster Properties gave an update on the GEDC. He said he gave an update on city council and Tracy gave one on the IDA projects. He said a nondecision presentation was given on the Trinity Church Project. Mayor Valentino said he recently welcomed 250-300 firefighters at a training session at the Smith Opera House, and he thanked Ctr. Regan for taking a new picture of council for the website.

7. CITY MANAGER REPORT

Acting City Manager Slywka welcomed council back to the Public Safety Building. She announced that council, along with the Finger Lakes Times, will be receiving information on the vacancies throughout city departments. She noted that Ontario County is not seeing much in the labor market, saying that word of mouth helps relay information out to the public. She said staff is still working on a Director of Planning and Economic Development.

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

Mayor Valentino 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 current section 335-17, entitled "Parking standing and stopping restrictions." indicates No special parking restrictions for Main Street, North on the east side from Patterson Alley

WHEREAS, the City Director of Public Works recommends no parking on the east curb line of North Main Street to a point 30 feet north from the north curb line of Patterson Alley, and

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

Main Street, North: On the east side: No parking from the north curb line of Patterson Alley for a distance of 30 feet northerly.

**ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese
MOVED THAT this ordinance be approved for second reading
MOTION CARRIED UNANIMOUSLY**

9. TABLED FIRST READING OF AN ORDINANCE ADDING CHAPTER 111-A TO THE 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, in a timely and expeditious manner, 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 one-time 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.

Upon change of ownership of a Rental Property, the new Landlord shall register as required by Section 111-A 6, D above, and pay the registration fee described above within 30 days of the date of transfer.

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 reason for registering is to increase accountability in landlords as the city does not currently have good contact information for landlords. He noted he would like to see a change made in section 111-A 6A (3) to include email address requirement for managing agent.

Clr. Gaglianese said that he still feels this needs some work. He referred to a website called avail.com that talks about the Syracuse, NY registry. He encouraged councilors to read the article. Clr. Regan said that this was a topic at the NYCOM training, and she is in favor of the idea, but this needs more work.

Clr. Salone said that this will contribute to better housing, and issues will be corrected and renter's needs met. He referred to a point system in Lyons where he was mayor years ago, and if a landlord received so many points in one calendar year, the landlord's certificate of occupancy was taken away. Mayor Valentino said he would like to see a point system used where landlords who comply and meet code requirements can be given grace for their efforts.

Clr. Burrall asked to clarify that this applies to commercial buildings, and Clr. Camera said it did. He then questioned why the managing agent needs to be within 20 miles of the city and what the reason for demanding a certificate of insurance as it is not statutory.

Mayor Valentino told councilors that any input from landlords and individual councilors would need to go to legal. Clr. Pealer said that the intention of this ordinance is good, and holding landlords accountable is great, but this will be a burden on our staff. He said that this needs to be supported by our budget along with a cost analysis.

Clr. Gaglianese said he feels council is no further along, and he encouraged councilors to read the article about Syracuse. He said that council needs input from landlords and renters.

Clr. Salamendra told council to let the rest of council know what their adjustments are for this ordinance, and she thanked the housing group for their work on this. Clr. Gaglianese said that he would like to see this as a work session topic, and Mayor Valentino encouraged all of council to bring their topics to him. Clr. Gaglianese said he would like to table this ordinance and allow councilors to bring more information to staff before the next meeting.

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

MOVED THAT this ordinance be approved for first reading

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

MOVED THAT this ordinance be TABLED

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

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

MOTION CARRIED

10. DISCUSSION – Solid Waste

Mayor Valentino said that there have been amendments to the solid waste ordinance including adding a 5th hauler. He noted in recent discussions there have been issues with people operating in our city without a license. He noted one important item legal would like to see in the ordinance is that licenses should not be renewed automatically.

Clr. Gaglianese said that competition is good and gives people choices. He said Geneva is supposed to welcome businesses, especially local ones, and council should not be burdening staff with responding to issues. Clr. Pealer said the city should open up our ordinance to more permits to entice others to come here with no blanket cap. He said that garbage is a public health concern and needs to be picked up, and if the city's policies are preventing garbage from being picked up, they council needs to change those policies.

Clr. Camera said that the original issue council was trying to address was every day being trash day in the city. He said the original changes were to ask the four haulers to pay for which day they wanted to collect to get more discipline in the process. He said the idea of restricting it goes back to the idea of protecting the franchise, and they will want to improve their service. He said that if we allow too many companies to come here, we may not see the good service that a smaller number of haulers would be willing to provide. If a hauler isn't doing a good job, they should not be allowed to automatically renew, and he feels there needs to be a number cap.

Clr. Regan said that she hesitates adding more haulers and losing track of what they are doing. She said that the rules are changing where the day will come when we have to compost and recycle. She said council needs to look at the totality of the rules they want, and they need to force haulers to comply.

Clr. Burrall referred to the current haulers in the city and questioned if they are the best fit for our community if they are only here a limited time for a limited number of customers. He said we need to find the best fit of the four licenses based on the needs of our community, and we need to educate everyone with the value of composting.

Clr. Salone said he believes in home rule, and if we have someone local, they should get the license. Clr. Gaglianese said this needs to be a work session topic to be fair to all.

Clr. Camera referred to an ordinance he is working on with the city attorney where licenses for residential and commercial would be separated along with an accommodation for pickup of food waste. He said the Beyond Beyond Waste Plan coming out will impact food waste.

Clr. Noone referred to the furniture sitting outside dumpsters in the downtown area, and he looks forward to discussing this issue with the BID. He said council needs to put an evaluation process in place to evaluate the hauler contracts so everyone knows the process and what will happen if contractors do not follow the rules. He said the city also needs to do large debris pickups more often to help people get rid of

larger items. He said it will cost money and time, but he feels it will be well worth it. He said he would also like to see composting be made more accessible to residents as well. He said the entire city needs to be on the same page, and a work session would be good.

Clr. Salamendra said she is not in support of adding more haulers, and she feels Growing Cycle makes composting easy. Clr. Regan added that composting can be taken to the Resource Recovery Park for a \$15 yearly fee.

Mayor Valentino asked council if they agree that the code needs to be modified to eliminate automatic renewal of licenses, and council agreed. Clr. Camera said he feels there should be a clause that emergency licenses can be issued if necessary.

11. DISCUSSION – Linden Street

Neal Braman, Development Services Manager, told council that staff has an approved plan with the property owner, and the owner has until the end of April to make necessary repairs including; installing a railing along the alley way, finish the façade, repair the leaking first floor ceiling, clean up the lot, and fix bricks on the side of the building. He said that once these items are done, the city is done with this property. Mr. Braman noted that staff has presented the owner with people to buy, but nothing has come of it. Mr. Braman said that if the repairs are not done, the city will take the matter to court for a judge to issue an order.

Clr. Gaglianese pointed out that this project has dragged out since 2017, and he wonders if it is just going to keep dragging on. He asked Mr. Braman why the city cannot condemn the building, and Mr. Braman said that there has to be eminent danger and there would be a process to follow. He noted that the building is currently stable.

When asked about a deck, Mr. Braman said that there was supposed to be a second-floor deck with steel beams to hold the load. Clr. Burrall asked about the alley on the south side, and Mr. Braman said that the city has an easement over it.

Clr. Camera reminded everyone about his idea to beautify the storefront with the tourist season coming.

Mayor Valentino told Acting City Manager Slywka that it appears that council has had enough of this issue and want to see something done. Mrs. Slywka said that a request for legal services was done which directed this current process. Mayor Valentino said he would like staff to look at any other tools that we could use to move this process along, including a communication to the owner that council is fed up and wants to see something done.

12. RESOLUTION SCHEDULING A PUBLIC HEARING IN CONNECTION WITH THE ADOPTION OF LOCAL LAW 3-2022 CREATING STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE GENEVA CITY COUNCIL

Mayor Valentino presented the following resolution:

WHEREAS, it is in the best interest of the City of Geneva to ensure continuity and stability of its City Council, and

WHEREAS, currently all Geneva City Councilors are elected for four-year terms every four years in the same general election, and

WHEREAS, staggering the terms of office of City Councilors would ensure there would always be experienced Councilors sitting on the City Council familiar with operation of the City, issues before the Council, and City Council procedures, and

WHEREAS, in furtherance of said goals, Mayor Steve Valentino proposes the adoption of local law 3-2022 directing that the terms of office of Geneva City Councilors and the City Mayor shall be staggered so all City Councilors and the Mayor do not come up for election in the same year, and

WHEREAS, the Municipal Home Rule Law requires a Public Hearing be held before a local law is adopted.

NOW, THEREFORE BE IT RESOLVED that a public hearing be held on April 6, 2022 at 7:00p.m. pursuant to the Municipal Home Rule Law concerning proposed local law 3-2022 submitted herewith.

Mayor Valentino said that after giving this more thought, he said he would like to change the local law to have the mayor and two councilors at large run in two years; wards 1, 3, and 5 run in three years; and 2, 4, and 6 run in four years. Council agreed to this change. Mayor Valentino told council that he will prepare a spreadsheet to show them the upcoming election schedule.

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

13. APPOINTMENTS

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

MOVED THAT James Petropoulos be appointed to fill the vacant District 3 Supervisor position

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

Nay – Clr. Salamendra and Clr. Regan

MOTION CARRIED

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

MOVED THAT Amara Dunn be reappointed to the Police Budget Advisory Board

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT Don Wheeler be reappointed as Fire Commissioner

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT Marc Lathy be reappointed to the Human Rights Commission

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT Anne Nenneau be reappointed and Jason Fulton be appointed to the Industrial Development Agency

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT Ervin Kosta, Michael John and Anne Nenneau be reappointed and Chad McCusker, David D'Amico and Allison Koczent be appointed to the Planning Board and Marc Rodriguez be appointed an alternate to the Planning Board

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT Jacob Fox be appointed to the Recreation Advisory Board

MOTION CARRIED UNANIMOUSLY

14. PUBLIC COMMENT

No public comment was offered at this time.

15. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 9:45pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

March 21, 2022 – 6:00 PM

City Hall – Second Floor Conference Room
47 Castle Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 6:01pm to discuss City Manager the City
Manager Search**

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT council leave executive session at 7:09pm

MOTION CARRIED UNANIMOUSLY

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 7:09pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

COUNCIL WORK SESSION

March 28, 2022 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Gaglianese, Clr. Burrall, and Clr. Salone

Absent: Clr. Salamendra, Clr. Pealer, and Clr. Noone

2. DISCUSSION – Solid Waste Ordinance

Clr. Gaglianese suggested issuing licenses for companies just doing roll-offs if council did not agree to add additional hauler licenses. Clr. Regan said she did not want to see an increase in the number of licenses, but she liked the idea of separate licenses for just roll-off companies. She voiced her concern with the possibility of having the potential for 8 haulers in the city if each company only provided residential or commercial service. Clr. Camera said he likes the idea of a separate permit for construction debris, and he wants to remove that from the no license required section of the proposed ordinance.

Clr. Burrall said he also likes having only 4 permits for residential and 4 for commercial. He referred to one of our licensed haulers only providing commercial hauling and said he felt that this company does not fit our needs.

When talking about renewing licenses, it was mentioned that there needs to be standard criteria set for the DPW to use in making a decision on whether to renew a current license or issue a new one.

Clr. Regan said she would like to see some wording about diversion of recyclable material in the code that can be taken to Closed Loop. She said she would like to see everyone use three bins to include composting.

Clr. Gaglianese said he would like to see the City Clerk send a letter to every hauler within a 50-mile radius letting them know about our code once it is updated. All councilors agreed that they did not want to give more work to code enforcement.

Before adjourning the meeting, council agreed to send the following to legal to complete the ordinance:

1. Under 300-6 - Reference 7G and H (H is new)
2. Under 300-7 1A – include statement that all licenses expire on the 31st of December and the license fee is per year
3. Under 300-7 2B – In the highlighted area, change “residential collecting” to “commercial” and include a statement that the license fees are per year
4. Under 300-7 7G – take out the words “construction or demolition debris”
5. Add 300-7 7H – “Collection of construction and demolition debris related to a building permit must use a current, licensed hauler or be subject to a fee of \$250 per permit.”
6. Replace wording in current section 300-9 D – with “All trucks must have not less than \$1,000,000 per occurrence for bodily injury and property damage. Such insurance shall be without prejudice to coverage otherwise therein and shall name as additional insured the City of Geneva.”
7. Remove current section 300-9 F referring to changes in ownership

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 7:31pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Steve Valentino, Mayor

Meeting Date: April 6, 2022

Item Title: Local Law #3-2022 Creating Staggered Terms of Office for Members of the Geneva City Council

Action Required:

Approval of local law #3-2022 to stagger mayor and city council terms of office.

Background:

Staggering the terms of office for the mayor and councilors would ensure there would always be experienced councilors sitting on the city council who are familiar with current operations of the city and any issues before council.

A public hearing will also be held tonight to hear resident input before voting. If approved tonight, this local law will amend the city charter and be subject to a mandatory referendum in November.

Financial Impact:

N/A

Attachments:

Local Law #3-2022

Office of the City Clerk

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Local Law # 3 – 2022

Local Law Staggering the Terms of City Councilors and the Mayor

BE IT ENACTED, by the City Council of the City of Geneva as follows:

The Geneva City Charter, approved by referendum, effective January 1, 1974, as amended thereafter, is hereby further amended to change the method of election of members of the Geneva City Council.

Section I – Purpose

The purpose of this law is to stagger the terms of Geneva City Council members and the Mayor so all City Councilors do not come up for election in the same year.

Section II – Elective Officers; terms

Geneva City Council members and the Mayor shall be elected in stages beginning with the 2023 general election. The Mayor, one City Councilor at large and City Councilors representing City Wards 2, 4, and 6 shall be elected to a term of two years in the 2023 general election. One City Councilor at large and City Councilors representing wards 1, 3, and 5 shall be elected to a term of four years in the 2023 general election. Every general election thereafter, all City Councilors and the Mayor shall be elected for terms of four years. It is the intent of this local law, which is subject to mandatory referendum, to stagger the terms of office for City Councilors and the Mayor so all City Councilors and the Mayor do not come up for election in the same year.

Section III – That the City Charter provision in conflict herewith specifically Article 2, Section 2.1 pertaining to elected officials is hereby amended.

Section IV – Effective Date

This local law shall become operative only if approved at the November 8, 2022 general election by the affirmative vote of a majority of the qualified electors of the City of Geneva voting upon the proposition in the above matter, and as prescribed by law.

Abstract of Proposition

Shall the City of Geneva Local Law # 3 – 2022 Staggering the Terms of Geneva City Councilors and the Mayor be approved?



To: Geneva City Council

From: Lori Guinan, City Clerk

Meeting Date: April 6, 2022

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

Action Required:

An affirmative vote by a majority of Council, and two readings is required to amend an ordinance.

Background:

Staff is working to clear up some definitions and language in the current code while also including wording to assist staff with enforcement. In addition to clearing up some of the wording, the amended code would allow for four residential and four commercial haulers.

Financial Impact:

Any additional fees will go into the City's General Fund.

Office of the City Clerk

Lori Guinan

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**CITY OF GENEVA NEW YORK
CITY COUNCIL ORDINANCE NO 4-2022**

**ORDINANCE AMENDING CHAPTER 300 ENTITLED “SOLID WASTE”
OF THE CITY OF GENEVA MUNICIPAL CODE**

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

Section 300-1 is amended to read as follows:

§ 300-1 Purpose.

By the adoption of this chapter, the City Council of the City of Geneva, for the promotion of the health, safety and general welfare of the City of Geneva and its inhabitants, declares its intent to regulate collection and disposal of residential and commercial solid waste within the City of Geneva.

Section 300-2 is amended as follows:

1. The following definitions are added in alphabetical order

COLLECTION -- means the act of picking up solid waste material from the public right-of-way abutting homes, or business or industrial sites.

COMMERCIAL SOLID WASTE – means solid waste generated by retail stores, other businesses, offices, restaurants, warehouses, educational, health, not for profit, and other, non-manufacturing, excluding one and two family residential and industrial wastes.

CONSTRUCTION AND DEMOLITION DEBRIS -- means uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads, and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquids, and metals that are incidental to any of the above.

COMPOSTING MATERIALS – Organic material, including but not limited to, food waste and lawn materials, suitable for composting.

RESIDENTIAL SOLID WASTE—means household waste, generated by single family or multifamily dwellings with up to eight dwelling units, excluding automobile parts, tires, construction and debris materials, yard trash, bulky waste, white goods, and hazardous waste.

SOLID WASTE -- For the purposes of this Chapter, Solid Waste shall be defined as set forth in 6 NYCRR Section 360.2 subdivision a. currently in effect and as amended.

2. The term **RECYCLABLES** shall be redefined as follows:

RECYCLABLES —means a component of waste which exhibits the potential to be recycled.

3. The term **REFUSE COLLECTOR** shall be amended to “**SOLID WASTE COLLECTOR**”.

4. The term **TRASH RECYCLABLES** shall be deleted from Section 300-2.

Subdivision A (1) of Section 300-5 shall be amended to read as follows:

Initial violation. The authority having jurisdiction or its authorized representative shall order the owner of any premises who has not contracted with a collector of residential or commercial solid waste licensed by the City of Geneva, or upon whose premises solid waste shall have accumulated or become improperly stored, or where containers, empty or full, have become improperly stored in violation of this chapter to: contract with a collector of residential or commercial solid waste licensed by the City; to remove such solid waste from such premises and/or to remove containers, empty or full, or properly store them within two days after receipt of an initial notice of violation.

Section 300-6 shall be amended to read as follows:

No person or entity shall engage in the business of receiving, collecting or transporting residential or commercial solid waste within the City of Geneva without first obtaining a license to carry on such business from the City of Geneva and paying the fee for such license as herein provided.

A person or entity may obtain a license to receive, collect or transport residential solid waste within the City of Geneva and a license to receive, collect or transport commercial solid waste within the City of Geneva.

Nothing herein contained shall be construed to prevent any person or entity from transporting yard trimmings or brush generated on residential or commercial premises for the purpose of disposal.

Section 300-7 shall be amended as follows:

1. **Subdivision A shall be repealed in its entirety to be replaced by the following:**

A. The City of Geneva shall issue up to four licenses for collection of residential solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31st of the license period. Said

Licenses shall be subject to revocation as provided herein. Collectors of residential solid waste seeking to conduct residential collecting operations on Monday through Thursday of each week shall pay an annual fee of \$250 for each day of the week they will be collecting. Collectors of residential solid waste seeking to conduct collecting operations on Friday of each week shall pay an annual fee of \$750.

2. The current subdivision B of Section 300-7 shall be replaced by the following:

B. The City of Geneva shall issue up to four licenses for collection of commercial solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31st of the license period. Said Licenses shall be subject to revocation as provided herein. Collectors of commercial solid waste seeking to conduct collecting operations on Monday through Thursday of each week shall pay an annual fee of \$250 for each day of the week they will be collecting. Collectors of commercial solid waste seeking to conduct collecting operations on Friday of each week shall pay an annual fee of \$750.

3. The current subdivision B of Section 300-7 shall be re-lettered as subdivision H.

4. A new subdivision C. shall be added to Section 300-7 to read as follows:

C. Initial applications for licenses for collection of residential or commercial solid waste pursuant to the 2022 amendments of this chapter shall be made no later than June 30, 2022. Current holders of licenses under this chapter shall have no vested right to issuance of such a license.

5. A new subdivision D. shall be added to Section 300-7 to read as follows:

D. Unless a license for collection of residential or commercial solid waste is revoked by the authority having jurisdiction, or the collecting person or entity discontinues operations in the City for a period greater than 60 days, the licensee shall apply to the Department of Public Works for renewal of its license for collection of residential or commercial solid waste no later than 60 days prior to the expiration of its current license. A licensee shall have no vested right in renewal of its license.

6. A new subdivision E. shall be added to Section 300-7 to read as follows:

E. Prior to issuing or renewing a license under this Chapter, the Department of Public Works shall review the performance of the applicant. The Department of Public Works shall notify an applicant or a licensee of its determination issuing or denying an application for issuance or renewal of a license under this Chapter in writing, stating the reasons therefor. An applicant or licensee may appeal a determination denying its application for issuance or renewal of its license no later than 30 days of the date it is notified of the determination by filing a written appeal with the office of the City Manager. Determination of the appeal shall be made within 30 days of the

date of receipt. A denial of an application for renewal of a license shall be stayed pending determination of the appeal.

7. A new subdivision F. shall be added to Section 300-7 to read as follows:

- F.** No license shall be required for the collection for the purpose of disposal of yard trimmings or brush generated on residential or commercial premises.

8. A new subdivision G. shall be added to Section 300-7 to read as follows:

- G.** Anyone collecting construction and demolition debris related to a building permit must possess a commercial solid waste license issued pursuant to this Chapter or an additional \$250 fee will be added to the building permit fee.

Section 300-9 shall be amended as follows:

1. The current subdivision D of Section 300-9 shall be replaced by the following:

- D.** All vehicles used by collectors for purposes under this Chapter shall have insurance in place for claims of bodily injury and property damage with limits of no less than \$1,000,000 per occurrence. Such insurance shall be without prejudice to other coverage. The City of Geneva shall be named as additional insured.

2. Subdivision F of Section 300-9 shall be repealed in its entirety. Subdivisions G through M of Section 300-9 shall be renumbered F through L accordingly.



**Geneva City Council
Agenda Item Briefing**

To: Geneva City Council

From: Clr. Camera

Meeting Date: April 6, 2022

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 5-2022

**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 in a timely and expeditious manner 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 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.

D. The managing agent shall respond to communications from the City Office of Code Enforcement within 2 hours after the communication is sent.

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.

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. Upon change of ownership of a Rental Property, a Registration Fee shall be due and payable by the new Private Landlord within 30 days of closing. (See Section 111-A 6, D above.)

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: Jennifer Slywka, Acting City Manager

Meeting Date: April 6, 2022

Item Title: Resolution Authorizing the Acting/City Manager to Execute a Grant Agreement – New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Project #210941 for Parrott Hall Stabilization and Remediation

Action Required:

A majority vote on the resolution.

Background:

City Council authorized City staff resources for assisting the Parrott Hall Coalition (the Friends of Parrott Hall; the Landmark Society of Western New York, Inc.; and the Preservation League of New York State) for the stabilization, rehabilitation, and reuse of Parrott Hall. Through a license agreement with New York State Office of Parks, Recreation and Historic Preservation (NYSPRHP), the Coalition will have ten years to accomplish this project. A Memorandum of Understanding with the Coalition was signed in April 2019 and the license agreement with NYSPRHP was executed May 1, 2019. The Memorandum of Understanding will remain in effect during the term of the license agreement which will expire April 30, 2029.

The City was awarded a NYSPRHP Environmental Protection Fund grant for \$400,000 in 2018 for stabilization, urgent repairs, and remediation of Parrott Hall to prevent further deterioration, and to ready the property for complete rehabilitation and reuse. The City has received a second grant of \$500,000 in 2021 to complete additional remediation and veranda restoration. This City Council action will approve the execution of this grant agreement by the Acting/City Manager.

Financial Impact:

N/A

Attachments:

Resolution Authorizing The City Manager To Execute A Grant Agreement – New York State Office Of Parks, Recreation And Historic Preservation Environmental Protection Fund Project #210941 For Parrott Hall Stabilization And Remediation

Office of the City Manager

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
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RESOLUTION # 11 - 2022

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION ENVIRONMENTAL PROTECTION FUND PROJECT FOR PARROTT HALL STABILIZATION AND REMEDIATION

WHEREAS, a value of the City's Comprehensive Plan recognizes our architectural assets are important to us; and

WHEREAS, this plan states that we will protect and enhance our architectural heritage and prioritize the preservation of our historic and architectural assets; and

WHEREAS, Parrott Hall, listed as the Denton House at 643 North Street, is listed as an historic structure in the City's Code, Chapter 350: Zoning, Article X: Historic Zoning; and

WHEREAS, City Council on May 2, 2018 resolved to support the preservation of Parrott Hall and on January 2, 2019 resolved to enter into a license agreement with the New York State Office of Parks, Recreation & Historic Preservation (NYSPRHP) and a Memorandum of Understanding with the Friends of Parrott Hall, a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 57 High Street, Geneva, New York ("the Friends"), The Landmark Society of Western New York, Inc., a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 133 Fitzhugh Street, Rochester, New York ("the Landmark Society"), and the Preservation League of New York State, a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 44 Central Avenue, Albany, New York ("the Preservation League") for the stabilization, rehabilitation, and reuse of Parrott Hall, and

WHEREAS, the City was awarded a New York State Parks, Recreation and Historic Preservation (NYSPRHP) Environmental Protection Fund grant for the stabilization and remediation of Parrott Hall; and

WHEREAS, the Coalition is asking for a second NYSPRHP Environmental Protection Fund grant application be submitted for additional remediation and veranda restoration of Parrott Hall; and

WHEREAS, the Memorandum of Understanding has been signed with the Coalition to coordinate and administer the grant project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York authorizes the City Manager to submit a NYSPRHP Environmental Protection Fund grant application for Parrott Hall.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Steve Valentino, Mayor

Meeting Date: April 6, 2022

Item Title: Resolution Establishing Means for Providing Local Laws to City Councilors

Action Required:

Approval of a resolution to allow the city clerk to send local laws to council via email rather than USPS mail.

Background:

The current method of notifying council members of an upcoming local law is to send a paper copy through the USPS mail ten days prior to the council meeting date when the local law will be voted on. With this method, there is no guarantee council members will receive the local law in a timely manner to allow them to review the document prior to voting.

According to Municipal Home Rule Law, the local law can be provided to council members via email as long as there is a resolution passed by council allowing for this delivery method.

Financial Impact:

N/A

Attachments:

Resolution

Office of the City Clerk

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
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RESOLUTION # 12 - 2022

RESOLUTION ESTABLISHING MEANS FOR PROVIDING LOCAL LAWS TO CITY COUNCILORS

WHEREAS, according to Municipal Home Rule Law Section 20, paragraph 4, a proposed local law may be introduced only by a member of the legislative body at a meeting of such body or as may be otherwise prescribed by the rules of procedure adopted by the legislative body, and

WHEREAS, no such local law shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, or (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post office box of the United States post office department within the local government at least ten calendar days, exclusive of Sunday, prior to its final passage, or (c) e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage, and

WHEREAS, provided that (i) the local government has documented that each member of the legislative body had an email address, (ii) the local government has published such email address on the bulletin board of the local government clerk, and (iii) the legislative body has unanimously adopted a resolution authorizing such electronic delivery, and

NOW THEREFORE BE IT RESOLVED that the city council agrees that local laws can be sent in PDF format via email to all councilors no less than ten calendar days, exclusive of Sunday, prior to the date of the council meeting where the local law shall be passed.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Steve Valentino, Mayor

Meeting Date: April 6, 2022

Item Title: Resolution Calling for an Increase in Aid and Incentives for Municipalities (AIM) Funding

Action Required:

Approval of this resolution by a majority of council.

Background:

State funding is vital in helping municipalities keep their spending and taxes down, but the State has not increased AIM funding in 13 years. Inflation has eroded AIM funding by roughly 29% over that time period. The Governor's Executive Budget proposed keeping AIM funding flat.

Financial Impact:

Undetermined

Attachments:

Resolution

Office of the City Clerk

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RESOLUTION # 13 - 2022

RESOLUTION CALLING FOR AN INCREASE IN AID AND INCENTIVES FOR MUNICIPALITIES (AIM) FUNDING

Whereas, AIM funding plays a pivotal role in funding essential municipal services such as water, sewer, public works, police, fire and ambulance for cities and villages across New York State and,

Whereas, the State has not increased AIM funding in 13 years and,

Whereas, inflation has eroded AIM funding by roughly 29% over that time period and,

Whereas, the New York State Conference of Mayors and nearly 400 of its members have signed onto a letter to the Governor requesting an inflationary increase of \$210 million in AIM funding and,

Whereas, the Governor's Executive Budget proposed keeping AIM funding flat and,

Whereas, the New York State Senate and Assembly have included increases of \$210 million and \$150 million, respectively, to AIM funding in their one-house budgets and,

Whereas, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York, and

Now, therefore, be it resolved that the Geneva City Council urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2022-23 adopted State Budget, and

Further be it resolved that a copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Pamela Helming, Assemblymember Jeff Gallahan and the New York State Conference of Mayors.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Joseph Venuti, Director of Public Works

Meeting Date: April 6, 2022

Item Title: Authorizing the Acting City Manager to Execute a Lease for Lakefront Services

Background:

Staff has solicited by RFP and received one proposal for Lakefront Services on February 25, 2022. The proposal recommended by staff offers a variety of concessions including ice cream, hot dogs, coffee, and pastries. In addition to concessions, the Tenant is also offering recreational rentals such as kayak, canoe and bicycles. This lease will be for one year with the option to renew for up to five years total.

Financial Impact:

The city will receive \$5,000 for 2022 and increasing seasonal rents from the Tenant operating the Lakefront facility.

Department of Engineering and Public Works

Joseph Venuti, Director of Engineering and DPW

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456

(315) 789-3101 - FAX (315) 789-8373 - JVenuti@Geneva.ny.us - www.cityofgenevany.com

RESOLUTION # 14 - 2022

**AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A LEASE
FOR LAKEFRONT SERVICES**

WHEREAS, the City of Geneva owns a facility on the lakefront to be used for lakefront services;
and

WHEREAS, City staff identified lakefront services including concessions and rentals as a need for the lakefront and sent out a request for proposals for lakefront services; and

WHEREAS, City staff received proposals for services and determined that the most advantageous proposal was received from Michael & Tricia Mirras d/b/a Long Pier Ice Cream & Rentals; and

WHEREAS, the lease will be for one year with the option to renew for up to an additional five years; and

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute a lease with Michael J. Mirras d/b/a Long Pier Ice Cream & Rentals for lakefront concessions and rentals for a one-year term with an option for renewal at the conclusion of the first year for up to an additional five years.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Steve Valentino, Mayor

Meeting Date: April 6, 2022

Item Title: Resolution Establishing a Notification Policy for a Security Breach

Action Required:

Local Governments are required to adopt a notification policy for disclosing any unauthorized release of personal computerized data.

Background:

Cyber Security threats have increased exponentially as society has greatly expanded its use of technology. The NYS Legislature enacted the NYS Information Security Breach and Notification Act designed to protect State residents from unauthorized access to their private information stored in electronic format.

According to this policy, the City of Geneva will be required to notify residents of any security breach affecting their personal data. This can be done by written notice, electronic notice, or telephone. The city will also need to notify the NYS Attorney General, Department of State, and State Police.

Financial Impact:

N/A

Attachments:

Resolution and notification policy

Office of the City Clerk

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
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Cyber Security Citizens' Notification Policy

- A. This policy is consistent with the State Technology Law § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of *private information* of individuals. The City of Geneva, NY is required to notify an individual when *data*, which is maintained by the municipality and contains the individual's *private information*, has been, or is reasonably believed to have been, compromised.
- B. The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures of its compromised *data*, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's *private information* through unauthorized disclosure.
- C. A compromise of *private information* means the unauthorized acquisition of unencrypted computerized *data* with *private information*.
- D. If encrypted *data* is compromised along with the corresponding encryption key, the *data* is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The municipality will notify the affected individual directly by one of the following methods:
 - 1. Written notice;
 - 2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;
 - 3. Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
 - 4. Substitute notice, if the municipality demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:
 - a. E-mail notice when the municipality has an e-mail address for the subject persons;
 - b. Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and
 - c. Notification to major statewide media.
- G. The municipality must notify, CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The municipality must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- I. Regardless of the method by which notice is provided, the notice must include contact *information* for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of *personal information* and *private information* were, or are reasonably believed to have been, so acquired.
- J. This Policy applies not only to *information* maintained by the municipality itself, but also to *information* maintained on behalf of the municipality by a *third party*.
- K. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the *consumer reporting agencies* as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

Definitions

Consumer Reporting Agency: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.

Data: Any *information* created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. *Data* may include, but is not limited to personally identifying *information*, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

Personal Information: Any *information* concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

Private Information: *Personal information* in combination with any one or more of the following *data* elements, when either the *personal information* or the *data* element is not encrypted or encrypted with an encryption key that has also been acquired:

1. social security number; or
2. driver's license number or non-driver identification card number; or
3. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.

RESOLUTION # 15 - 2022

RESOLUTION APPROVING A DATA BREACH NOTIFICATION POLICY

WHEREAS, the threat of cybercrimes has been a significant focus of State and local governments for decades calling on the New York State Legislature to enact the NYS Information Security Breach and Notification Act designed to protect State residents from unauthorized access to their private information stored in electronic format; and

WHEREAS, the Act requires local governments to adopt a notification policy which mandates that they disclose to any New York resident any breach of security, unauthorized access, or unauthorized release of personal computerized data whose information has been accessed or is reasonably believed to have been accessed; and

WHEREAS, in the event of a security breach and unauthorized access of private information, the City of Geneva will notify affected individuals by either written notice, electronic notice, or telephone notification including contact information and a description of the categories of information and the specific personal information and private information that is reasonably believed to have been acquired by a person without valid authorization. Staff will also notify the NYS Attorney General, the Department of State and the State Police as to the timing, content and distribution of the notices and approximate number of affected persons.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the Cyber Security Citizen's Notification Policy which is consistent with the State Technology Law section 108 as added by Chapters 442 and 4914 of the Laws of 2005.