

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

August 3, 2022

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

COUNCIL MEETING STARTS AT 7:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATION – Officer Timothy S. Peters
- V. PRESENTATION - CERTIFICATES OF RECOGNITION – Castle Street Rescue
- VI. SUPERVISOR UPDATE
- VII. DRI UPDATE
- VIII. FOUNDRY UPDATE
- IX. CONSIDERATION OF MEETING MINUTES
This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:
 - A. July 6 (Regular Council Meeting) {Page 3}
 - B. July 11 (Special Council Meeting) {Page 24}
- 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. First Reading of an Ordinance Amending Chapter 300 Entitled “Solid Waste” – Hauler Licensing - Presented by City Manager Hendrix #4-2022 {Page 27}
- B. Resolution of Support and Authorization for Clean Water Grant Application - Presented by City Manager Hendrix #31-2022 {Page 42}

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 Declaring Surplus Property (Police Department)– Presented by City Manager Hendrix #32-2022 {Page 44}
- B. Resolution Authorizing the City Manager to Submit an Intent to Apply for the 2022 Restore NY Communities Initiative – Presented by City Manager Hendrix #33-2022 {Page 46}
- C. Resolution Authorizing Agreement with HWS for use of McDonough Park - Presented by City Manager Hendrix #34-2022 {Page 49}
- D. Board/Commission Appointments

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

July 6, 2022 – 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. Gaglianese, Clr. Pealer, and Clr. Salone, Clr. Noone, Clr. Salamendra,
and Clr. Camera

Excused: Clr. Burrall

2. PUBLIC HEARING – Local Law Regarding Video Conferencing for Meetings

Mayor Valentino opened the public hearing at 7:01pm, and with no one appearing, he closed the public hearing at 7:02pm.

3. DRI UPDATE

Thank you, Mayor and City Councilors and good evening. On behalf of the DPW, our consultant Barton & Loguidice (B&L) and our contractor Nardozzi Construction, we want to please thank all residents, business owners and visitors for their continued patience while the DRI project continues to progress. We have again made significant headway over the last month on this large, technical and often challenging capital improvement project.

WORK COMPLETED TO DATE:

As of the last Pay Estimate # 9, dated May 31, 2022 the contractor had used approximately 77% of the contract time and had completed 42% of the proposed work. Total dollars completed was \$4.3 M out of \$10.1 M. The current contract completion date is end of October 2022.

UPCOMING WORK SCHEDULED:

The current Contract 1 or “5&20 Corridor” Phase is in Phase 1A. The contractor is working on the Eastbound 5&20. Work continues on asphalt paving, concrete sidewalks, mixed use paths and guiderail work. NOTE** Traffic pattern switch to Phase 1B is anticipated for July 18 allowing contractors to work in the center of 5&20.

The current Contract 2 or “Street Scape and 5 Points” is in Phase 2C. Work continues on finalizing all landscaping, brick pavers, sidewalk, signage, exposed aggregate concrete and green infrastructure along Castle and Exchange. All traffic signal and street light work remains. Streetscape final course asphalt paving has been applied. Pavement markings are in final configuration.

UTILITY WORK:

DPW is seeking quotations for storm sewer repairs to piping under Rte 5&20

CONCERNS:

ELECTRICAL – Subcontractor delays continue. Contractor working on street light pole and traffic signal electrical subcontractor agreements and material supply issues.

RAIL ROAD - Norfolk Southern Rail Road (NSRR) – Received approval for Lake Street work, waiting on Castle Street and Elizabeth Blackwell approval

EVENTS – Coordinating with Ironman staff, BID Car Show, Linden St and Hotel schedules

4. 29 LINDEN STREET UPDATE

City Manager Hendrix told council that staff is working to assemble paperwork for our attorneys to serve the owner regarding completion of the last accepted plan as that work has not happened at this point.

5. FOUNDRY UPDATE

Remedial Design

- Remedial designs were issued for St. Peter’s Church and for six properties in the block just west of the church along Genesee Street. NYSDEC’s engineering contractor met with the property owners to review the remedial plans for each property. Remedial construction activities are expected to begin on these properties during late summer or fall 2022.
- NYSDEC’s engineering contractor met with City representatives to discuss plans for the restoration of Genesee Park. Remedial excavation plans will be finalized in July and excavation is expected to begin in early August. Work will begin with removal of the public sidewalks along Genesee and Lewis Streets (while the sidewalk through the middle of the park remains open). Excavation of the middle of the park is expected to begin in late August or September, after restoration of the perimeter sidewalks is complete. Design of park enhancements by the City will proceed concurrently with NYSDEC’s work.
- Design activities continue for all other remaining properties south of Lewis Street. Remediation of these properties is expected to be completed in 2023.

Remedial Construction

- Restoration is substantially complete at six properties located south of Middle Street between Exchange Street and Wadsworth Street. Remaining fencing and landscaping are anticipated to be completed in July and August.
- At properties located on Exchange, Wadsworth, and Middle Streets, north of Middle Street:

- Excavation and restoration activities continued from 113 Exchange Street south to Middle Street.
- Remedial construction activities are expected to begin the week of July 11th on seven properties in the northern part of this block, just north of 113 Exchange Street as far north as 77 Exchange Street and 54 Wadsworth Street.
- Replacement plants and trees continue to be installed at properties remediated in 2021 that did not yet receive replacement vegetation.

6. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the June 1st Council Meeting be approved

MOTION CARRIED UNANIMOUSLY (8-1absent)

7. PUBLIC COMMENT

Ed George told council that he has been a proud resident of Geneva for 70 years and worked for the city for 36 years with Comptroller being his last position. He said he worked for 6 city managers, 10 mayors, 4 fire chiefs, and 3 police chiefs, and he cannot remember a time when a council member lost control and called the mayor a creep. He said there was a total disregard for the rules of order. This councilor said that she did not care when the mayor was talking to her and she started to leave before the end of the meeting. He couldn't believe she called the police department violent and racist, which is a strong statement to label 30+ members of that department, and she continued to not appreciate what they do and ended what she said with "I'll see you in the streets" which is a threat. Mr. George said that council does not exist for their own personal agenda, but to serve the community, and if they can't do that with respect and professionalism, they have no business holding a seat on city council. He encouraged the mayor to reach out to NYCOM and our city attorneys to see what can be done about a councilor who is unruly at a meeting.

Charles King said good evening, council. A belated happy Independence Day. I love my country, though not always its government. I'm fond of the American flag and what it stands for. I like the phrase "liberty and justice for all"; I feel like there is a tendency in politics to choose either liberty or justice sometimes but I hold fast to the hope that both are possible, so I emphasize that word "AND" when I say the pledge. Some of my favorite moments as a musician growing up were playing in parades. I was a trumpet player, so I got to play taps on Memorial Day and Veteran's Day in Frenchtown NJ cemetery, a beautiful, peaceful place on a hillside sloping down to the Delaware not far from Washington's Crossing. Sometimes I was the echo trumpet far away, and sometimes I was the close trumpet. Playing for WWI and WWII vets helped me feel connected to my past. One of my grandfathers whom I never met served in WWI and the other was Army Corps of Engineers in WWII, designing carrier boats for tanks. My Dad was one of the 40,000 doctors drafted into Vietnam under the Berry Plan. Dad was sworn into the Navy the day I was born. He helped run the Army and Navy's underwater swim school in Key West, where I have some of my earliest childhood memories. Several of my high school teachers were drafted in Vietnam, and I can still remember those men's faces and eyes changing as they talked about their time at war as if it were yesterday. American patriotism sometimes needs to have a fair measure of skepticism mixed in. I love my home

country but I also know it has made serious mistakes. I enjoy singing the National Anthem. Back when I was coaching soccer, tee-ball (coach-pitch, little league) I would always make sure the kids could see the flag when I sang on patriotic holidays. Most musicians don't have perfect pitch, so, pro-tip: when we go out to sing the National Anthem, we hum a high note. You build back from the high note on "free" at the end and that determines your starting note. I'm a baritone. Your "free" might be different from my free. I'm also a middle-aged straight white guy so WASPy that I played Captain von Trapp in Seneca Falls' production of Sound of Music. My civil liberties don't depend so much on who controls the presidency and the senate. The National Anthem is a question song. It ends in a question mark. It's basically: Can you see the flag? Our flag has been with us through thick and thin. Can you still see it? I answer that question "yes" but there are those who do not. Others whose developmental experiences growing up in America weren't as lucky as mine. Do I blame them for not being able to see our flag? I don't; I've studied enough history to realize that's a reasonable perspective. Do I wish that they could see it the same way I do? Yes. Do I think that smart, caring people who can't see the flag because the American dream for them is far from the American reality should still be part of the conversation? I emphatically do. Do I think they should be among the 120 or so volunteers who serve on advisory boards and commissions? I do. If we don't listen to the advice of smart, caring, hard-working people who feel they are mis-served by the government, we are fastening on our blinders.

Maryann Passalacqua began by saying that she is not related to the police chief. She said she supports council's decision to not pursue further legal action regarding the Police Review Board. She said it is time to move forward and put our energy into recruiting manufacturers and retailers to our empty buildings and storefronts. With regard to removal of members on city boards, she said she believes in the first amendment and is grateful for the men and women who continue to fight for that right. She noted that when we are in the public and on committees, we have to remember that our words matter, whether spoken, written in chalk or in black and white, we must be responsible for living with the consequences of our words.

Brenda Cardinale said I am 67 years old and have lived in Geneva all my life. I am here to represent One Geneva. We strongly support the decisions made by council to not appeal PRB and elimination of Budget committee members. Tonight, I am here to address the June 1 meeting. The behavior of one council member when she became hysterical. It is still fresh in our minds. The outburst was especially frightening when the councilor got up and walked toward the exit and kept looking directly at the people in the gallery. The look in the councilor's eyes was very menacing. We were hesitant to leave the building wondering if this councilor was outside and what we may be facing. The appalling entitlement of this councilor gave us pause because this person often brings a backpack to council meetings. Backpacks are red flags as they have been used to hide weapons. The backpack unchecked has made us extremely nervous. Harassment is defined as the infliction of anguish, pain, or distress through verbal or nonverbal acts. This councilor did each of these things. We were transfixed wondering how much anger was allowed to be displayed and why no one stopped this harassment. Citizens of Geneva who attend these meetings have the right to be free from harassment. Instead, we were victims of it. No one should have to witness a professional call the mayor a creep, or scream "I don't care" when told they were out of order and call another councilor a bootlicker. We were embarrassed for our city as this is forever on YouTube, viewed over 1000 times. The tantrum

behavior of this councilor was allowed to get a pass and we must ask why? If it were anybody else, you would verbally crucify them for months on end. Hypocrisy at its best!! Our sense of safety is demolished, and we request a police officer be at every council meeting so people who abuse the rules of order can be escorted out! We also request you ban back packs/purses etc. from every meeting. For all citizens safety is a big issue so we are asking you to act and preserve our safety.

Peter Gillotte began by talking about work arounds which are ways of working around a problem or making something work despite the problem. He said he believes in accountability for everyone which ensures the success of the team over self. He said that accountability in the workplace is a result of employees achieving the organizations goals. He told council that they do not hold each other accountable at all, and he is embarrassed when he comes to council meetings. He said there is a lot of talent among council members, but they do not work together. He said when residents get up to speak during public comment, there are councilors on their phones and laughing, noting that these same residents respect council's time. He said that his group will be getting people out to vote at the next election so council needs to do their job.

8. MAYOR AND COUNCIL REPORTS

Clr. Gaglianese requested a moment of silence to respect the many years of service of Officer Timmy Peters, badge number 839, who passed before his time.

Clr. Gaglianese gave praise and thanks to the Department of Public Works for their work at a recent water main break on Clinton Street. He said that the Planning Board met in June about 50 Seneca Street with modifications to the exterior for a café/bakery/coffee shop to be opened by Jim Cecere. He said the board also talked about modifying the fencing code.

Clr. Salone gave his condolences to Tim Peters' family noting that he lost his life way too soon. He announced the new Housing Authority Executive Director, Robert Doebelin, will be starting in September. He said the Housing Authority is working on Lyceum Phase I by putting in new HVAC units, siding, and insulation along with working on a new PILOT for the Seneca Street Apartments.

Clr. Camera referred to the mass killings and the gun violence noting that he is making his own recognition of these tragedies. He then made a general appeal about the Madias fire asking for an updated report. He said he hopes that once the investigations are done, we can move forward with a fast track to demolition to make the neighborhood safer. Next, Clr. Camera said that he heard from a 4th ward resident who was walking at the lakefront and witnessed a man who allowed his dog to kill a hedgehog. He said that he hopes if someone else witnesses this type of behavior, they will call the police as hunting is prohibited at the lakefront. He said that the Lakefront Railroad Committee that was established to develop a plan to move some of the railroad away from the lakefront, has not gotten started yet, and Tom Harvey said that they should be meeting before the end of July. Next, he said that the Bitcoin Title 5 permit was denied and the operation stopped. He spoke to Director Tim Walsh from the DEC Section 8 who received

4,000 comments, which were mostly against the expansion. He said that legislation was passed by both houses asking for a two-year moratorium. He said he hopes the governor will approve. He said it would be nice if we could get Seneca Falls to approve the closure of Seneca Meadows, noting that the Ontario County permit expires in 2028. He thanked the rest of council for allowing him to represent the city at recent environmental meetings. Lastly, he thanked Jennifer Slywka for helping the city for the past months as the Acting City Manager, and reminded everyone that council is having a work session Monday with the trash haulers, and he said council welcomes questions and concerns. He finished by saying that he is disappointed with the comments about Clr. Salamendra saying that she brings an interesting voice to this council and perspective from her residents that need to be heard. He said we need to focus on the general atmosphere in this city as he feels intimidated as well, and Clr. Salamendra has a harassment complaint with the police department. At the end of his reports, he read an email from a 4th ward resident: My name is Amara Dunn and I live in Ward 4. I am speaking solely on my own behalf. I want to thank the Councilors who have continued to pursue improved police accountability in the City of Geneva, including the introduction of resolution 27-2022 tonight to create a Committee on Policing. I appreciate the recognition of the tremendous amount of work that has already been invested in this process by members of the Geneva Police Reform and Reinvention Collective, and the former Police Review Board. Utilizing the training and effort of these dedicated volunteers certainly seems wise. After reading both resolution 27-2022 and the review from the City Attorney, I am left asking myself: How then can we study and implement changes to policing in Geneva, if it is neither through City Council nor a committee or board they might appoint? Of course, the City Attorney's response provides some answers. But it is important to note that saying "there is no problem and no need for change" is not an answer to the question. We know that there are problems with how Geneva residents are being policed. When we choose to ignore and disbelieve our neighbors about these problems, we are complicit. This does not mean that every member of the Geneva Police Department is a bad person or ill-intentioned. But as long as some of our neighbors are being negatively impacted by the current climate, policies, and practices of the GPD, there is a need for improvement. Members of the Police Reform and Reinvention Collective proposed improvements. As a side note, I would point out that creating a report detailing those suggestions is only the first step in developing "a plan to improve...deployments, strategies, policies, procedures, and practices" of our local police department, as required by the Governor's Executive Order No. 203. Further work is needed. Members of the former PRB also invested much time and effort in developing a detailed structure to improve the complaint process through increased transparency and independence. There are a lot of talented, intelligent, dedicated people in this City willing to work hard to make our City a place where everyone belongs and can thrive. I know that reforms to policing must be consistent with the City Charter and applicable laws (while also recognizing that the opinion of one judge may not be the final word on what this entails). But I feel like efforts to make positive changes for both City residents and members of the GPD over the past two years have primarily been met with roadblocks and explanations of why we cannot make each requested change. This is frustrating. Change is needed. And we need support from our City leadership (both elected officials and staff) to make it happen. Thank you.

Clr. Regan referred to the moment of silence council did at last month's council meeting noting that this month we now have more incidences of violence. She said we live in a country where people have the right to hold military style weapons, and she saluted Gov. Hochul for passing legislation to address the

sale of these weapons, including body armor and strengthen the red flag laws with true potential to save lives, and she hopes congress is listening. She said the Green Committee is supposed to be meeting with James Nardozi who runs Closed Loop, but rescheduled to Tuesday August 16th at 5:30pm at the Welcome Center. She said they are doing Weeding Wednesdays at 9:30am for two hours, and will continue thru August. She added that Blueprint Geneva is collaborating with this effort. She said they are documenting weeds to understand what should stay and what should not. She said she continues to look at sidewalk issues with residents, and she has documentation and will be asking council for a work session.

Clr. Pealer said that the Recreation Advisory Board did not meet. He voiced his concern with the downtown traffic being messed up and the weeds being bad, noting that we have a few events coming up in the future. He said that we are unable to help with weeding because council banned pesticides, noting that council is supposed to support staff to take care of the city. He said the city needs to be kept up with all of the tourism going on and upcoming events in downtown.

Clr. Noone offered his condolences to the family of Tim Peters. He said the Zoning Board did not meet. He reached out to Joe Venuti, Director of Public Works about the traffic lights in downtown being a hazard with traffic backed up. He said he is voicing his concerns for safety reasons. He suggested that DPW monitor and has asked them to reach out to the Department of Transportation to check the timing of the lights as people should not be denied access to businesses.

Mayor Valentino said that the LDC met today with a full board and the City Manager was in attendance. He said they approved a videoconferencing policy like the one council is voting on tonight. He said the marketing committee got together and looked at the proposed zoning changes. They intend to come forward with some suggested changes once they have them together. He said they did an environmental service update on the gateway parcel, and testing is being done to come up with a remediation plan. He said they moved forward with a Microenterprise Grant, and decided that the Main Street Grant is a lot more complicated than it used to be, and does not fit their timeline for this year. Mayor Valentino announced that the Musselman is this Sunday, and there will be some traffic challenges. He noted that athletes will be entering the city as early as today, and the event changed from a three-day event to a one-day event. He said he received an email from a resident who was talking to a chauffeur who was bringing thru a restaurant entrepreneur, and he said he gets so excited when he hears things like this.

9. CITY MANAGER REPORT

City Manager Hendrix thanked everyone for allowing her to serve the City of Geneva and she thanked staff for doing so much to bring her up to speed. She said that she has completed 11 days with the city and from her first day she has felt supported in her role and looks forward to taking Geneva forward. In her first three weeks, she has met with each of our departments to learn more about operations. She said as far as current highlights and project reports, here are a few updates:

Comptroller Search: A City Hall team has interviewed our finalist candidates for our Comptroller vacancy and we are currently checking references on the final two candidates. Following the reference review, she is hopeful to have a decision within the next week. This is a critical member of our team and she is focused on making the best decision for our city.

Director of Planning and Economic Development Search: As we close out the Comptroller search another recruitment push will soon begin for the Director of Planning and Economic Development. This position was approved in the current budget and she is already seeing a key need for an internal focus on Planning and Economic Development. She looks forward to this and the Comptroller rounding out our leadership team.

The Local Development Corporation Grant Applications: The LDC will be preparing a grant for another round of Microenterprise Assistance Program grant funding. MRB is working on coordinating the pre-application which will follow with a resolution and public hearing request for Council at a future meeting.

Brownfield Opportunity Area: Geneva's Open Space and Connectivity Strategy Planning project will advance a key element of the City's "Open Space and Connectivity" strategy within its state-approved North End BOA revitalization plan. Launched in June 2021 and concluding this summer, the project involves three principal components:

1. A feasibility assessment and schematic designs for walking connections between East Lakeview, downtown, and the waterfront, including over/across the rail lines and Routes 5 & 20 in conjunction with a roadway reconfiguration,
2. A rails-to-trails study for the inactive rail line between Lehigh Valley Depot and East North Street, and
3. Development of a Marsh Creek greenway concept

Plus, associated cost estimates and environmental review. The 430-acre North End BOA extends from the City's northern boundary to the Seneca Lake Shoreline and generally from Genesee Street to the City's eastern boundary.

The project has an upcoming workshop on Thursday July 21 from 4-7 pm at the Crystal Street Garden. Activities will include walking tours and opportunities to build out temporary project components such as a Creekside path or road crossings. The project team will be on hand to discuss the work and next steps.

The project is funded by the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund.

Parrott Hall: I met with the team working on the Parrott Hall Phase 1 construction and they are set to finalize the closeout of the construction on Phase 1 within the next month or two. They are in the process of ensuring grant compliance with assistance from City staff for finalizing the Phase 1 grant.

Summer Brochure: The Summer Brochure is now printed and copies are available at the Welcome Center, City Hall, and on the website.

Council Retreat: She is looking forward to hosting a Council retreat prior to the 2023 Budget being shared with Council in September. This will assist her and our city staff to better understand the collective

priorities/vision for the next year. She knows there will be differences of opinions and she is hopeful that we can have conversations that assist her in directing staff towards a shared understanding and vision.

10. LOCAL LAW AUTHORIZING THE USE OF VIDEO CONFERENCING BY PUBLIC BODIES

City Manager Hendrix presented the following local law:

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

SECTION ONE. Purpose. The purpose of this Local Law is to authorize the use of Video Conferencing by members of public bodies of the City of Geneva, in accordance with a, Video Conferencing by Public Bodies and the videoconferencing polices adopted by the Geneva City Council set forth below.

SECTION TWO. Authorization for the Use of Video Conferencing. The City Council hereby authorizes the use of Video Conferencing for all public bodies in the City of Geneva, including itself and its committees and subcommittees, and all boards of the City of Geneva, subject to the written procedures set forth below which may be amended by resolution.

SECTION THREE. Upon the effective date of this local law, the City Council and all City Public Bodies shall follow the written procedures governing the use of video conferencing for the City of Geneva set forth below.

SECTION FOUR. These written procedures shall govern the use of Video Conferencing for all public bodies of the City of Geneva including, but not limited to, the City Council of the City of Geneva, the Planning Board of the City of Geneva, the Zoning Board of Appeals of the City of Geneva, and all City committees and subcommittees, (each being hereafter referred to as a "Public Body"):

- A. A quorum of the members of the Public Body must be physically present in the same physical location or locations, where members of the public may attend, to fulfill any quorum requirements to which said Public Body is subject.
- B. These procedures shall be conspicuously posted on the City's website.
- C. Members of a Public Body must be physically present at the meeting, unless such member is unable to be physically present at such meeting location due to extraordinary circumstances, including disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
- D. Extraordinary circumstances must be certified by email or other written means to the City Clerk by the member of the City Council in accordance with the City's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.
- E. The City Clerk will notify the presider of the request. The request must be approved by the presider based on the requirements stated in subsection C above. Emergency requests within the 72 hour requirement may be considered depending on the circumstances.

- F. Except in the case of executive sessions conducted pursuant to Public Officers Law Section 105, members of the Public Body must be able to be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Members will be required to be physically present for Executive Sessions.
- G. The minutes of any meetings involving Video Conferencing shall include which, if any, member participated using videoconferencing technologies.
 - 1. Such minutes must be made available to the public pursuant to Public Officers Law § 106.
 - 2. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the City website within five business days after the meeting. The recordings must remain available for a minimum of five years thereafter and recordings must be transcribed upon request.
 - 3. A transcript of recordings will be provided upon request, subject to availability.
- H. If Video Conferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that Video Conferencing will be used, where the required documents and records will be posted or available, where members of the public can view and/or participate in such meeting via videoconference and identify the physical location(s) where members of the City Council will be physically present at the meeting and where members of the public can attend the meeting in person.
- I. If Video Conferencing is used to conduct a meeting, members of the public shall be allowed to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the City Council, members of the public shall be allowed to participate in the proceedings using videoconference technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.
- J. The City Council/Board of Trustees body may conduct meetings entirely by videoconference, with no in-person requirement, provided that:
 - 1. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Law § 28, or
 - 2. A local state of emergency is declared by the City Manager pursuant to Executive Law § 24, and the City Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
 - 3. Whenever the City Council invokes the emergency exception as defined in this section and takes action at such meeting without allowing members of the public to be physically present, the City Council must acknowledge the previous meeting(s) and summarize any action(s) taken thereat at the next immediate meeting where the public is allowed to attend. The City Council must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law § 106.

- K. Open meetings of any Public Body that are broadcast or that use Video Conferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

SECTION FIVE. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION SIX. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

City Manager Hendrix said that Public Officer's Law Section 103(c) was recently repealed and replaced with Public Officer's Law Section 103(a) allowing for videoconferencing by public bodies. The local law includes written procedures as required by Public Officer's Law 103(a). This local law will amend council rules of procedures governing use of video conferencing by city council and all city committees and subcommittees.

Clr. Camera questioned extraordinary circumstances and the notification process, and Mayor Valentino said that emergency requests will be approved by the presider. Clr. Salamendra said that she expects the mayor to be flexible in these situations.

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

11. **BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,200,000 IN BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

City Manager Hendrix presented the following resolution:

WHEREAS, the City Council of the City of Geneva (the "**City Council**") proposes to authorize the issuance of \$2,200,000 in bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

WHEREAS, the City Council now wishes to appropriate funds for the various public improvements and purposes and to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance said appropriation.

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

SECTION 1. The City is hereby authorized to issue \$1,300,000 principal amount of bonds pursuant to the provisions of the Local Finance Law constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "**Law**") to finance the estimated cost of the acquisition, construction, or reconstruction of, or addition to, water supply or distribution systems in the City, including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery, or apparatus, including a water system mains, connections, laterals, and other equipment, furnishings, machinery and apparatus located on and around Castle Street. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$1,300,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$1,300,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$900,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, construction or reconstruction of, or addition to, sewer systems in the City (either sanitary or surface drainage or both), and related furnishings, equipment and apparatus, including a sewer system mains, connections, laterals, and other equipment, furnishings, and apparatus located on and around Castle Street. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$900,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$900,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 3. It is hereby determined that the projects described in Sections 1 and 2 hereof constitute Type II Actions, as defined in the State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, "**SEQRA**"), and as such, will not have a significant impact upon the environment.

SECTION 4. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the city comptroller, city manager, or other duly appointed chief fiscal officer, as chief fiscal officer (the “**Chief Fiscal Officer**”). Such notes shall be of such terms, form and contents as may be prescribed by said Chief Fiscal Officer consistent with the provisions of the Law. Further, in connection with bonds and bond anticipation notes issued under the authority hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Chief Fiscal Officer. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said Chief Fiscal Officer consistent with the provisions of the Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with or without bonds to be issued for one or more objects or purposes authorized other resolutions of the City Council, then the power of the City Council to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Chief Fiscal Officer.

SECTION 7. The Chief Fiscal Officer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described herein, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 8. The Chief Fiscal Officer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the Chief Fiscal Officer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to affect the issuance of the aforesaid bonds or bond anticipation notes without resorting to further action of this City Council.

SECTION 10. This resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

City Manager Hendrix told everyone that this bond resolution is being brought forward to authorize the issuance of \$7,600,000 in Bond Anticipation Notes (BAN) based on the approval of the December 2021 capital plan in the annual budget. The list of the projects being funded was presented and approved at that same time. This resolution will correct the description of

the Castle Street Reconstruction project and the split between general, water and sewer funds; consistent with budget the document. This will ensure that our bond information is accurate with the City budget approval, and there are no current changes to the project.

Mayor Valentino thanked Jennifer Slywka for noticing this correction and she noted that Kelly Doeblin also deserves credit for this.

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

12. **DEFEATED RESOLUTION CREATING A COMMITTEE ON POLICING**

Clr. Regan presented the following resolution:

WHEREAS the City Council has the power to establish a board and prescribe its function under section 3.3 of the City Charter; and

WHEREAS the City Council and Geneva residents value accountability and transparency in government operations; and

WHEREAS section 3.13 of the City Charter vests the City Council with the power of investigation of all city departments and staff, including public safety, public works, and finance; and

WHEREAS residents and the City Council would benefit from greater understanding of the current policies, procedures, and outcomes of investigations into complaints of misconduct by Geneva Police Department (GPD) officers and

WHEREAS Executive Order No. 203 issued by Governor Cuomo in 2020 directed all local governments in New York State to develop plans to improve strategies, policies, procedures, and practices and promote community engagement to foster trust fairness and legitimacy, among other reviews, that would be well served by a community-based Committee on Policing,

THEREFORE, BE IT RESOLVED that the Geneva City Council establishes the “Committee on Policing” to:

- 1.1 explore the complaint procedure and propose changes to increase comfort for residents who wish to file a complaint
- 1.2 analyze existing systems for investigating and disciplining officers, including but not limited to reviewing investigations into complaints submitted to the GPD **that are concluded** while this committee is in operation; and
- 1.3 provide the City Manager and the Chief of Police with feedback about the GPD’s existing rules and regulations; and

- 1.4 report recommendations to the City Council based on their work, including but not limited to providing reports at regular Council meetings

AND BE IT FURTHER RESOLVED THAT the committee have a maximum of fourteen (14) members, initially consisting of:

- 2.1 The GPD Chief of Police or his or her designee from among the department's lieutenants; and
- 2.2 any previously appointed or designated alternate members of the former Police Review Board; and
- 2.3 any additional residents of the City of Geneva who were selected to serve on the Police Reform and Reinvention Collective assembled in response to the NYS Directive on Policing Reform and
- 2.4 no less than one and no more than three members of the Geneva City Council and
- 2.5 other residents of the City of Geneva expressing genuine interest in policing policies, complaint process and disciplinary actions.
- 2.6 From these applicants, City Council shall vote on committee membership, initially prioritizing those with training on police accountability and police discipline procedures.
- 2.7 As necessary, new members of the committee will be nominated by current committee members and approved by City Council.

Clr. Regan said that this is different than the Police Review Board in so many ways as it is a true compromise. She said it takes into account stakeholders. She noted that the remarks in the agenda from our city attorney were based on an early draft, but she did not have time to make the changes and reach out to other stakeholders before the agenda was ready to go out. She did make many changes to the original resolution after reviewing the attorney comments. She noted that this council has voiced a need for accountability, although they do not agree on approaches. She said she is putting this forth because something is better than nothing. She said that this committee would only review decisions that have already been decided. She said that although she feels prior members of the PRB would be good for this committee because of their year long training, she added an opening to any citizen with no restrictions, and the police chief or his designee would also sit on this committee. She said she would welcome amendments to this if they were thoughtfully proposed.

Clr. Camera reminded everyone that former Gov. Cuomo signed an executive order requiring us to develop a police accountability scheme for our community. He said that when a complaint is filed, the person should receive an acknowledgment of the complaint and be given a timeline for when a decision will be made. He said that council should also receive notice of the decision.

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

MOVED THAT this resolution be approved

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

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

Absent - Clr. Burrall

MOTION DEFEATED

13. RESOLUTION SUPPORTING LGE GRANT FOR THE ONTARIO COUNTY ELECTRONIC CONTRACT IMPLEMENTATION PROJECT

City Manager Hendrix presented the following resolution:

WHEREAS, the Local Government Efficiency (“LGE”) Grant program, administered by the New York State Department of State, is intended to incentivize new actions between local governments that will reduce the cost of municipal operations and modernize the delivery of local services; and

WHEREAS, the Ontario County (the “County”) Administrator has requested the City of Geneva’s support for the submission by the County of a Local Government Efficiency grant application to the New York State Department of State for up to \$200,000.00 per participant for implementation of a prospective Shared Services Project where multiple entities within the County will collaborate in implementation and ultimately transition to an electronic contract and insurance lifecycle management solution (the “Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project”); and

WHEREAS, the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project will include: (1) defining existing contracts, insurance and approval processes for each participating entity; (2) defining opportunities for efficiencies and cooperation amongst the participants with contract policies, forms, workflows, vendors, insurance and risk management review; (3) development of training materials for participants and their vendors; (4) development of virtual support database; (5) building of webpage for 24/7/365 access to materials and virtual support database; and

WHEREAS, the County will serve as the lead applicant on this grant application; and

WHEREAS, the flexibility that has been required to continue to serve its constituents in a COVID-19 world, the increased retirements and workforce transition and the decrease in potential workforce applicants have put added pressure on local governments to be more efficient, and the proposed project between local governments to transition them to an electronic contract and insurance lifecycle management solution will reduce the cost of municipal operations and modernize the delivery of local services both in the collective procurement of software and consultant services and in the administration of contracts and insurance via an electronic software.

NOW THEREFORE, BE IT RESOLVED, that the City of Geneva, on behalf of itself and its special districts supports the application by lead applicant Ontario County for funding from the LGE Grant for the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project, in the form as filed with the Clerk of Ontario County Legislature; and

FURTHER BE IT RESOLVED, that the City Mayor is hereby authorized to execute a Memorandum of Understanding between the County and other co-applicants on behalf of itself and its special districts agreeing to in good faith negotiate an agreement amongst the County and co-applicants with a consultant to complete the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project; and

FURTHER BE IT RESOLVED, that a copy of this resolution be forwarded to the County Administrator.

City Manager Hendrix said the Ontario County Administrator has requested support from our local municipalities for the submission by the County of a Local Government Efficiency grant application to the New York State Department of State for up to \$200,000.00 for implementation of a prospective Shared Services Project. She said there will be no cost to the city.

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

14. **DEFEATED RESOLUTION SCHEDULING A PUBLIC HEARING IN CONNECTION WITH THE ADOPTION OF A LOCAL LAW AMENDING SECTION 2.1 OF THE CITY CHARTER TO ELIMINATE TWO ELECTED "AT LARGE" POSITIONS**

Clr. Salamendra presented the following resolution:

WHEREAS, currently § 2.1 of the City Charter provides, in part, for elective offices of a Mayor and eight (8) Councilors, and

WHEREAS, § 2.1 of the City Charter provides for election of the Mayor and two (2) Councilors by the electors of the City at Large and six (6) Councilors, one by the electors of each City Ward.

WHEREAS, it is the goal of City Government to provide a democratically elected governing board, and

WHEREAS, in furtherance of said goals, Geneva City Council intends to adopt local law # 5-2022, eliminating two elected positions described in the section 2.1 of the City Charter as "at large" City Councilors, and

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

WHEREAS, Section 23 subd 2 (e) of the Municipal Home Rule Law requires that a local law which changes the term of an elective office become operative only if approved at such election by the affirmative vote of a majority of the qualified electors of such local government voting upon the proposition

NOW, THEREFORE BE IT RESOLVED that a public hearing be held on August 3, 2022 at 7:00 p.m. pursuant to the Municipal Home Rule Law concerning proposed local law # 5 -2022 submitted herewith.

Clr. Salamendra said that a referendum will be required if this local law passes, so she would like to include this in the referendum for staggering council terms of office this November. She said a yes vote tonight will allow the public to determine what they want their council to look like.

Clr. Regan asked council members to look at resolutions for what they are asking and not the council member who is proposing it. She said the first time she ever heard of this was a comment from the mayor. She said she believes this idea came about because historically the at-large positions have not come from the fifth and sixth wards giving residents in the other wards a more powerful voice. She said there is no reason not to look at this more. Clr. Camera said he would be interested in more information including trends in other municipalities, hoping residents will bring their ideas and research to the public hearing.

Clr. Salamendra said that she would like to hear reasons for any no votes tonight.

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

MOVED THAT this resolution be approved

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

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

Absent - Clr. Burrall

MOTION DEFEATED

15. **WITHDRAWN RESOLUTION FOR A VARIANCE ON CITY CODE, CHAPTER 114-1, OUTDOOR
BURNING PROHIBITED**

Clr. Regan presented the following resolution:

Whereas: City Council voted to ban use of synthetic chemicals on city owned properties for the environmental protection of our lake, land and people on July 1, 2020, and

Whereas: The Green Committee, in conjunction with the City Department of Public Works (DPW) and in consultation with Cornell AgriTech has investigated alternative approaches to caring for our public green spaces and

Whereas: One tested and viable approach to specific weeding issues is the use of “Weed Troches” which use a small, directed flame to kill weeds on contact and without chemicals and

Whereas: Testing of this inexpensive approach would benefit the ability of the DPW to access the effectiveness of this approach in various garden plots, sidewalks, and other areas where mechanical weeding is less efficient alternative and

Whereas: The Fire Chief of the Geneva Fire Department (GFD) has stated the following opinion on use of this targeted flame technique:

- The flame weeder is a commercial made product and it should be used in accordance with manufacturers specifications
- The area should be observed and inspected for embers or flames after burning

- A fire extinguisher should at the point of use
- The process should be avoided on windy days
- Burning should be avoided around other dry vegetation
- The process should be avoided during the months of the NYS DEC burn ban (typically Mar-May)

And whereas: The Head of the DPW will work closely with the GFD Chief in safely testing this technique and

Whereas: The current code, Chapter 114-1, Outdoor Burning Prohibited, though addressing larger fires generally, can have a variance applied to allow this targeted and controlled approach to weeding areas of City property

Therefore, be it resolved that the City Council permit a variance to City Code, Chapter 114-1, Outdoor Burning Prohibited, to ensure DPW staff and GFD staff can work together in testing and, if successful, implementing the use of Weed Torches to assist in eco-friendly care and upkeep of public spaces in the City.

Clr. Regan said that there are other cities who have put a ban on synthetic pesticides, and they are struggling just as we are. She said that part of the answer comes in what you plant and part comes in what you use to combat the weeds. She said that weeds are the little things, but the big things are the environment and the lake. This resolution is about how we are going to combat the big things. She said the steam weeder is available, but its uses need to be weighed. The use of flame torches to control weeds in specific, contained areas is an inexpensive effective approach to killing weeds in many spaces. Although the language of the Outdoor Burning Code speaks to fires such as burning of garbage, in an abundance of caution, this resolution seeks a variance on the code to allow DPW testing of this common tool.

Clr. Gaglianese said he does not feel this is a good idea with the current dry conditions we have in the city. He questioned where the Fire Chief and Director of Public Works were tonight as he does not want to experiment with this in our city without hearing from them. He said he is going to do more research in the future before voting for things like a ban on synthetic pesticides which has caused more work for employees.

Clr. Camera said he doesn't believe such a small flame could start a fire, so he is in favor of this idea.

Clr. Pealer said that when the resolution banning synthetic pesticides was presented to council, the solutions were not provided ahead of time. He questioned some synthetic pesticides being non-toxic and the CO₂ emissions with the burning. He feels more research needs to be done to provide information to council.

Clr. Noone said he does not feel this is serious enough of an issue that we need to give staff in another department more work to do. He said he agrees that weeds need to be addressed, and synthetic pesticides are not the way to go, but questioned how much could actually be done if everything is completely dry.

Clr. Regan said that this is not experimental and has not caused fires around the country. She said she does not want to bail on a decision made by council, nor does she want to disregard the work of the Green Committee. She noted that the city manager informed her in an email that this resolution may not be necessary in order to experiment with this idea. City Manager Hendrix said she can work with staff in the future before bringing resolutions such as this to council.

ACTION TAKEN by Clr. Regan; seconded by Clr. Camera
MOVED THAT this resolution be approved

{After much discussion, Clr. Regan decided to withdraw the resolution from the floor}

16. BOARD/COMMISSION APPOINTMENTS

ACTION TAKEN by Clr. Camera; seconded by Clr. Regan
MOVED THAT the appointments be tabled to allow council to gather more information

ROLL CALL VOTE: Aye – Clr. Camera and Clr. Regan

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

Absent - Clr. Burrall and Clr. Salamendra

MOTION DEFEATED

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

**MOVED THAT Jonathan Millis, Michele Neary and John Lynch be appointed to the Police
Budget Advisory Board and David Strickland be appointed as an alternate to this board**

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

Nay – Clr. Camera and Clr. Regan

Absent - Clr. Burrall and Clr. Salamendra

MOTION CARRIED

17. PUBLIC COMMENT

Anne Hoyt told council that she is a co-chair of the Green Committee and apologized for not getting more information to council about the weeding issue. She said she would like to respond to the issues brought up. She said the committee focused on the lakefront because people cannot easily access the lake without going through the area where the weeds are, and they do not want to put pesticides in the lake, so

they thought that was a safe place for a flame weeder. She said they were advised by the person in charge of the Integrated Pest Management Program at Cornell who suggested the steam weeder. With regard to weeding in downtown, she said that her group of volunteers can barely make a dent in the weeds at the lakefront. She suggested hiring a temporary employee to maintain the lakefront park in the summer. She noted that the ban is not a complete ban on pesticides as the city is able to use them wherever they feel it is necessary. She said that they have received an overwhelming response from people supporting the ban.

18. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 9:00pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL
JOURNAL OF PROCEEDINGS
SPECIAL COUNCIL WORK SESSION

July 11, 2022 – 6:00 PM

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

Presiding – Clr. Camera

1. ROLL CALL

Present: Clr. Regan, Clr. Noone, Clr. Burrall, and Clr. Salone

Absent: Mayor Valentino, Clr. Pealer, Clr. Salamendra and Clr. Gaglianese

2. DISCUSSION – SOLID WASTE HAULER LICENSING

Clr. Camera welcomed members of Lyons Road and Nardoizzi trash companies to the meeting. He said he feels that all of council agrees on the environment and taking care of trash to keep our city beautiful.

Clr. Noone said that it would have been helpful for council members and haulers to receive a copy of the contract/license prior to the meeting so the meeting could have been streamlined. He said he is in favor of one city-wide hauler like the City of Auburn, which has a great model. He said they pick up trash Tuesday thru Friday and yard waste collection on Monday. He said they do not collect black trash bags and recycling is picked up bi-weekly. He said they also offer a large bulk item pickup. He said he feels our current contract is minimal and said the wording in article three of the city code should be part of the contract.

Clr. Regan said the quantity of haulers needs to be addressed noting that the laws are changing soon, and she would like to see Geneva get ahead of this. She stated that Lyons Road Trash offers a pay-as-you-throw service, and she feels that should be put in the ordinance. She said that stickers on the toters are important and now that we have a compost facility, it would be good to have the haulers agree to collect compost material and take it to the Resource Recovery Park. She suggested providing haulers an incentive for collecting compost.

Clr. Salone said he thought this meeting was to discuss increasing the number of licenses in the city, noting that the other issues brought up tonight could be addressed at a future meeting. City Manager Hendrix said that if council gives her the direction they would like to go, staff could do the research and provide feedback to council at a later date. Clr. Burrall noted that the current system was working fine until

there were issues with some businesses having trouble with their service, and council needs to solve an immediate problem in our city.

When asked what the issues were, Clr. Salone said that one hauler wouldn't pick up trash if it was on the side of a dumpster. Other issues were short staffing and trash not getting picked up regularly, especially during COVID. Joe Venuti, Director of Public Works, told everyone that the issue staff has is that one company controls 75% of the hauling in the city, so when there is an issue with that company's service, it becomes a real problem for our city.

Clr. Camera said that the city needs to create a level playing field as most of the haulers in the city are doing what they are supposed to, so he is not in favor of an unlimited number of haulers. He said he is more in favor of five or six of each, residential and commercial. He does not want to see companies come and go if the market does not suit them.

City Manager Hendrix asked how staff would handle issuing the licenses if two haulers come in at the same time. She noted that this ties into the idea of expanding the number of haulers. She questioned if the current haulers would have to reapply for a license or if they would automatically be renewed. She questioned what a hauler in good standing would look like. She said that council needs to think about the ramifications of their decisions. Clr. Camera said he feels staff should make a lot of these decisions.

Clr. Salone said he is looking to expand to 6 licenses while making sure that the companies who have no complaints are able to renew with no penalty. Clr. Camera said he agrees with adding one or two more haulers.

Clr. Regan said she feels it is important for the haulers tonight to hear council's concerns about things like diverting from the landfill. She also asked the haulers in the room if they had the ability to take on more customers if a current license holder had their license taken away. They both said they could, but it would take time. James Nardoizzi told council that some of the complaints received by the city could possibly be directed to the DEC or the DOT. He also suggested looking into foreclosing on the company's bond with the city in the event a hauler has too many violations against them.

Clr. Noone asked Mr. Venuti how many complaints he is receiving, and Mr. Venuti said since May 2020, the bulk of the complaints have been about trash left on the side of containers, but he gets very few with regard to residential pickup. Clr. Noone said that a rating system needs to be created so all haulers are playing by the same rules, and more language needs to be put into the license including consequences for not following the rules. Mr. Venuti asked to clarify to everyone that code enforcement can only enforce the code as it reads, but they cannot change the existing code. City Manager Hendrix explained that these haulers are applying for a license to serve or community, but some of the other things being talked about make it more of a contractual obligation and not a license. She said we can put restrictions on the license application, but we need to be cautious about putting a rating system on it. Mr. Nardoizzi added that our language could include that haulers must comply with NYSDEC requirements.

Clr. Camera said that looking at the most recently drafted ordinance, he feels there is agreement to expand to 6 separate licenses, so he would like staff to go back and amend the wording for the next meeting.

3. ADJOURNMENT

ACTION TAKEN by Clr. Salone; seconded by Clr. Noone
MOVED THAT the meeting be adjourned at 7:26pm
MOTION CARRIED UNANIMOUSLY(5-4absent)

Lori Guinan

City Clerk



Geneva City Council
Agenda Item Briefing

To: Geneva City Council
From: Amie Hendrix, City Manager
Meeting Date: August 3, 2022
Item Title: Ordinance Amending Chapter 300 Entitled "Solid Waste" of the City of Geneva Municipal Code

Action Required:

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

Background:

- At the July 11 Work Session city staff were asked to incorporate changes to the ordinance to reflect the addition of two additional licenses for each commercial and residential hauling resulting in six available licenses for each category. The changes to the ordinance are outlined in the attached document.
- The change in ordinance also provides the inclusion of language related a "roll off container" or other device to collect residential or commercial solid waste or construction or demolition debris.
- An additional proposal to allow for a resolution to address the fees as part of a separate resolution which may occur during the budget process versus in ordinance language has also been included in the proposed changes.
- Currently City staff are researching applications and agreements from other localities, which will allow staff to implement a revised application process for 2023. This will be shared with Council prior to launch of a new application. Fees associated with the licensing will be voted on by Council through a resolution.
- The advisement of City staff members remains to not limit the number of haulers allowed within the city. While there is concern about the number of haulers servicing one street multiple times a week, this has not been shown in our research. Having more options for residents allows competitive pricing among haulers as well as differing quality of services.

Financial Impact:

Current licensing is an annual fee of \$250 per day on Monday-Thursday, and a \$750 fee for Friday.

Office of the City Manager

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

**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 300-3 shall be amended to read as follows:

- (1) The owner of residential and multifamily premises within the City of Geneva, or individual places of business within the City of Geneva, shall contract with a solid waste collector licensed by the City of Geneva, and be financially responsible for continuous and regular disposal service for each residence for the trash/recyclables and food waste that may accumulate or be used on said premises.

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.

The title of Article III shall be amended to read as follows:

ARTICLE III LICENSING OF SOLID WASTE COLLECTING

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 Clerk of the City of Geneva and paying the fee for such license as set by City Council resolution.

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 as provided in this article.

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 Clerk may issue up to six (6) 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. A person or entity licensed to collect residential solid waste, shall pay an annual fee to be determined by City Council Resolution

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

B. The City Clerk may issue up to six (6) 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. A person or entity licensed to collect commercial solid waste, shall pay an annual fee to be determined by City Council resolution.

3. The current subdivision B of Section 300-7 shall be re-lettered as subdivision C and shall be amended to read as follows:

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

4. 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 City Clerk 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, except that in the event the maximum number of licenses described in Subdivisions A or B have been issued, current license holders in good standing will have the option to renew prior to a license being issued to a previously unlicensed collector.

5. 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 City Clerk shall review the performance of the applicant. The City Clerk 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.

6. 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.

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

E. Any person or entity collecting construction and demolition debris related to a building permit and any person or entity using a "roll off" or other device to collect residential or commercial solid waste or construction or demolition debris, whether or not such activity is associated with a building permit, shall pay a fee to the City Clerk in an amount to be determined by City Council resolution.

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.**

- 3. Section 300-10 shall be amended to read as follows:**

300-10 Disposal In The Ontario County Landfill Site

All solid waste generated in the City of Geneva, shall be delivered for disposal to the Ontario County Landfill in the Town of Seneca.

**PROPOSED
GENEVA CITY CODE
CHAPTER 300**

ARTICLE I GENERAL PROVISIONS

§ 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.

§ 300-2. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

AUTHORITY HAVING JURISDICTION — Any local government, county government, or state agency responsible for administration or enforcement of an applicable law or regulation. [Added 6-6-2012 by Ord. No. 8-2012]

AUTHORIZED REPRESENTATIVE — Any person designated by the authority having jurisdiction or Code Enforcement Officer to act on his or her behalf. [Added 6-6-2012 by Ord. No. 8-2012]

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.

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CONTAINER — A rigid bodied receptacle, resistant to animals, wind and sharp objects, with a securely fitting removable cover with a capacity of not less than 18 gallons nor more than 30 gallons. [Added by Ord. No. 85-7, eff. 5-1-1985]

HOLIDAYS — Christmas, New Year's Day, Thanksgiving, Memorial Day, Independence Day and Labor Day.¹

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

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.

hire within the City of Geneva.

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.

SOLID WASTE COLLECTOR — Any person, firm, corporation or legal entity carrying on the business of receiving, collecting, transporting or disposing of refuse for hire within the City of Geneva.

ARTICLE II STORAGE OF REFUSE

§ 300-3. Proper disposal required. [Amended 5-1-1985 by Ord. No. 85-7; 5-5-1993 by Ord. No. 3-93; 7-1-2015 by Ord. No. 5-2015; 5-2-2018 by Ord. No. 1-2018]

A. Residential premises and individual business places.

- (1) The owner of residential and multifamily premises within the City of Geneva, or individual places of business within the City of Geneva, shall contract with a solid waste collector licensed by the City of Geneva, and be financially responsible for continuous and regular disposal service for each residence for the trash/recyclables and food waste that may accumulate or be used on said premises.

- (a) In order to provide ample time for owners of multifamily residential properties to adjust and negotiate new leases with tenants to

¹. Editor's Note: The former definition of "refuse," which immediately followed this definition, was repealed 7-1-2015 by Ord. No. 5-2015.

accommodate the above provision Subsection A(1) and to train tenants in the proper disposal of solid waste, the above provision will not take effect until one year after the date of the passage of the ordinance amending this Chapter.

- (2) Property owners shall ensure that solid waste and recycling containers are procured for each property and shall be of number, size, and construction such that all waste generated at the property in one week's time can be securely stored in a sanitary manner. Trash/recyclables/food waste receptacles shall be securely closed at all times, and shall not be stored in the front yard area of any developed parcel within the City without prior approval from the City. Containers shall be stored on the side or rear yard areas at all times except when they are brought to the curb on pickup day. Once emptied, they must be returned to the side or rear yard area. In no event shall trash/recyclables/food waste receptacles be left in the front yard for more than a twenty-four-hour period.

B. Other type premises. Industrial, apartment and commercial establishments shall provide for receptacles, the location and size of which shall be approved by the Department of Public Works. Such receptacles shall be constructed in such a way as to protect from wind and unsightly view all containers or refuse enclosed therein.

§ 300-4. Deposit on public or private property prohibited. [Amended 7-1-2015 by Ord. No. 5-2015]

No person shall throw or deposit or cause to be thrown or deposited any trash/recyclables or organic waste in or upon any traveled portion of a public highway, street or place, or on any property not owned or occupied by him within the City of Geneva.

§ 300-5. Enforcement procedures. [Added by Ord. No. 85-7, eff. 8-1-1985; amended 6-6-2012 by Ord. No. 8-2012]

A. Order to remove.

- (1) 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.

- (2) Subsequent violations. The authority having jurisdiction or authorized representative shall be authorized to take immediate action without notice to correct subsequent violations of this chapter or to enforce the provisions of this chapter against a person or business who has had prior violations or is deemed to be a persistent violator.
 - (3) Immediate action. Where, in the opinion of the authority having jurisdiction, the violation represents an immediate threat to health or safety, he shall be authorized to take what action he deems necessary to correct the violation without the requirement for prior notice.
- B. Removal by City; assessment. If the owner shall fail or refuse to remove such refuse or bulk refuse from said property or store refuse or containers, empty or full in violation of this chapter, or if immediate action is deemed necessary, the authority having jurisdiction or authorized representative shall cause such refuse or bulk refuse to be removed from, and/or containers to be removed or properly relocated on, the said property. The expenses so assessed, including all authorized administrative fees, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other City charges.
- C. Other enforcement procedure. Nothing contained in this section shall impair, prevent or prohibit the authority having jurisdiction or authorized representative from utilizing the enforcement provisions of § 300-14 of this chapter and to pursue enforcement of this chapter through the Geneva City Court, and either § 300-5 or 300-14 may be used by him at his discretion.

ARTICLE III LICENSING OF SOLID WASTE COLLECTORS

§ 300-6. License required for collecting.

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.

§ 300-7. Licenses; terms and fees. [Amended 2-1-1991 by Ord. No. 91-2; 5-3-2017 by Ord. No. 3-2017; 12-6-2017 by Ord. No. 4-2017]

A. The City of Geneva shall issue up to six (6) 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. A person or entity licensed to collect residential solid waste, shall pay an annual fee to be determined by City Council resolution.

B. The City of Geneva shall issue up to six (6) 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. A person or entity licensed to collect commercial solid waste, shall pay an annual fee to be determined by City Council resolution.

C. The City may issue one additional license to the operator of the Geneva Resource Recovery Park authorizing the operator to operate a transfer facility that accepts no more than 20 cubic yards of waste per day, excluding mercury-containing products, at the Geneva Resource Recovery Park as defined and governed as an exempt facility by NYSDEC Chapter IV – Quality Services Subchapter B: Solid Wastes. Subpart 362-3 Transfer Facilities. Hazardous household items such as, but not limited to, petroleum products, tires, appliances, written permission from the City of Geneva Director of Public Works. The license issued pursuant to this subsection shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein. The operator of the Geneva Resource Recovery Park shall pay an annual fee for this license no later than January 31 of each year in an amount to be determined in the yearly City Budget. The operator of Geneva Resource Recovery Park shall retain the right to renew said license annually unless the license is revoked by City Council, the New York State Department of Environmental Conservation registration is not in effect, or the licensee discontinues operating the Geneva Resource Recovery Park. Amended 10-6-2021 by Ord. No. 4-2021]

D. Unless a license for collection of residential or commercial solid waste is 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.

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

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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.

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.

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.

§ 300-8. Insurance. [Amended 5-3-2017 by Ord. No. 3-2017]

The licensee shall hold harmless the City of Geneva, its officers and employees, and shall indemnify the City of Geneva, its officers and employees for any claims for damage to property or injury to persons which may maintain such public liability, food products liability, and property damage insurance as will protect the licensee, property owners, and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide general liability coverage with a combined single limit of not less than \$1,000,000 per occurrence for bodily injury and property damage. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City of Geneva. Such policy shall not terminate or be canceled prior to the completion of the contract without like insurance in place prior to cancellation or termination. Any lapse in coverage will result in immediate suspension of the license, pending proof

§ 300-9. Conditions for licensing. [Amended by Ord. No. 77-1, eff. 3-2-1977; 5-3-2017 by Ord. No. 3-2017; 12-6-2017 by Ord. No. 4-2017]

Every license issued by the City Clerk pursuant to this chapter shall be subject to the following conditions:

- A. Vehicles used by licensed waste collectors in the collection and transportation of refuse in the City of Geneva shall have a fully enclosed carrier-body to prevent the escape of noxious odors or contents.
- B. Licensees shall be allowed for dry waste collection open-body type transportation which shall be equipped with eye hooks, cleats or other type holdfast facilities fixed to sides and ends of the vehicle and with a tarpaulin or other approved cover to prevent blowing off, spilling or scattering of the same along the route of haul.

- C. The vehicles used by collectors shall be subject to inspection by the Department of Public Works, as designated by the Director, to ensure that there is compliance with this chapter as to the type of vehicle and the existence of a license on the vehicle.
- 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.
- E. Residential curbside and commercial collection operations in the City of Geneva are permitted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. All haulers are required to specify days of the week for general hauling operations. In situations where pickup days fall on a federal holiday, haulers are permitted to conduct operations one business day prior to or following the scheduled pickup day, provided that no residential collection may be made on Saturday or Sunday. Special pickups are excluded from this allocation.
- F. Without specific written authorization by the City Manager, all residential and commercial collections must be deposited by permit at the Ontario County Landfill.
- G. Licensees shall not mix any dangerous, harmful or deleterious substances with ordinary ashes, rubbish or trash and shall be responsible for separating any such substances from their loads prior to trucking ashes, rubbish or trash outside the City limits.
- H. Licensees shall arrange their loads to the fullest extent possible so that such loads are acceptable for disposal in the Ontario County Landfill Site by any authority having jurisdiction over such site.
- I. Licensees shall certify that they have reviewed and will maintain compliance with all local, state, and federal laws regarding solid waste management, explicitly stating review and compliance with this chapter, the New York State Solid Waste Management Act, General Municipal Law § 120-aa, and any other law deemed appropriate by the authority having jurisdiction (AHJ):
- J. All licensees must submit a dated fee schedule, which will be posted to the City's website. Any change to the fee schedule must be submitted to the City Clerk prior taking effect.
- K. Trash/recycling containers.
 - (1) Licensees will provide all customers with containers for both trash and recycling. The City will provide "Landfill" and "Recycling" decals to trash haulers as part of the 2018 license issue. After the date of 2018 licensure, all haulers must affix on all their existing trash totes (containers) the "Landfill" label and on all their existing recycling totes (containers) the "Recycling" label so that these labels can be clearly seen from a distance.

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- (2) After December 31, 2018, any new trash containers provided to customers by the hauler must be clearly marked with a "Landfill" label, and any new recycling containers must be clearly marked with the "Recycling" label similar in design to those provided by the City.

L. Violation of any of the foregoing regulations or any other provision of this chapter shall be cause for revocation of the license of any collector holding a license hereunder. The authority having jurisdiction (AHJ) shall have power to revoke any such license for cause shown after public hearing thereon at which the licensee shall have an opportunity to be heard on 10 days' written notice to the licensee, specifying the nature of the violation, the complaint of said violation being in writing and signed by the complainant.

ARTICLE IV DISPOSAL

§ 300-10. Disposal of trash in Ontario County Landfill Site. [Amended by Ord. No. 77-1, eff. 3-2-1977]

All solid waste generated in the City of Geneva, shall be delivered for disposal to the Ontario County Landfill in the Town of Seneca.

§ 300-11. Disposal of dangerous, harmful or deleterious substances. [Added by Ord. No. 77-1, eff. 3-2-1977]

Any dangerous, harmful or deleterious substances originating in the City of Geneva which cannot be disposed of in the Ontario County Landfill Site #1 shall be disposed of in accordance with all applicable laws, ordinances, rules and regulations of the state and federal governments and any other authority having jurisdiction over same.

§ 300-12. Exceptions. [Added by Ord. No. 77-1, eff. 3-2-1977; amended 5-2-2018 by Ord. No. 1-2018]

- A. Recyclable and salvageable material. Notwithstanding the foregoing, any recyclable or salvageable material shall be collected and stored in a clean and sanitary manner and shall be disposed of for recycling or salvaging pursuant to all applicable laws, ordinances, rules and regulations of the state and federal governments and any other authority having jurisdiction over same.
- B. The inspection program will be a spot inspection type of program (initially an average of 10 inspections per month or less) and designed to identify egregious instances where recycling and trash for the landfills are comingled in a single container making it difficult for efficient and sanitary pick-up by a licensed trash hauler. Prior to initiating spot inspections, City staff will develop a City-wide education campaign regarding proper waste disposal and recycling practices.
- C. Prohibited material. Notwithstanding the foregoing provisions of § 300-10, no refuse collector shall be required to dispose of any ashes, rubbish or trash in the

Ontario County Landfill Site #1 which is prohibited by any authority having jurisdiction over such site.

§ 300-13. Presumption. [Added by Ord. No. 77-1, eff. 3-2-1977]

It shall be presumed that any ashes, rubbish and trash originating in the City of Geneva and placed in vehicles used by licensed refuse collectors for collection are disposable in the Ontario County Landfill Site #1 and it shall be the burden of the person asserting that any ashes, rubbish or trash originating in the City of Geneva are not disposable in the Ontario County Landfill Site #1, to establish same in a court of competent jurisdiction.

**ARTICLE V
ENFORCEMENT AND PENALTIES**

§ 300-14. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each separate offense shall constitute a separate additional violation.

[1] Editor's Note: Original Section 90.51, which immediately followed this section, was deleted by Ord. No. 85-7, eff. 5-1-1985.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council
From: Amie Hendrix, City Manager
Meeting Date: August 3, 2022
Item Title: Resolution of Support & Authorization for Clean Water Grant Application

Action Required:

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

Background:

- An Engineering Report, entitled "Engineering Report for the Marsh Creek Wastewater Treatment Plant, Expansion of the ATAD Sludge Digestion System and Upgrades to the Marsh Creek Pump Station", dated July 2021 (updated September 2021), and the July 2022 Supplement recommends implementing a wastewater project to help improve water quality and protect public health.
- In 2021, the City of Geneva participated in the New York State Water Infrastructure Improvement Act grant program, although unsuccessful in receiving the funding lessons were learned from the process and the City is ready to compete in the new round of funding which has been recently announced by New York State.
- This resolution will authorize the City Manager as the authorized representative of the City to submit the application by the City of Geneva (City) for the of a New York State Water Infrastructure Improvement Act (WIIA) and New York State Intermunicipal Water Infrastructure Grant application, on behalf of the City, for upgrades to the Marsh Creek Wastewater Treatment Plant (WWTP) and enter into Memorandum of Agreements with the Town of Geneva and Town of Waterloo regarding the grant cost sharing.

Financial Impact:

The City shall provide local matching funds totaling at least 75% of the Project Costs in the form of in-kind services or cash contributions appropriated and obligated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution which will come forth at the September Council meeting.

Office of the City Manager

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

RESOLUTION # 31 – 2022

City of Geneva
New York State Water Infrastructure Improvement Act (WIIA)
New York State Intermunicipal Water Infrastructure Grant (IMG)

Resolution of Support & Authorization for Clean Water Grant Application

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

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

WHEREAS, an Engineering Report, entitled “*Engineering Report for the Marsh Creek Wastewater Treatment Plant, Expansion of the ATAD Sludge Digestion System and Upgrades to the Marsh Creek Pump Station*”, dated July 2021 (updated September 2021), and the July 2022 Supplement recommends implementing the Project to help improve water quality and protect public health; and

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

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

BE IT FURTHER RESOLVED that the Geneva City Council supports the Project and submission of the 2022 WIIA/IMG grant application on behalf of the City to improve water quality and protect public health.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Michael Passalacqua, Police Chief

Meeting Date: August 3, 2022

Item Title: Resolution Declaring Surplus Property

Action Required:

An affirmative vote by City Council is required to declare equipment as surplus property.

Background:

Items in surplus were found and contribute no value to the City's operations. All of the bicycles will be donated to local charities in the City of Geneva.

Alternatives:

Council may elect to not declare these items as surplus.

Financial Impact:

None

RESOLUTION # 32- 2022**RESOLUTION DECLARING SURPLUS PROPERTY**

WHEREAS, the City of Geneva no longer has use for the following bicycles that were found but the owner of each could not be located:

Status	CR #	Brand	Size
Found Property	2020-34910	Kulana 2-seater	26"
Found Property	2020-22661	Hyper	26"
Found Property	2021-22767	BCA	20"
Found Property	2021-19796	Giant	26"
Found Property	2021-20504	Genesis	20"
Found Property	2021-21323	Next	26"
Found Property	2021-15963	Mongoose	26"
Found Property	2021-24913	Kent	16"
Found Property	2021-24913	Huffy	10"
Found Property	2021-15963	Mongoose	26"
Found Property	2020-22636	Mongoose	26"
Found Property	2020-33013	Roadmaster	26"
Found Property	2020-25258	Thruster	20"
Found Property	2020-23931	Trek	26"
Found Property	2020-29828	Huffy	26"
Found Property	2020-25780	Kent	18"
Found Property	2020-20467	GS	26"
Found Property	2020-19409	GT	26"
Found Property	2020-33013	Next	20"
Found Property	2020-29941	Genesis	20"
Found Property	2020-33013	Inspire	20"
Found Property	2020-29762	Huffy	16"
Found Property	2021-2912	Next	20"
Found Property	2021-9711	Giant	26"
Found Property	2021-14136	GT	26"
Found Property	2021-15124	Hyper	26"
Found Property	2021-15310	Mongoose	26"
Found Property	2021-17937	Huffy	24"
Found Property	2021-17851	Roadmaster	24"
Found Property	2021-16734	Next	26"
Found Property	2021-15533	Next	26"
Found Property	2021-18716	Huffy	16"
Found Property	2021-29828	Huffy	26"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York, that the above equipment be declared surplus property, and

FURTHER BE IT RESOLVED the police department is authorized to donate the bicycles to local charities around the City of Geneva.



Geneva City Council
Agenda Item Briefing

To: Geneva City Council
From: Amie Hendrix, City Manager
Meeting Date: August 3, 2022
Item Title: Resolution to Submit an Intent to Apply for the Restore New York Communities Initiative

Action Required:

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

Background:

Restore New York Communities Initiative ("Restore NY") provides municipalities with financial assistance for the revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures.

The Restore NY Community Initiative aligns with at least one proposed redevelopment project which is located at 36 Middle Street ("project"). After decades of service as a grain elevator, the building was used as a warehouse for a Waterloo moving company. When acquired by the current owner it was vacant and in danger of demolition by neglect.

One of the biggest hurdles is the economic viability of the project. The size of the building and extent of the deterioration due to years of neglect result in the anticipated construction costs far exceeding what can be borne by the anticipated rents from the 9 apartments that are proposed.

If the City were to apply and receive the Restore NY funding it may allow this project to come to fruition. The combination of bank, private and government funding will make the project viable. Four affordable housing units will be created within the nine proposed units.

Office of the City Manager

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

The attached resolution will authorize the City to submit an intent to submit a proposal for the August 11, 2022, deadline so the project application can be submitted by October 11, 2022.

Financial Impact :

An application fee of up to \$500 may be needed if the intent to apply is approved.

RESOLUTION # 33 - 2022

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN INTENT TO APPLY FOR THE 2022 RESTORE NEW YORK COMMUNITIES INITIATIVE (RESTORE NY)

WHEREAS, Empire State Development has announced another round of Restore New York Communities Initiative ("Restore NY") which provides municipalities with financial assistance for the revitalization of commercial and residential properties; and

WHEREAS, the program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS, the Restore NY Community Initiative aligns with at least one proposed redevelopment project which is located at 36 Middle Street ("project"); and

WHEREAS, after decades of service as a grain elevator, the building was used as a warehouse for a Waterloo moving company and when acquired by the current owner, it was vacant and in danger of demolition by neglect; and

WHEREAS, one of the biggest hurdles is the economic viability of the project due to the size of the building and extent of the deterioration due to years of neglect resulting in the anticipated construction costs far exceeding what can be borne by the anticipated rents from the 9 apartments that are proposed, and

WHEREAS, if the City were to apply and receive the Restore NY funding it will allow this project to come to fruition providing nine housing units to be created from a vacant property of which four will be affordable housing, and

NOW THEREFORE BE IT RESOLVED, that the City Manager is authorized to submit an intent to apply for the 2022 Restore NY funding in anticipation of supporting the project on 36 Middle Street.



Geneva City Council Agenda Item Briefing

To: Geneva City Council
From: Amie Hendrix, City Manager
Meeting Date: August 3, 2022
Item Titles: Authorization for City Manager to Execute McDonough Park Agreement with Hobart and William Smith Colleges

Action Required:

Hobart and William Smith Colleges has a shared interest in investing in and maintaining McDonough Park along with the current users of the park including Geneva Baseball, Inc. and the City and utilizing the facility to provide a home baseball field for their own baseball team. This resolution specifically authorizes the City Manager to execute a Memorandum of Agreement with Hobart and William Smith Colleges (HWS) and Geneva Baseball, Inc.

Background:

The City is the owner of Joseph E. McDonough Park located at 180 Lyceum Street in Geneva, New York and have entered into an Agreement of Lease with Geneva Baseball in 2021. Hobart and William Smith Colleges has re-constituted their NCAA Division III baseball program and the City and Geneva Baseball desire to allow the Program to use the Park for practice, games, and other activities spelled out in an Agreement to be finalized cooperatively and collaboratively in their collective use of the Park for the good of each of the Parties (City, Colleges, and Geneva Baseball) as spelled out in a shared agreement. The Colleges will agree to provide initial invest in improvements made to enhance the Park in order to bring the Park to the Colleges' NCAA standards.

This resolution authorizes the City Manager to negotiate an agreement of up to 10 years, with a release clause, which will allow all three parties to undergo shared operations and maintenance of McDonough Park.

Office of the City Manager

CITY HALL - 47 CASTLE STREET - GENEVA, NEW YORK 14456
(315) 789-6104 - sgerling@geneva.ny.us - www.cityofgenevany.com

Alternatives:

Council could request other considerations for the agreement that the City Manager and attorney could negotiate with HWS.

Financial Impact:

No additional financial impact at this time.

RESOLUTION # 34 - 2022

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GENEVA BASEBALL INC. AND HOBART AND WILLIAM SMITH COLLEGES FOR McDONOUGH PARK USE

WHEREAS, the City is the owner of certain lands known as the Joseph E. McDonough Park located at 180 Lyceum Street in Geneva, New York (the "Park"); and

WHEREAS, the City has entered into an Agreement of Lease with Geneva Baseball through its President, Fenton R. Ohmann dated April 1, 2021, which Lease Agreement spells out the rights and responsibilities as to the City and Geneva Baseball; and

WHEREAS, Hobart and William Smith Colleges (the "Colleges") have re-constituted their NCAA Division III baseball program (the "Program"); and

WHEREAS, the City and Geneva Baseball desire to allow the Program to use the Park for practice, games, and other activities spelled out in an Agreement to be crafted in collaboration with the City Manager, Legal Counsel, and the Parties (City, Geneva Baseball Inc., and the Colleges); and

WHEREAS, the Parties desire to work together cooperatively and collaboratively in their collective use of the Park for the good of each of the Parties as spelled out in a shared Agreement; and

WHEREAS, timeliness of creating a shared agreement is of the utmost importance to ensure improvements to the facilities can be undertaken and the Colleges have agreed to undertake certain specified maintenance tasks related to the system as specified by NCAA Division III regulations;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute a Memorandum of Agreement with the Colleges and Geneva Baseball, Inc.