

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

October 5, 2022

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

**EXECUTIVE SESSION AT 6:30PM
TO DISCUSS COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE FOURTEEN
OF THE CIVIL SERVICE LAW**

COUNCIL MEETING STARTS AT 7:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARINGS:
 - A. NYS Office of Community Renewal for CDBG Grant Funding
 - B. Restore NY Funding
 - C. Budget - Budget can be found on the City of Geneva website:
www.cityofgenevany.com
 - D. Local Law Overriding the Tax Cap
- V. SUPERVISOR UPDATE
- VI. DRI UPDATE
- VII. FOUNDRY UPDATE
- VIII. CONSIDERATION OF MEETING MINUTES

This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:

 - A. September 1 (Special Council Meeting) {page 3}
 - B. September 6 (Special Council Meeting) {page 4}
 - C. September 7 (Regular Council Meeting) {page 5}
 - D. September 13 (Special Council Meeting) {page 28}
 - E. September 21 (Special Council Meeting) {page 30}
 - F. September 26 (Special Council Meeting) {page 34}

IX. 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.

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

XI. UNFINISHED BUSINESS

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

- A. Resolution in Support of the Application to the Empire State Development (ESD) for RESTORE 6 Funding for the Middle Street Apartments Project – Presented by City Manager Hendrix #45-2022 {page 42}
- B. Resolution Classifying the City of Geneva’s Brownfield Opportunity Area Open Space and Connectivity Strategy as a Type I Action under SEQRA and Authorizing Geneva City Council as Lead Agency - Presented by City Manager Hendrix #46-2022 {page 45}
- C. Local Law Overriding the Property Tax Levy Limit – Presented by City Comptroller Newcomb #5-2022 {page 47}

XII. NEW BUSINESS

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

- A. Surplus Declaring City Equipment Surplus Property – Presented by City Manager Hendrix #47-2022 {page 49}
- B. Resolution Requesting Support for New Plastic Straw Control Law – Presented by Clr. Camera #48-2022 {page 51}
- C. Board/Commission Appointments

XIII. 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

XIV. 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.

XV. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 1, 2022 – 6:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

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

2. EXECUTIVE SESSION

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

MOVED THAT council adjourn to executive session at 6:00pm to conduct District 1 Supervisor Interviews

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT council leave executive session at 7:00pm

MOTION CARRIED UNANIMOUSLY

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 7:00pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 6, 2022 – 5:30 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

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

2. EXECUTIVE SESSION

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

MOVED THAT council adjourn to executive session at 5:30pm to conduct District 1 Supervisor Interviews and a Ward Six Councilor Interview

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT council leave executive session at 7:00pm

MOTION CARRIED UNANIMOUSLY

3. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 7:00pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

September 7, 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, Clr. Noone, Clr. Burrall, Clr. Camera, and
Clr. Salamendra (via Zoom)

2. PROCLAMATION – Clr. John Salone

Clr. Noone told everyone that he is working on a plan for the Spring to get McDonough Park collaboratively renamed in honor of John Salone for the countless hours he spent at the field. He then asked for a moment of silence in memory of Clr. Salone. He thanked everyone for coming out to celebrate John's life saying that we were very fortunate to have John on council and he had a legacy of great character, passion and love. He said that we are all better people for having known him.

Mayor Valentino presented the proclamation for former Clr. Salone.

3. AMENDMENT TO THE AGENDA

Mayor Valentino asked to make an amendment to the agenda to include resolution #41-2022 to approve a settlement

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

MOVED THAT an amendment be made to the agenda to add resolution #41-2022

MOTION CARRIED UNANIMOUSLY

4. SUPERVISOR UPDATE

Supervisor Petropoulos announced that September is National Suicide Prevention Month and asked everyone to read up on the signs and symptoms. He said that in August he was selected to be on the search committee for a new Director of Veteran's Services, and they have a candidate to vote on in October. He announced there will be a blood drive September 22 at 3019 County Complex Drive from 9am-2pm. He said there will be a mattress collection event in the Towns of Geneva and Canandaigua, there is information on the county website, and anyone interested must register. He said that Ontario County is doing a survey on community programs, and they encourage everyone to take it. He said the information will be on the county website, and he gave the information to the city clerk so it can be put on the city website. Lastly, he said that Ontario County is still hiring, and information is on the county website.

5. PRESENTATION – Green Committee, Volunteer Weeding Efforts at the Lakefront Park

Anne Hoyt of the Green Committee told everyone that the Geneva Lakefront sign was installed in 2015 by Fisher Associates. She said that there are several varieties of shrubs at the lakefront including many hearty ones. She noted that there are only three species that are not native to the area. She said that the Green Committee got involved at the lakefront in 2020 along with other community groups with an adopt a bed program and Wednesday weeding. She said they have collaborated with Blueprint Geneva and HWS students during their day of service. She said that the Blueprint Summer Youth Program volunteers have taken pictures of the weeds and used a University of California app to identify the plants to create a weeding guide. She noted that they have identified 24 species. She said that another project is to use a \$1000 donation from Geneva Community Projects to purchase replacement plants. She said they have identified two high visibility sites near the shade structure and the iHeartNY sign, and they will be needing volunteer gardeners and water on Saturday, October 1st for installation day. She said moving forward, they would like to see the City's DPW provided with funds to hire a gardener to maintain the park, the hiring of someone with a pesticide applicator license who has knowledge of the park and how to address the weed issues, a reliable water supply to certain areas of the lakefront, and the issues at the iHeartNY sign where the city lost expensive shrubs avoided. She said that lakefront park is an asset and the Green Committee would like to see council set aside a little money every year to replace plants.

6. 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.

WORK COMPLETED TO DATE:

As of the last Progress Meeting which was held Thursday August 25, 2022, the contractor has used 89% of the contract time and has completed 62% of the proposed work. The current Pay Estimate # 11, was dated August 23, 2022 and completed work paid to date was \$6.35 M out of \$10.1 M. The current

contract substantial completion date is at end of October 2022. The contractor has submitted requests for contract extensions of time which are being reviewed.

UPCOMING WORK SCHEDULED:

The current Contract 1, “5&20 Corridor” Phase is in Phase 1C. The contractor is working on the west bound lane of Rtes. 5&20. Work continues on storm sewer upgrades, underground electrical work, granite curbing and cycle track grading. PLEASE NOTE** Be advised that nightwork is part of the Phase 1C - Work Zone Traffic Control Plan. The contractor is expected to utilize an approved short-term detour for planned night time asphalt milling and hot mix paving. We currently do not have anticipated schedule for night work.

The current Contract 2, “Street Scape and 5 Points” is in Phase 2C. Work continues on finalizing all decorative features, landscaping, brick pavers, sidewalk, signage, and green infrastructure along Castle and Exchange. Concrete footers have been installed for the Buzzuto Center rain water collection system. Final traffic signal work remains to be completed.

CONCERNS:

BUZZUTO – Electrical conflicts being reviewed

ELECTRICAL – Subcontractor material delays; street light outages are being investigated

7. FOUNDRY UPDATE

Remedial Design

- NYSDEC’s engineering contractor issued the remedial design plans for Genesee Park and continued to coordinate with the City DPW regarding proposed park enhancements to be installed after remediation. Design of park enhancements by the city is proceeding concurrently with NYSDEC’s work. See additional details below.
- Design activities continue for all other remaining properties south of Lewis Street. Remaining structural inspections will be completed this fall. Remediation of these properties is expected to be completed in 2023.

Remedial Construction

- At properties located on Exchange, Wadsworth, and Middle Streets, north of Middle Street, excavation is complete and restoration is substantially complete at all properties. Remaining restoration items will be completed this fall, with the exception of some plants and trees that will be installed in 2023.
- As noted above, remedial construction work at Genesee Park is expected to begin shortly with removal of the public sidewalks along Genesee Street (while the sidewalk through the middle of the

park remains open). Excavation of the park inside the fence is expected to begin in late September, after restoration of the exterior public sidewalk is completed. NYSDEC's portion of the restoration of the park is anticipated to be substantially completed in early November 2022. Other work south of Lewis Street along Genesee Street and at St. Peter's Church will be performed concurrently with work at Genesee Park, beginning in September or October.

8. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the August 3rd Council Meeting be approved

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

Abstain – Clr. Salamendra

MOTION CARRIED

9. PUBLIC COMMENT

Marie Jessica Gillotte read a comment from her husband. My name is Peter Gillotte. I have another business commitment that prevents me from addressing this Council in person but asked that the following be read tonight. I have lived in ward 4 my entire life. I'm a business owner in the City of Geneva now and have been in the past. I'm a proud grandfather of three grandchildren that visit my home frequently. My street is home to many families that look out for each other, like most neighborhoods in Geneva. The thought of any house fire is frightening. I'm also a proud member of the Geneva Fire Department as a volunteer firefighter. As firefighters, we cannot entertain the **"just let it burn"** approach when answering a call. That is not what we are trained to do. What we are trained to do is everything in our power to protect your family, your home and your property. Like my fellow professional and volunteer brothers and sisters I'm dedicated and proud to serve!

Daniel Bullock said that he was here to petition council to allow Nardozzi to start garbage collection in Geneva noting that he was unhappy with the city's code enforcement department and their request for him to clean up his property. He said he wants a reason for a timeline change on his work project. He said he feels his family is being harassed by city employees. He finished by saying that he does not want trees in Genesee Park taken down.

David Linger said that he resides on Lower Castle Street and he asked council to reject limiting downtown winter parking. He said that any inconvenience to the DPW and police department does not out-weigh the public good through the current rules. He asked the city to work with the BID and other interested groups on other parking options since the season is only 100 days with 2-3 snow emergencies per year. He asked if there have been efforts to give options.

Charles King said that his children are in sports and have been invited to the Red Wings Field which has been beautifully maintained. He thanked John Salone's family for him inviting kids to the park.

John Brennan said that the winter parking has a great deal of negative consequences and removing the PILOT program is not a solution for residents. He suggested appointing a committee including a couple council members, the BID and former DPW workers to work to identify difficulties with the current process. He said it is not too late in the season to see if solutions can be found.

Tim Buckley said that the two-hour limit on parking in front of his office on Washington Street has never been a problem before as in the past, he has worked it out with the other businesses. He said he has always parked in front of his office, and even had signs made up for temporary parking limits. He said he would like to get together with the other owners, tenants and the city to discuss options and come up with a solution. As for winter parking, he said he likes the current system noting that of the 120 days of potential snow weather, there are usually only about 5-10 days where the emergency would be in effect. He said keeping the program the way it is keeps the city open for public parking.

10. MAYOR AND COUNCIL REPORTS

Clr. Regan said she is concerned about the lake and feels the discussions about weeding is important to the city as council voted unanimously to address the use of chemical pesticides on city property. She announced the Green Committee is holding a native plant sale on September 17th from 9-1 at the Farmers Market. She said members of the committee took a trip to the Ithaca Reuse Center because of their interest in diverting from the landfill. She said they sell electronics, housewares, lumber and construction supplies. She said it would be nice to have this in Geneva. She announced that the Town of Geneva is having another free stuff day on September 11th. Items can be dropped off from 10am to noon, and they will be open from noon to 2pm for people to pick items out. She said she attended the dedication for the Geneva AppleKnockers on April 20th at the lakefront. She referred to Clr Camera's idea to put artwork in the windows of 29 Linden Street, and she approached Historic Geneva who will be putting up a new display containing 19th and 20th century art from Arthur Dove and others including sites in Geneva. For the Hobart and William Smith Colleges Day of Service, they will be cleaning windows and hanging the artwork. Lastly, Clr. Regan said she is planning a town hall meeting October 4th and more information will be coming.

Clr. Pealer said that he had worked with Clr. Salone on the Jefferson Park project, and he hopes the new councilor is open to working on the next project. He thanked Clr. Noone for the nice things he said at the beginning of the meeting. He announced the Recreation Board met last month and Trick or Treat will be October 31st from 6pm to 8pm. The Pumpkin Roll will be October 15th from 12 to 3pm at the Brook Street Tennis Courts. Touch a Truck will be October 10th. He said that kickball on August 20th and 27th was successful and brought people to the parks. He said that they are looking to get information to school aged children and the board's new president will be speaking to the superintendent. He said that Geneva has a track record of getting funds to build nice things but maintenance is an afterthought, and he will be keeping his eye on that.

Clr. Burrall thanked Clr. Noone for his words about Clr. Salone. He thanked Supervisor Petropoulos, Anne Hoyt and all of the public comment speakers. He announced the upcoming blood drives; Sept 15th at FLCC from 1-6pm, Sept 20th at the Presbyterian Church from 1-7pm, Sept 21st at Geneva General Hospital from 10am to 4pm, Sept 29th at the Scandling Center from 1-7pm, and October 6th at Jordan Hall from 9am to 2pm. He thanked the councilors who mentioned to him that they donated blood recently. He said that the BID reported Earthly Possessions has moved to the former Frame Shop building. He said the BID has a need for an additional maintenance employee. He said they are planning the October 10th Fall Fest and the reconciliations for the finances from Cruisin Night and the Garlic Festival are almost done. He said they are concerned about the maintenance of downtown, boat launch issues during weekend events, and filling of vacant store fronts, and the BID is looking to test retail pop-ups. He let everyone know that the nursery for the shade trees has 165 trees ready to be transplanted in the city right of ways. He said that he had received \$557 from firewood deliveries, including \$332 from his daughter's efforts of soliciting on the east side of Seneca Lake, and after taking out \$174 for tree stakes, he had \$383 total for the city. Lastly, he said that the College Livability Task Force and Historic District Commission did not meet.

Clr. Noone thanked the Salone family for coming tonight and the other council members for their kind words. He announced that council gave staff direction at the recent council retreat to focus on completing the zoning update, to work on getting the DRI project complete, and lakefront enhancements. He said he would like to see people given a reason to come to the lakefront by including tables, grills, pavilions, a public beach, kayak and canoe rentals, and food trucks. Council would also like to see the upgrades to the wastewater system done and beautification and maintenance of our infrastructure. He said that the budget will be presented September 21st, and he would like to hold a town hall meeting September 28th from 6-7 at the Sons of Italy to hear what the public priorities are. He said that the city will be holding our annual 9/11 Ceremony on Sunday at the Long Pier at 10:00am.

Clr. Camera said that the Lakefront Integration Committee has been delayed, and they will be meeting the end of September. He said they will be working on at RFP for a grant writer to help get the railyard moved. He said that a survey was done in the Town of Seneca about the landfill and he referred to its upcoming closure stating he hopes our supervisors will be on top of this to develop a plan moving forward. He said that 8-9 years ago, we did the second of two landfill summits at HWS, and he said it is time for another one. He noted that at the end of this year, the NYS Beyond Beyond Waste Plan should be complete, and we need to be ready to comment. Lastly, he said he would like reports on the property on Humber Street (south end), 408 S. Main Street, and 29 Linden Street at the next meeting.

Clr. Gaglianese thanked the Salone family for giving us an opportunity to pay tribute to John saying that he is very sorry for their loss. He thanked them for coming and told Clr. Noone he did a great job earlier.

Mayor Valentino thanked the city manager and staff for the retreat noting that it is important for them to know council's priorities. He said he likes how the LDC, IDA and BID continue collaborate with each other for the betterment of Geneva with economic development and downtown revitalization. He said the LDC

met today and they, along with the BID, are trying to come up with some action plans for the weed issue. He encouraged everyone to attend the 9/11 Ceremony noting that there is more information on the city website.

11. CITY MANAGER REPORT

Thank you to Salone family

Budget

Comptroller Newcomb and I are working on the 2023 Budget. While there are many areas that we look forward to examining further and expanding detail on, you may find that the 2023 budget will look very similar to your 2022 budget with slight modifications. Due to the quick turnaround time the budget will likely not reflect sweeping change, but rather maintenance of the efforts put in by those before us. The budget presentation will be held on September 21st at 6pm at Jordan Hall.

Staffing

The search for the Director of Planning and Economic Development remains active and we have received a handful of applications. Resume, cover letter, and references can be sent to Jennifer Slywka in HR through September 9th. A panel of internal and external stakeholders will convene around September 22nd to review applicants and begin interviews. This position will provide oversight to both planning and economic development throughout our organization.

We are also working to recruit the following positions:

- Jr. Engineer
- Electrician
- Engineering Tech

This week we welcomed aboard Amy Osterhout as our new Recreation Supervisor.

Gratitude and Patience

We will be experiencing staffing shortages in our front office in the coming weeks due to unforeseen circumstances. Thank you for your patience as we move through this challenging time.

Clr. Gaglianese asked to give a couple reports. He said that the Police Budget Advisory Board met last month, and over the past few months have compiled a list of questions for the chief and the chief answered them. On September 5th, they submitted recommendations to the city manager for the budget. He said the planning board did an informal site plan review for Nardozzi Construction for a building in the Industrial Park. He congratulated the police department on the swearing in of two new police officers,

Hudson and Douglas, who completed their training recently and Ron Eveland who was promoted to Sergeant. Lastly, he said he has faith in the DRI project, and said that we cannot take on projects that overwhelm maintenance crews. He said he hopes we have a good plan for the winter.

12. APPOINTMENT OF SUPERVISOR FOR DISTRICT 1

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

MOVED THAT this appointment be tabled to allow council time to discuss the four candidates

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

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

MOTION DEFEATED

Clr. Gaglianese suggested holding an executive session Tuesday Sept 13th at 5:30pm to discuss, and council members agreed.

13. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 300 ENTITLED “SOLID WASTE”

City Manager Hendrix presented the following ordinance for second reading:

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 any number of 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 any number of 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.

City Manager Hendrix reminded everyone that council voted at the last meeting to not limit the number of haulers, and the ordinance was amended to that effect.

Clr Camera reaffirmed his concern about having labels on trash and recycling containers to ensure proper disposal of items, and wanted to make sure that remained in the ordinance. Clr. Regan asked to clarify that residents can take their recycling and organic waste to the Resource Recovery Park once the site is prepared to accept, and the mayor said he does not believe this ordinance will stop that.

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

MOVED THAT this ordinance be approved for second reading

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

Nay – Clr. Salamendra and Clr. Burrall

MOTION CARRIED

14. RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT BY THE CITY OF GENEVA WITH THE TOWNS OF WATERLOO AND GENEVA CONCERNING THE EXPANSION OF THE ATAD SYSTEM AT MARSH CREEK

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva owns and operates a wastewater treatment plant hereinafter referred to as the "WWTP," located at 45 Doran Avenue in the City of Geneva; and

WHEREAS, the City of Geneva and the Towns of Geneva and Waterloo have development proposals and existing projects for new housing and commercial enterprises, that are critical to the growth and economic success of the region, and which require municipal sewer service to be viable; and

WHEREAS, a report prepared in January 2020 by the MRB Group found that the Autothermal Thermophilic Aerobic Digester (ATAD) system at the WWTP was close to capacity and would have to be expanded in order for the City to safely accept the loads required for the scheduled and anticipated new development in the City of Geneva and Towns of Geneva and Waterloo; and

WHEREAS, the City of Geneva and the Towns of Geneva and Waterloo propose to jointly and, as appropriate individually, apply for grant funding to assist with paying the costs of expanding the ATAD system at the WWTP; and

WHEREAS, the City of Geneva and the Towns of Geneva and Waterloo propose that cost of the expansion not covered by grants will be paid by bond funding obtained by the City; and

WHEREAS, the Towns of Geneva and Waterloo agree in principle to enter into agreements with the City, upon expansion of the ATAD, authorized by General Municipal Law, by which the City will agree to provide wastewater treatment services to the Towns of Geneva and Waterloo for agreed upon consideration based on the volume of their respective flows to the City's WWTP, compared to the total flow volume to the City's WWTP; and

WHEREAS, an Intermunicipal Agreement memorializing these understandings must be submitted with the application for grant funding to assist with paying the costs of expanding the ATAD, and

WHEREAS, the Towns of Geneva and Waterloo have approved the attached Intermunicipal Agreement memorializing these understandings.

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does confirm the above understandings and approves the form of the attached Intermunicipal Agreement, and it is further,

RESOLVED that the City Manager is authorized to execute the attached Intermunicipal Agreement.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

15. BOND RESOLUTION TO FINANCE IMPROVEMENTS TO THE MARSH CREEK WASTEWATER TREATMENT PLANT AND AMENDING, RESTATING, REPLACING AND PARTIALLY REPEALING BOND RESOLUTION DATED AUGUST 4, 2021

City Comptroller Newcomb presented the following resolution:

WHEREAS, the City Council of the City of Geneva (the “**City Council**”) has determined to undertake the construction and equipping of additions and other improvements to the Marsh Creek Wastewater Treatment Plant (the “**WWTP**”) to increase the capacity thereof, as further described herein and to appropriate funds for such specific object or purpose and to make certain determinations in connection with such specific object or purpose; and

WHEREAS, as a pre-condition to the adoption of this resolution, by resolution dated August 4, 2021 (the “**SEQR Resolution**”), the City Council determined that the foregoing specific object or purpose constitutes a Type 1 action under the provisions of the State Environmental Quality Review Act (collectively, “**SEQRA**”) and that such specific object or purpose will not result in adverse impacts upon the environment, and therefore no further action need be taken by the City Council under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, all other conditions precedent to the financing of each of the specific object or purpose hereinafter described, have been performed and no other action need be taken by the City Council as a pre-condition to the adoption of this resolution; and

WHEREAS, the City Council previously adopted a resolution (the “**Prior Resolution**”) relating to the WWTP titled:

BOND RESOLUTION, DATED AUGUST 4, 2021, OF THE CITY COUNCIL OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK (THE “CITY”), AUTHORIZING THE ISSUANCE OF \$7,000,000 IN BONDS OF THE CITY TO FINANCE THE CONSTRUCTION AND EQUIPPING OF ADDITIONS AND OTHER IMPROVEMENTS TO THE MARSH CREEK WASTEWATER TREATMENT PLANT; and

WHEREAS, the City Council has determined that additional moneys will be required to complete the improvements to the WWTP; and

WHEREAS, pursuant to the provisions of the New York Local Finance Law (the “**Law**”) the City Council wishes to amend, restate, replace, and partially repeal the Prior Resolution and replace the Prior Resolution with this resolution; and

WHEREAS, the City Council now wishes to appropriate funds for the foregoing specific object and purpose and to authorize the issuance of the City’s bonds and bond anticipation notes to be issued to finance said appropriation; and

WHEREAS, in connection with the issuance of the bonds described pursuant to this resolution, and all prior and future bond issues, the City desires to adopt a written post-issuance compliance policy to assist the City in compliance with its obligations under state and federal law and regulations.

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 \$9,236,950 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction, and equipping of the additions and other improvements to the WWTP, including reconstructing the existing anaerobic digester tank into an autothermal thermophilic aerobic ("**ATAD**") reactor tank, reconstructing the existing industrial waste holding tank no. 2 into an ATAD storage nitrification denitrification reactor ("**SNDR**"), constructing a new biofilter and odor control unit, and construction new additions or improvements to increase the capacity of the WWTP to 3,100 gallons per minute, and including all other related incidental improvements, equipment, furnishings, and expenses required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$9,236,950, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan of financing thereof shall consist of (i) the issuance of \$9,236,950 in serial bonds of the City authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial 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; provided, however, that to the extent that the City receives grants from any source to fund such specific object or purpose, the amount of said serial bonds shall be reduced dollar for dollar by the amount of such grants. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years pursuant to subdivision 4. of Section 11.00 of the Law.

SECTION 2. 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 3. Each of the bonds or other obligations 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 or other obligations 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 or other obligations 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 or other obligations and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

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 or other obligations and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the bonds or other obligations authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds or other obligations shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds or other obligations 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 or other obligations 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 or other obligations 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, the chief fiscal officer of the City (the “**City Comptroller**”). Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller 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 City Comptroller. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said City Comptroller 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 City Comptroller, as the chief fiscal officer of the City.

SECTION 7. The City Comptroller is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds or other

obligations authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “**Code**”) and to designate the bonds or other obligations authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The City Comptroller 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 City Comptroller sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to affect the issuance of the aforesaid bonds or other obligations or bond anticipation notes without resorting to further action of this City Council.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. Pursuant to Section 41(1)(a) of the Law, Section 1 of the Prior Resolution authorizing serial bonds in the amount of \$7,000,000 is hereby repealed and replaced with Section 1 hereof. For avoidance of doubt, all other provisions in the Prior Resolution, including provisions relating to temporary expenditures and “official intent” are hereby ratified and confirmed.

SECTION 12. 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 or other obligations issued pursuant to this resolution.

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

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

City Manager Hendrix presented the following ordinance for first reading:

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

WHEREAS, the current section 335-17, entitled "Parking standing and stopping restrictions." Indicates No special parking restrictions for the south side of Lower Washington Street between the intersection of Park Place and Pulteney Streets in the City except for "No parking from the west curb line of Park Place to a point 60 feet westerly", and

WHEREAS, the City Director of Public Works has determined that the northern boundaries of properties at 101 Washington Street though 117-119 Washington Street are the South Street Line of Washington Street, and

WHEREAS, the City Director of Public Works has determined that the sidewalks and "parking" areas adjoining the northern boundaries of the properties at 101 Washington Street though 117-119 Washington Street are within the bounds of Washington Street, and

WHEREAS, the City Director of Public Works has determined that the sidewalks and "parking" areas adjoining the northern boundaries of the properties at 101 Washington Street though 117-119 Washington Street are located on property belonging to the City, and

WHEREAS, the City Director of Public Works recommends a two-hour parking limit be enacted for the South Side of Washington Street from 101 Washington Street though 117-119 Washington Street, two hour parking only, effective Monday through Friday 8:00 a.m. to 5:00 p.m.

NOW THEREFORE IT IS ORDAINED, as follows

Section 335-17 of the Geneva City Code, entitled "Parking standing and stopping restrictions." be and the same is hereby amended to include the following:

Lower Washington Street: On the South side from 101 Washington Street to 117-119 Washington Street, two hour parking only, effective Monday through Friday 8:00 a.m. to 5:00 p.m.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT this ordinance be approved for first reading

Clr. Gaglianese said that he does not agree with restrictions that handicap businesses. Clr. Pealer said he would like to see another plan and feels this should be the last resort. Clr. Noone suggested putting a committee together to come up with some ideas. Clr. Burrall said he does not believe a time limit needs to be put on the spaces as parking could be self-regulated. Clr. Regan said that if businesses or tenants are putting up signs and taking ownership of the spaces, this should be addressed. Clr. Salamendra said that

these are not private property and should not be treated as such. Clr. Camera suggested reaching out to the people trying to claim spaces as their own.

Mayor Valentino said that this is not the first attempt to resolve this issue. DPW and the police department have been contacted about complaints and threats made at this location over parking, and that is why we are at this point. Clr. Gaglianese suggested making parking spots and putting up signs saying it is public property.

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

MOVED THAT this ordinance be TABLED

ROLL CALL VOTE: Aye – Clr. Gaglianese and Clr. Noone

**Nay - Mayor Valentino, Clr. Camera, Clr. Regan, Clr. Pealer, Clr. Burrall,
and Clr. Salamendra**

MOTION DEFEATED

Clr. Noone said he witnessed first hand the temperament of a certain person living in this area who was chasing another person away from this parking area and what he considers to be his property. Clr. Pealer said that if the issue is just about people blocking this one person's driveway, then he feels a solution can be found, but if it is about other issues of trying to occupy parking spaces so others cannot use the spaces, then that is another problem.

Director of Public Works, Joe Venuti, told council that in 2019 council voted on this topic when the capital project was done on Washington Street. He said the prior director came up with signs which typically worked as this property is in the city right of way. Now with Monaco's being open, people tend to drive up and use the WiFi and sit longer in the parking spaces along with more tenants in the upstairs apartments that are needing parking for extended periods. He said it is a complex issue that doesn't affect just one person. He said the solution presented is to try and get some control of the situation. He said they know this solution will not satisfy everyone, but they have not found a better solution since 2019.

{Roll Call on the original ordinance}

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

Nay - Clr. Regan, Clr. Pealer, Clr. Burrall, Clr. Gaglianese and Clr. Noone

MOTION DEFEATED

Mayor Valentino asked councilors to bring their solutions to staff, and Clr. Burrall said he would like to be a part of any discussions.

17. RESOLUTION AUTHORIZING CASTLE CREEK STABILIZATION PROJECT

City Manager Hendrix presented the following resolution:

WHEREAS, the Ontario County Soil and Water Conservation District has proposed a project for stabilization of Castle Creek as it flows through property owned by the City on Brook Street, Tax Map No #104.10-2-1.300; and

WHEREAS, the Ontario County Soil and Water Conservation District proposes that the City and Ontario County provide \$3,000 worth of in kind/labor services for the project; and

WHEREAS, in order to stabilize Castle Creek on the property owned by the City, the Ontario County Soil and Water Conservation District will need access to the property; and

WHEREAS, the Ontario County Soil and Water Conservation District has submitted a proposed permission agreement which would provide for access to the property.

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does grant the Ontario County Soil and Water Conservation District license to enter upon property owned by the City on Brook Street, Tax Map No #104.10-2-1.300, said access to be used exclusively for the proposed Castle Creek Stabilization project, it is

RESOLVED, that the City Manager is authorized to execute the attached agreement, granting the Ontario County Soil and Water Conservation District license to enter upon the property owned by the City on Brook Street, Tax Map No #104.10-2-1.300, said access to be used exclusively for the proposed Castle Creek Stabilization project, and it is further,

RESOLVED, the City is authorized to provide \$3,000 worth of in kind/labor services for the project.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

18. RESOLUTION SCHEDULING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION TO THE NYS OFFICE OF COMMUNITY RENEWAL FOR CDBG GRANT FUNDING

City Manager Hendrix presented the following resolution:

WHEREAS, economic development and the creation of economic opportunity are a key priority of the City of Geneva and the Geneva City Council; and

WHEREAS, the Geneva City Council supports small business development and entrepreneurship as a means of advancing economic activity and vibrancy in the City of Geneva; and

WHEREAS, it is in the public interest of the citizens of Geneva to enhance business and economic opportunity; and

WHEREAS, in furtherance of said goals, Geneva City Council intends to submit an application for grant funding in the amount of \$180,000 to the New York State Office of Community Renewal (OCR) for the CDBG Economic Development program to re-establish a Microenterprise Assistance Program; and

WHEREAS, the funding agency requires a Public Hearing be held to collect citizen feedback on the community and economic development needs of the City of Geneva and the proposed project prior to submission of said application;

NOW THEREFORE BE IT RESOLVED that a public hearing be held on October 5, 2022 at Time 7:00pm pursuant to New York State Open Meetings Law and the requirements of OCR concerning the proposed application for CDBG Economic Development grant funding submitted herewith.

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

19. RESOLUTION AUTHORIZING A CLEAN ENERGY PROGRAM WITH HEATSMART MONROE-FLX

Clr. Regan presented the following resolution:

WHEREAS the City of Geneva was named the 100th Clean Energy Community in October 2017 under a program of the New York State Energy and Development Authority (NYSERDA) and

WHEREAS a high impact action named under NYSERDA's Clean Energy Program is to conduct a public campaign that provides information on energy efficient heating and cooling options and doing home energy assessments offered at no charge to the homeowner, and

WHEREAS HeatSmart Monroe-FLX is a grant funded company authorized by NYSERDA to assist municipalities in such a campaign through their public outreach and events to advise residents, track progress and report back to the City at no cost to the City or its residents and

WHEREAS the Town of Geneva initiated this same relationship with HeatSmart in August 2022, which would allow the City to partner with the Town in email or other social media outreach and in hosting public educational events about efficient heating and cooling options and

WHEREAS by successfully completing the program (which requires just five residents to express interest and obtain a free home energy assessment and three residents to follow up by making some sort of energy conservation upgrade to their home), the City will receive 500 points toward its Clean Energy Community total and qualify for a \$5,000 grant for NYSERDA,

NOW THEREFORE BE IT RESOLVED that the City of Geneva undertake a clean energy campaign using the services of HeatSmart Monroe-FLX to program educational sessions on efficient home heating and cooling as described in this resolution.

Clr. Regan told everyone that the Town of Geneva has already approved this, and it is a grant funded program at no charge to homeowners. She said they offer workshops on how to keep homes energy efficient, and they have a vetted list of installers for residents to choose from. She said they also have an up-to-date list of any incentives offered to homeowners.

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

20. RESOLUTION APPROVING SETTLEMENT OF CLAIM

Mayor Valentino presented the following resolution:

Be it Resolved; City Council approves of the settlement for the *Todd Powers and Lindsay Powers v. City of Geneva*, Index No. 116046-2017 negotiated among the parties, which settlement will be paid by the State of New York pursuant to the Environmental Restoration Program ("ERP").

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

21. DISCUSSION ON WINTER PARKING

Mayor Valentino said that he is ready to accept staff recommendations, and he is also in favor of John Brennan's idea of putting a committee together.

Clr. Camera said that he is glad this is a discussion as he feels the write up is problematic. He said what he understands from this is the current program needs tweaks due to communication issues. He said he would like to talk about making the current program work better. He said that he feels if staff were stuck with the current program, they could come up with better ways to fix it.

Clr. Noone said that he agrees with going with the staff recommendation as almost every municipality has some form of winter parking restrictions, and there is no such thing as not strict enough as it is not safe to let snow pile up, and he fully supports staff recommendation.

Clr. Salamendra said she disagrees with staff because residents pay a high tax rate for services, and they should be able to park in the city. She said she would like staff to come up with a workable solution. Clr. Regan said that the solution has to be in how to make this work. She said she would like to hear more about when prior laws were in effect. She said the priority needs to be to figure a way to better

communicate when there is an emergency. Clr. Burrall said he is opposed to this as the residences on South Main Street were built before motor vehicles, and some homes have more than one vehicle. He noted that there are only 3-5 snow days and he does not want to go backwards since there are so few issues. He said that he feels the majority of people are registering in our current system.

Clr. Pealer said that the current program was a great idea and is a major benefit to residents with multiple vehicles who don't have large driveways. He said the problem is we do not have enough staff and equipment. He would like to see a different solution. Clr. Gaglianese said he agrees this is a lack of labor and equipment problem, and he would like to see the BID involved in the discussions.

City Manager Hendrix explained to council that this was a discussion item only. It was brought to council by staff first to see how they would like to move forward and then others could be involved. She said that this was just the beginning of the discussion and now staff has a feel for council's direction.

22. APPOINTMENT OF KYLE BRIMM AS SIXTH WARD COUNCILOR

ACTION TAKEN by Mayor Valentino; seconded by Clr. Gaglianese

MOVED THAT Kyle Brimm be appointed Sixth Ward Councilor

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

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

MOTION CARRIED

23. PUBLIC COMMENT

No public comment was offered at this time.

24. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 10:04pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 13, 2022 – 5:30 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Noone, Clr. Camera, Clr. Brimm, Clr. Burrall, Clr. Pealer, and
Clr. Salamendra (via Zoom)

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 5:35pm to discuss District 1 Supervisor
Interviews**

MOTION CARRIED UNANIMOUSLY(8-1absent)

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

MOVED THAT council leave executive session at 6:25pm

MOTION CARRIED UNANIMOUSLY (8-1absent)

3. SUPERVISOR DISTRICT 1 APPOINTMENT

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

MOVED THAT James Kennedy be appointed to the vacant District 1 Supervisor position

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

Nay – Clr. Gaglianese, Clr. Brimm, and Clr. Pealer

MOTION CARRIED

4. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 6:28pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 21, 2022 – 6:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, Clr. Brimm,
Clr. Salamendra (via Zoom), and Clr. Pealer (arrived at 6:06pm)

2. RESOLUTION SCHEDULING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION TO THE
NYS OFFICE OF EMPIRE STATE DEVELOPMENT FOR RESTORE NY COMMUNITIES INITIATIVE
FUNDING

City Manager Hendrix presented the following resolution:

WHEREAS, economic development, the creation of economic opportunity and housing are key priorities of the City of Geneva and the Geneva City Council; and

WHEREAS, it is in the public interest of the citizens of Geneva to enhance housing, business and economic opportunity; and

WHEREAS, on August 3, 2022 the City Manager was authorized to submit the intention to apply for the 2022 Restore NY funding in anticipation of supporting the project on 36 Middle Street; and

WHEREAS, the funding agency requires a Public Hearing be held to collect citizen feedback on the community and needs of the City of Geneva and the proposed project prior to submission of said application;

NOW THEREFORE BE IT RESOLVED that a public hearing be held on October 5, 2022 at 7pm pursuant to New York State Open Meetings Law and the requirements concerning the proposed application for NYSESD Restore New Your Communities Initiative.

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

MOVED THAT that this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

3. RESOLUTION ESTABLISHING A PUBLIC HEARING TO RECEIVE COMMENTS ON THE 2023 BUDGET

City Manager Hendrix presented the following resolution:

WHEREAS, City Council has received the City Manager's budget proposal for 2023; and

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

WHEREAS, City Council anticipates adopting the 2023 budget at a special meeting on or before October 26, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council, hereby and in due form does set a Public Hearing on the City Manager's Budget proposal for 2023 for 7:00 p.m. on October 5, 2022 at Jordan Hall, 630 W. North Street, Geneva.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

4. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR A LOCAL LAW OVERRIDING THE PROPERTY TAX CAP

City Manager Hendrix presented the following resolution:

WHEREAS, City Council has identified "Beautification", "Upgrades and Maintenance", and "Lakefront Enhancement" as their priorities for the next twelve months; and

WHEREAS, the 2023 budget calls for an investment plan to address each of these priorities; and

WHEREAS, revenues necessary to fund these investments include property tax revenues that may exceed a statutory cap set by the State of New York; and

WHEREAS, override of the property tax cap will require adoption of a local law, and holding of a corresponding public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does establish a public hearing to receive comment on the property tax cap and use of the override mechanism, and directs the City Manager to schedule the hearing for October 5, 2022 at 7:00 p.m.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

5. PRESENTATION OF 2023 BUDGET PROPOSAL

City Manager Hendrix began by telling council that of the 13 categories of retail spending tracked by the Census Bureau, eight rose in August, and the food and beverage retailers were up 7.2% over the past year. She said that sales increased at restaurants and bars and car dealerships by 2.8% on the month. She said that spending on building materials and equipment, clothing and sporting goods also rose. She said as of July the unemployment rate for Ontario County is at 8.7% with NYS at 4.8%. She said the labor force participation rate (LFPR) is making a steady increase in New York and in August the LFPR was up to 60.6% up from 59.3% in August of 2021, noting that LFPR includes those who are actively looking for jobs as well as those currently employed.

Ms. Hendrix noted that the inflation rate remains high as the yearly rate of inflation in the United States slowed but remained high at 8.3% (down from a 40-year high of 9.1% in June). She said that higher inflation means higher costs for items like groceries, shelter, clothing, and medical care. She said that the stock market has shown a year-to-date loss of 11%. She explained to council that our major budget drivers are sales tax, labor costs, and council priorities.

Ms. Hendrix said that sales tax for Ontario County continues to rise from 2021 levels, and they have seen a 7.8% increase in sales tax over January – August 2022 from the same period in 2021. She noted that sales tax growth has slowed down in recent months.

City Manager Hendrix said that the labor costs are based on negotiated salary and wages done with the unions. She said that their 2023 increases range from 1.5% to 2.75%, and the city currently has the equivalent of 129.5 full time, non-seasonal employees and the budget proposal includes 131.5 full time, non-seasonal employees. She noted that there are currently 11.5 vacancies.

Ms. Hendrix said that the goal for the 2023 budget is to invest in the human capital and infrastructure of the City of Geneva to ensure our resources are effectively and efficiently maintained, providing value for our residents, businesses and visitors. She said that in preparing the budget, she and the comptroller conservatively forecasted revenues in all three funds, they are looking to invest in our people and partnerships to continue a shift from reactive services to proactive services, they are asking difficult questions of our departments and trusting our leaders to share the critical needs that have been delayed due to declining budgets, increasing expenses, and deferred maintenance. She said she is looking to rebuild our reserves and limit use of reserve funds to pay for ongoing expenses, instead this budget asks our community to invest in ongoing expenses with ongoing revenues.

City Manager Hendrix said that in 2023, she would like us to invest in infrastructure while continuing the 2023 capital plan, provide contractual support for landscaping and an arborist, investment in our systems to increase productivity, enhance Human Resources through staffing and recruitment efforts, and increase professional development opportunities. She said she would also like a review of our current practices and activities to make results driven decisions regarding our lakefront, zoning, and recreation facilities, an expanded partnership with the BID to support the beautification of our downtown, Farmer's Market expansion to include weekday markets, succession planning for the workforce, and equipment replacement for our teams.

Ms. Hendrix said that the proposed budget is for a total of \$18,819,432 with the recommended tax levy being \$8,380,544.43. She said this would increase the tax rate from \$16.76 to \$17.16 per \$1,000, and the impact for the owner of a median priced home of \$101,000 would be a \$39 increase. She said the

budget does not propose an increase for water and sewer budgets, and it would follow the previous capital plan for 2023.

Ms. Hendrix said the upcoming budget work sessions will be September 26th, October 19th and October 26th, all at 6:00pm. She asked council to share which department or budget items they would like to discuss during the work sessions through emailing Erica Collins in the City Manager's Office prior to the session. She said the public hearing will be October 5th, at 7:00pm.

6. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 6:40pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 26, 2022 – 6:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, Clr. Brimm, Clr. Regan (via Zoom),
and Clr. Pealer (left at 7:25pm)

Absent: Clr. Salamendra

2. BUDGET WORK SESSION

City Manager Hendrix thanked council for the questions sent in response to their review of the budget document. She said that she and the comptroller continue to be available to respond to budget related questions and will work with department heads to get council further information.

She said there are many steps in presenting a budget document and sometimes errors may occur as information is translated from various spaces into one document.

She gave council a few corrections which have no budgetary implications:

- Page 41...Cemetary Fees is misspelled...should be cemetery
- FIRE line – A cut and paste error shows information for “City Council/Mayor” department
- Salary schedule update (missing one of the 33 staff members of police department)

The City Manager said that additionally, they have provided the fire reports for the three volunteer fire departments from 2021 for council’s review. Tonight, we will be joined by members from Police, Fire, HR, Finance, and City Management. She said the next budget session will be on October 19th and will include additional topic items related to fleet management, public works, recreation, and other areas that may be addressed.

She said she received several questions regarding different departments, and her plan is to ask for the department head to provide council better insights into their department. While the department heads have been meeting regularly with her and the comptroller on budget as well as operations, they are the experts in their programming and services. She noted that each department head meets with the City

Manager every other week for discussions related to departments. Additional meetings are held on a regular basis as needed and we work together as one city team to find solutions.

As noted in the budget book, often departments request additional items that we are not able to achieve while keeping the entire city budget priorities centered. It does not mean that these items are not important it just means that they are not supported in this budget as there may be more work to do, not enough resources, or other ideas to achieve the goals that the resource may provide. She and the comptroller had to make some very difficult decisions to bring the budget together and they are here to provide insights on those decisions.

She said that Chief Passalacqua is here to discuss the questions that council sent in with regard to policing.

POLICE

1. Bicycle patrol - I love this concept, but have not seen it in years. (Page 49) What is the status of this program?
 - Chief Passalacqua told council that his department has four bicycles, and it comes down to staffing. They have not been able to use the bicycles since they became short staffed as officers need to be in cars to get places quicker.
2. We have long awaited a study on staffing the GPD. Several months ago, Council was advised the GPD had received the results from a staffing study through the Department of Criminal Justice Services. What is the delay on presenting the results? We need these results for budget planning.
 - Chief Passalacqua said that the results have still not been provided to him from the DCJS. He is having continued conversations with the department on the results, but due to short staffing and newer employees, it is taking DCJS longer to get the results.

Clr. Gaglianese said that it is important to say that without the study, the person with the expertise is the police chief and his staff who can give council accurate information. He said he believes the officers are getting burned out and we have no incentives for lateral transfers. He said he feels our priority is to protect and serve and be proactive. City Manager Hendrix told council that the way they built this budget for staffing was that at the end of 2023, there would be 33 police officers or one additional from this year.

3. Other lines in the police budget that would be helpful to explore include the \$9,000 increase in General Maintenance and the \$8,000 jump in Physical Exams.
 - General Maintenance is building maintenance and care. Mold remediation, paint, water remediation, etc. The initial request was \$25,000.
 - Physical exams increase is due to the recruitment of additional officers. Chief Passalacqua said that each new officer needs to have three exams; physical, psychiatric, and polygraph before being hired. He estimated that each new hire will cost \$900 to \$1000 in exams.

4. I would also like to see information on the 2022 actuals on overtime pay. Is the increase of \$50,000 on this budget line necessary, especially if we follow through on reinstating another officer?
- The time it takes to bring onboard additional officers from training to completion is ~12 months. Our overtime costs will likely remain high until the officer has completed training.
 - YTD # on overtime \$220,411 (\$70,000 over budget)

Clr. Regan said that we need to look at staffing closely and how our population compares to other cities. She said she is opposed to addressing extra positions until we receive the analysis, and she is also against increasing overtime.

When Clr. Camera asked about the number of working police officers, Chief Passalacqua stated that there were 23 with 2 starting soon, noting that 2 officers were currently on light duty due to job related injuries. Clr. Camera said that he also feels council needs to see the study results and we need more operational flexibility. He asked if we continue to use overtime, are we wearing our officers out, and questioned if we could put less officers, say four, on a particular shift. Chief Passalacqua said that would be a safety issue as we currently have only three officers per shift, and if they are called to a domestic disturbance, they could be tied up for hours. He said that Ontario County is willing to assist when they can, but they don't have the manpower to assist on a regular basis, noting that we are often called to assist them when they are short staffed. Clr. Camera said he would like to delay hiring until the results of the study are in.

Clr. Burrall asked if there was a group that could assist with lateral transfers to save time with training. Chief Passalacqua said that his department pushes out information about hiring on all types of social media and the website. He said that numerous people have signed off for the city with the number one reason being salary and benefits as the county and Canandaigua are better.

When Clr. Pealer asked how many of the officers were actually active officers, Chief Passalacqua said that there are only 13. Clr. Pealer said he read somewhere that three active-duty officers are needed for every 1000 residents, so that would mean that the City of Geneva needs 32 active-duty officers. Chief Passalacqua said that since he was hired almost 20 years ago, they have gone from 36 officers to 34 in 2020.

Clr. Noone said that he feels the lack of policing is an issue for people who were recently victimized, noting the Pick Quick robbery and some lakefront benches being destroyed. He said he would like to see the city-wide surveillance cameras definitely purchased. City Manager Hendrix told council that they are in the IT budget for a phase in. Chief Passalacqua said the cameras will put us in a better position, but we still need more officers, noting that it would be 12 months before any new hire was able to start working on their own. Clr. Noone said there would be no point in promoting economic development and tax revenues if our city cannot be protected. He said we need to improve staffing for the police department.

Clr. Brimm thanked Chief Passalacqua for the information and said he checked the International City/County Management website, and they recommend 2.5 officers per 1000 residents, and with a college, that number should be higher. Chief Passalacqua said that we have a partnership with the college where they are willing to pay overtime for officers on Thursday, Friday, and Saturday nights, but staff isn't able to cover the shifts.

Mayor Valentino thanked Chief Passalacqua, the Budget Advisory Board, the City Manager and the City Comptroller. He asked about the hiring of a mental health professional, and Chief Passalacqua said that he is a proponent of having someone at their fingertips, and he hopes that next year they will be able to split a position with Canandaigua to help during and after a call. Mayor Valentino asked if there were ways we could be creative with housing incentives or other ideas to attract lateral transfers.

5. I would like to know how the money in the 2023 proposed salary line for GPD was saved. How were you able to save that amount in the salary line?

- Retirements/Benefit changes of new officers
- City Comptroller Newcomb said that salaries are prorated based on start dates to reflect actual cost.

6. How much savings do we have in the GPD current year salary line due to unfilled/vacated/retirements/death?

- Exceeded overtime costs of \$70,000
- Projected salary savings for current year is ~\$200,000
- This does not take into account hiring any officers in current year

Clr. Noone asked the comptroller how the budget would be affected if one more police officer was added, and she said the tax rate would go up to \$17.25, and if two positions were added, it would go up to \$17.33.

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

MOVED THAT one unfunded police officer position be added to the 2023 budget

Clr. Burrall said that it is incredibly optimistic to think we can fill nine vacancies within 14 months, and said he would rather amend the budget later to add a position after we have filled the other vacancies.

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

MOVED THAT this motion be TABLED to allow council to consider all options

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

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

Absent - Clr. Salamendra

MOTION DEFEATED

{Roll call on the original motion}

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

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

Absent - Clr. Salamendra

MOTION CARRIED

7. What is the annual cost for insurance as related to GPD?

- Working our broker to pull this number for the October 19th meeting

8. In our website, we have a lot of documents and references to Police Reform and Reinvention Collective but there has not been much movement in this area for almost a year. What is the plan on this going forward?

- Chief Passalacqua said that we submitted our plan on time, and it has been put into place.

Clr. Gaglianese asked about the police department not getting two new vehicles, and Chief Passalacqua said that their plan is to rotate out two each year to avoid costly maintenance charges, but we are behind our schedule. He noted that their vehicle maintenance budget was gone in June. When Clr. Brimm asked, Chief Passalacqua said that warranty work or extensive repairs go to the dealership, but 75% of maintenance is done in house.

FIRE

1. Can we get details on the Fire Fighters Agreement line? How are these funds being spent in 2022?

- Per the contract, we do not receive use of funds until following year. We will receive 2022 report in March of 2023.
- 2021 reports have been provided to council.

2. Why are we adding Fire Investigations budget line after so many years without this?

- Chief Parrotta said that with the retirement of Chief Combs, this is no longer done in house. He is working to obtain necessary training and certifications. The initial request was \$10,000

3. Physical exams up to \$17,000 from nothing past few years?

- Previously exams were included in miscellaneous at \$10,000 the additional \$7,000 is for cancer screenings.

4. Computer costs up \$25,000 after nothing past few years?
 - This was also included in miscellaneous and did increase this year due to the lifespan of software and necessary additional software.
5. Why is there such a huge increase in Personal Protective gear?
 - Chief Parrotta said that initial gear was all purchased at one-time via a grant source that is no longer available. This gear needs to be regularly updated and this is the start of an equipment purchase plan to replace all of the gear that is outdated. He noted that in the past 10 years, they have only replaced 11 sets of gear while the replacement plan is 5 sets every year
6. Does the fire dept have any plans to fund raise to replace protective gear? If so, what is the plan?
 - Chief Parrotta told council that the volunteer departments are different than the career staff, and the volunteers and Firematics do fundraising to fund a variety of items they need. In the past, they have also contributed to the purchase of new firetrucks and gear for the departments. Chief Parrotta noted that in the past 10 years, the city replaced 11 sets of gear while the volunteer departments replaced 32.

Clr. Gaglianese asked about a vehicle for the deputy chief, and Chief Parrotta said that he would like two command vehicles and one utility vehicle. Clr. Gaglianese said we have the best fire department in the state, and feels we should have the best equipment for them. When Clr. Noone asked about the replacement program, Comptroller Newcomb said that the 2024 plan is to replace the remaining 25-30 sets of the initial 50 sets requested that need to be replaced and then a replacement plan of 5 every year will be started. Chief Parrotta said it comes down to what is important, and when a needs assessment was done, gear and vehicles were top. He added that things needed but not today would be active shooter training and imaging cameras. He said that we can always use more, better equipment.

Mayor Valentino thanked Chief Parrotta for the information and questioned the water rescue apparatus proposed by his office. Chief Parrotta said that the marina developer told him that a marina should have a rescue boat. Chief said that it is our responsibility to have the equipment and training when we are called to a water rescue.

Clr. Regan said she appreciates the flexibility of the fire department as we are a high taxed, small community. She encouraged council to not add more items to the budget at this point.

PAYROLL

- A couple of years ago, a local payroll service presented an option to the city. Does the city still have this plan?
 - The payroll line mentioned in the Comptroller's Budget is for finance software (\$22,000) and ongoing maintenance of an add-on payroll system through our current vendor.

- A local payroll service charges per change on the account with multiple contracts, 24/7 operations, and various additional items such as stipends, education incentives, buyouts, etc. the costs of an outsourced service were greater than an internal solution. The city team at the time reviewed this concept and found that the costs outweighed the benefits so going through an add on to our current software is a more reasonable expense.

COMPENSATION

- I see several management staff requested increases in salary, what is the justification for not providing this? How are salary increases achieved for managers?
 - 2% increase for all managers was provided as part of the base salary schedule. The Clerk, City Manager, and Attorney are all council employees which council can decide on increases as related to their contracts and/or performance evaluations. The remaining management employees currently follow an agreement achieved in 1999 with a 2% annual increase, but she has not found this to be a consistent approach in the past. This is an area that should be further reviewed in 2023 as we look at recruiting and retaining talent at all levels of our organization. She noted that there has not been a consistent approach to practices in the past.

Mayor Valentino said that he would like to see the city clerk under council on the organizational chart, and he would like to offer the city clerk a well-deserved additional 2% increase in 2023. Clr. Burrall asked why the city clerk was being singled out and not the rest of the managers, and the mayor explained that the city clerk, city manager and city attorney are considered council's employees, and he would like to see a performance evaluation process developed for future compensation proposals.

ACTION TAKEN by Mayor Valentino; seconded by Clr. Gaglianese

MOVED THAT the City Clerk position include an additional 2% increase in the 2023 budget

MOTION CARRIED (7-2absent)

RECRUITMENT

- Noted in presentation that there are several vacancies we are having challenges recruiting, what is the strategy that will be employed to recruit?
 - Addition of "stay stipends", working with candidates on earned years of service, review of upcoming contracts, reviewing regional hiring trends and difficulties, there is a national challenge with labor recruitment and retention
 - We have high cost of healthcare burden for our employees and wages that were once competitive are not as competitive, compound that with the changes to the retirement system for Tier 6 employees and the recruitment for government jobs is increasingly difficult
 - Deputy Director would help with recruitment and Jennifer Slywka currently works with potential new hires to come up with solutions

City Manager Hendrix said that the next budget meeting will be October 19th, and she asked council to send any new questions to her office before then. Mayor Valentino asked about the newspaper's report that the budget is being increased by 6%, and City Comptroller Newcomb said that is on the tax levy itself. She said that 4% is a spending increase for the total budget, and 2.28% takes into consideration the increases in 2022.

When Clr. Camera asked what the budget would need to be at in order to not need to override the tax cap. City Comptroller Newcomb said that this information is on page 86 in the budget document.

9. ADJOURNMENT

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

MOVED THAT the meeting be adjourned at 8:36pm

MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk



Geneva City Council

Agenda Item Briefing

To: Geneva City Council

From: Amie Hendrix, City Manager

Meeting Date: October 5, 2022

Item Title: Resolution in Support of the Application to the Empire State Development (ESD) for Restore 6 Funding for the Middle Street Apartments Project

Action Required:

Majority vote of council to submit grant application

Background:

The City of Geneva has submitted an Intent to Apply for Restore NY Funding to Empire State Development (ESD) for Round 6 – Restore NY – Community Initiative ("Restore 6"), which was announced on July 11, 2022, for the Middle Street Apartments project ("Project"). The Restore 6 application for funding is due October 11, 2022. A public hearing was held on October 5 and now a final confirmation resolution will provide the support for this application.

Financial Impact:

The application fee of \$500, and some staff time.

Attachments:

Municipal Resolution In Support of the Middle Street Apartments Project

Office of the City Manager, Amie Hendrix

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

RESOLUTION # 45 – 2022

RESOLUTION IN SUPPORT OF THE APPLICATION TO THE EMPIRE STATE DEVELOPMENT (ESD) FOR RESTORE 6 FUNDING FOR THE MIDDLE STREET APARTMENTS PROJECT

WHEREAS, the City of Geneva submitted an Intent to Apply for Restore NY Funding to Empire State Development (ESD) for Round 6 – Restore NY – Community Initiative (“Restore 6”), which was announced on July 11, 2022 for the Middle Street Apartments project (“Project”);

WHEREAS, the Project will be located at 36 Middle Street (Tax ID 104.8-3-8.1) and the adjacent parcel with the mailing address of 107 Wadsworth Street (Tax ID 104.8-03-04), which has been combined into one parcel with the mailing address of 36 Middle Street, located in Ward 6 (“Property”);

WHEREAS, the Project involves the redevelopment of a vacant dilapidated building into nine (9) apartments, and creation of off-street parking for the apartments;

WHEREAS, the Project meets the criteria set forth by ESD for Restore 6, which is intended “for the sole purpose of revitalizing urban and rural areas, disadvantaged communities, and stabilizing neighborhoods”;

WHEREAS, the Restore 6 criteria also states that “an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality’s tax and resource base, lessening its dependence on state aid”;

WHEREAS, the Restore 6 guidelines further state that “[s]trong emphasis will be placed on projects from economically distressed communities . . . [and] project feasibility and readiness”;

WHEREAS, the Project is consistent with the City of Geneva’s Comprehensive Plan;

WHEREAS, the Project is located in Ward 6, which is an economically distressed area of the City;

WHEREAS, the proposed private financing for the Project is sufficient for it to be a viable project;

WHEREAS, the Project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, especially in Ward 6;

WHEREAS, the Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities within the City of Geneva, and specifically in Ward 6;

WHEREAS, the Geneva City Council supports the creation of additional housing opportunities in Ward 6, and specifically on Middle Street;

WHEREAS, it is in the public interest of the citizens of Geneva to create additional housing opportunities on Middle Street and increase the tax base;

WHEREAS, the City of Geneva held a public hearing to receive comments from the public on the Project, the anticipated Restore 6 Application, as well as the Property that is the subject of the anticipated application; and

NOW THEREFORE BE IT RESOLVED that the City of Geneva will submit a Restore 6 application for funding in the amount of approximately \$960,000 to support the Middle Street Apartments Project.



**Geneva City Council
Agenda Item Briefing**

To: Geneva City Council

From: Amie Hendrix

Meeting Date: October 5, 2022

Item Title: Resolution Classifying the City of Geneva's Brownfield Opportunity Area Open Space and Connectivity Strategy as A Type I Action Under SEQRA and Authorizing Geneva City Council as Lead Agency

Action Required:

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

Background: This resolution is the first step in adopting the Brownfield Opportunity Area Open Space and Connectivity Strategy by classifying the strategy as a Type 1 Action and authorizes the Geneva City Council as the lead agency. Following the adoption of this resolution a SEQR review will be conducted and the Full Environmental Assessment can be completed. Through adoption of this strategy the staff of the City can work in collaboration with community partners, grant funders, and others to implement recommendations from the strategy.

Financial Impact:

None.

Office of the City Manager, Amie Hendrix

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

RESOLUTION # 46 - 2022

RESOLUTION CLASSIFYING THE CITY OF GENEVA'S BROWNFIELD OPPORTUNITY AREA OPEN SPACE AND CONNECTIVITY STRATEGY AS A TYPE I ACTION UNDER SEQRA AND AUTHORIZING GENEVA CITY COUNCIL AS LEAD AGENCY

WHEREAS, the City of Geneva intends to adopt the *City of Geneva's Brownfield Opportunity Area Open Space and Connectivity Strategy*, and;

WHEREAS, the City Council of the City of Geneva has expressed its interest and intention to undertake an environmental assessment of the proposed plan under the auspices of the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the City Council has determined that the proposed plan qualifies as a Type 1 Action under SEQRA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the *City of Geneva's Brownfield Opportunity Area Open Space and Connectivity Strategy* is classified as a Type 1 Action pursuant to SEQRA and further consents to act as Lead Agency.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Stefanie Newcomb, City Comptroller

Meeting Date: October 5, 2022

Item Title: Local Law to Override the Property Tax Cap for 2023

Action Required:

State law requires City Council to enact a local law if the adopted tax levy will exceed the amount prescribed by the statutory formula. The action will require a 2/3 affirmative vote of the Council.

Background:

Effective for 2013 and subsequent years, the state legislature has approved a statute that caps the annual property tax levy, according to a prescribed formula that takes into account multiple items, including PILOT activity, state retirement impacts, and other items. In order to override the cap, Council will need to pass a local law. A public hearing was held earlier tonight as required by law.

Alternatives:

Council may elect not to pursue an override and lower the tax levy.

Financial Impact:

N/A

Comptroller's Office

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2114 - snewcomb@geneva.ny.us - www.cityofgeneva.ny.us

Local Law #5 – 2022

OVERRIDING THE PROPERTY TAX LEVY LIMIT

WHEREAS, the State of New York has enacted General Municipal Law requiring that municipalities, with certain exceptions, caps the growth of the property tax levy; and

WHEREAS, the statutory formula for calculation of permitted property tax levy growth requires the City of Geneva to roll back property tax rates to stay within statutory caps; and

WHEREAS, the City Manager's 2023 proposed budget forecasts the need to exceed the statutory property tax levy cap.

NOW, THEREFORE BE IT ENACTED:

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Geneva pursuant to General Municipal Law § 3-c, and to allow the City of Geneva to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the City Council to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override.

The City Council of the City of Geneva; Ontario County is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Michael Passalacqua, Police Chief

Meeting Date: October 5, 2022

Item Title: Resolution Declaring Surplus Equipment

Action Required:

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

Background:

Items in surplus no longer contribute value to the City's operations. The proceeds for the vehicles will be placed in the Equipment Amortization Fund.

Alternatives:

Council may elect to not declare these items as surplus.

Financial Impact:

Proceeds from the sale of this equipment will be applied to the Equipment Amortization Fund and used as trade for upgraded equipment.

RESOLUTION # 47 - 2022

RESOLUTION DECLARING CITY EQUIPMENT SURPLUS PROPERTY

WHEREAS, the City of Geneva no longer has use for the following items:

- 2011 Chevrolet Caprice (VIN: 6G1MK5T21BL522929)
- 2009 Chevrolet Impala (VIN: 2G1WT57N191295693)
- 2013 Ford Explorer (PIU) (VIN: 1FM5K8AR9DGC41141)
- 2014 Ford Explorer (PIU) (VIN: 1FM5K8AR2FGA78500)

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 proceeds from the sale surplus equipment be placed in the Equipment Amortization Fund Account.



**Geneva City Council
Agenda Item Briefing**

To: Geneva City Council

From: Clr. Camera

Meeting Date: October 5, 2022

Item Title: Resolution Requesting Support for New Plastic Straw Control Law

Proposed Legislation

TITLE OF BILL: Last Straw in the Finger Lakes

An act to amend the environmental conservation law and the general business law, in relation to prohibitions on single-use plastic straws and stirrers in restaurants. This law is proposed for Ontario County and is patterned after the proposed NYS Senate Law BILL NUMBER: S1477A. Unfortunately, this bill has died in the Conservation Committee several times. Our environment cannot wait.

PURPOSE:

This bill will reduce plastic pollution by prohibiting bars and restaurants from providing single-use plastic straws unless requested by the customer.

SUMMARY OF SPECIFIC PROVISIONS:

AN ACT to amend Ontario County's environmental conservation law and the general business law, in relation to prohibitions on single-use plastic straws and stirrers in restaurants.

Language for this bill is taken from NYS Senate Law BILL NUMBER: S1477A. It is proposed that it be inserted into the County Environmental Law enacted in 1991 to create a Solid Waste Management Department to manage the Ontario County solid waste processes and systems and recycling.

Propose that the following language be inserted as a new Section 7 in the Ontario County Local Law.

4th Ward City Councilor Robert "Ken" Camera

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PLASTIC STRAW AND STIRRER RESTRICTIONS

SECTION 7-3001. DEFINITIONS.

7-3003. SINGLE-USE PLASTIC STRAWS AND STIRRERS.

7-3005. ENFORCEMENT.

§ 7-3001. DEFINITIONS.

FOR THE PURPOSES OF THIS TITLE, "RESTAURANT" MEANS ANY DINER OR OTHER EATING OR BEVERAGE ESTABLISHMENT, WHICH OFFERS FOR SALE FOOD OR BEVERAGES TO THE PUBLIC, GUESTS, MEMBERS, OR PATRONS, WHETHER CONSUMPTION OCCURS ON OR OFF THE PREMISES.

§ 7-3003. SINGLE-USE PLASTIC STRAWS AND STIRRERS.

1. (A) RESTAURANTS SHALL ONLY PROVIDE SINGLE-USE PLASTIC STRAWS TO CUSTOMERS WHEN EXPLICITLY REQUESTED BY THE CUSTOMER.

(B) NO INQUIRY INTO THE REASON FOR THE REQUEST SHALL BE MADE BY A FOOD SERVICE ESTABLISHMENT OR ANY OF ITS EMPLOYEES IN CARRYING OUT THE REQUEST AUTHORIZED BY PARAGRAPH (A) OF THIS SUBDIVISION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets

[] is old law to be omitted.

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2. RESTAURANTS ARE PROHIBITED FROM PROVIDING CUSTOMERS WITH SINGLE-USE PLASTIC STIRRERS.

3. (A) NOTHING IN THIS SECTION SHALL PRECLUDE A RESTAURANT FROM PROVIDING CUSTOMERS WITH NON-PLASTIC STRAWS OR STIRRERS AS AN ALTERNATIVE TO SINGLE-USE PLASTIC STRAWS AND STIRRERS, INCLUDING, BUT NOT LIMITED TO, STRAWS AND/OR STIRRERS MADE FROM PAPER, SUGAR CANE, BAMBOO OR COMPOSTABLE MATERIALS.

(B) RESTAURANTS THAT PROVIDE COMPOSTABLE STRAWS OR STIRRERS TO CUSTOMERS ARE REQUIRED TO HAVE ACCESS TO CURBSIDE COLLECTION OF FOOD WASTE FOR COMPOSTING.

4. SINGLE-USE PLASTIC STRAWS PROVIDED BY A FOOD SERVICE ESTABLISHMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL NOT BE INDIVIDUALLY WRAPPED IN PLASTIC, EXCEPT FOR PREPACKAGED INDIVIDUAL SERVING BEVERAGES WHERE A PLASTIC STRAW IS INCLUDED IN THE PACKAGING.

§ 7-3005. ENFORCEMENT.

EVERY LOCAL DEPARTMENT OF HEALTH SHALL ENSURE COMPLIANCE WITH THIS TITLE AS PART OF AN INSPECTION OF A FOOD PLACE PURSUANT TO SECTION THIRTEEN HUNDRED FIFTY-ONE OF THE PUBLIC HEALTH LAW, THE PROVISIONS OF THE SANITARY CODE AND PROVISIONS OF LOCAL ORDINANCES OR REGULATIONS. ANY ESTABLISHMENT THAT VIOLATES THIS TITLE SHALL BE LIABLE FOR A CIVIL PENALTY IN THE AMOUNT OF TWO HUNDRED DOLLARS FOR THE FIRST VIOLATION, THREE HUNDRED DOLLARS FOR THE SECOND VIOLATION COMMITTED ON A DIFFERENT DAY WITHIN A PERIOD OF TWELVE MONTHS, AND FIVE HUNDRED DOLLARS FOR THE THIRD AND EACH SUBSEQUENT VIOLATION COMMITTED ON DIFFERENT DAYS WITHIN A PERIOD OF TWELVE MONTHS, EXCEPT THAT THE LOCAL DEPARTMENT OF HEALTH SHALL NOT ISSUE A NOTICE OF VIOLATION, BUT SHALL ISSUE A WARNING AND PROVIDE INFORMATION ON COMPLIANCE WITH SUCH SECTION, FOR ANY VIOLATION THAT OCCURS WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

§ 8. The general business law is amended by adding a new section to read as follows:

§ SINGLE-USE PLASTIC STRAWS. RESTAURANTS SHALL ONLY PROVIDE SINGLE-USE PLASTIC STRAWS TO CUSTOMERS WHERE EXPLICITLY REQUESTED BY THE CUSTOMER PURSUANT TO TITLE THIRTY OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

§ 8. This act shall take effect on the one hundred twentieth day after it shall have become a law.

JUSTIFICATION:

According to the United States National Park Service, Americans use 500 million plastic drinking straws each day. A majority of these straws come from restaurants and other food service establishments where it is common for a single-use plastic straw to be provided with each beverage served. Plastic straws and plastic beverage stirrers are quickly disposed of and end up in our landfills and waterways, where they are often ingested by land and marine animals.

Plastic straws and stirrers, typically made of a material called polypropylene, may break down into smaller pieces over long periods of time, but never completely biodegrade. It is said that nearly every plastic straw ever used still exists in some form. While some plastics are able to be recycled, plastic straws and stirrers are too small to be processed by recycling equipment.

By prohibiting restaurants from habitually handing out straws with every beverage served and switching over to a straws "upon request only" system, these establishments will be able to markedly reduce the number of straws and stirrers that end up in landfills and waterways each year, creating a cleaner and safer environment for humans and animals alike.

Further, this legislation will also prohibit restaurants from providing plastic stirrers, instead requiring that they use wood, paper or other compostable materials.

Suffolk County, NY banned plastic straws in January 2020.

The more counties that join the ban, the faster the NYS Legislature will act.

At least a dozen states have communities that have banned the automatic distribution of plastic straws. RI has a statewide ban in effect.

FISCAL IMPLICATIONS:

None to the County

EFFECTIVE DATE:

This act shall take effect in 120 days.

RESOLUTION # 48 - 2022

RESOLUTION REQUESTING SUPPORT FOR NEW PLASTIC STRAW CONTROL LAW

Purpose

The purpose of this resolution is to encourage our Geneva Supervisors to offer and then support a plastic straw control measure for application across the entire County. The gist of the resolution should be discussed and finalized by the Ontario County Environmental Quality Cmte. and then offered to the entire Board of Supervisors for passage.

Main Provisions

Whereas plastic straws have a significant impact on the environment both in their manufacture and also as waste that ends up as litter in our urban and natural environment and have been known to adversely affect fauna, it is desirable to control the wanton spread of this product.

Whereas plastic straws are offered at almost every restaurant and bar in our County without request, they proliferate in excess and become a significant element in the waste stream.

Whereas other counties in NYS (ie. Suffolk County) have passed this kind of legislation and as a result there are models to available.

Be it resolved that it is desirable to limit the provision of plastic straws by restaurants and other large scale commercial eating establishments by not providing straws unless they are requested by the clientele.

Be it further resolved that the Geneva City Council asks the County of Ontario to develop and pass a law that will encourage change our County practices and as well as other Counties to follow suit and will by passage serve to support and encourage the passage of a Statewide law.