

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

June 7, 2023

**Public Safety Building
255 Exchange Street
Geneva, NY 14456**

EXECUTIVE SESSION AT 6:00PM

To Discuss Proposed, Pending or Current Litigation and 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. PROCLAMATIONS
 - Pride Month
 - Frank Quartaro, 50 Years of Service
- V. SUPERVISOR UPDATE
- VI. FOUNDRY UPDATE
- VII. CONSIDERATION OF MEETING MINUTES

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

A. May 3, 2023 (Regular Council Meeting) {Page 3}
- VIII. 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.
- IX. COMPTROLLER REPORT – *This portion of the meeting is dedicated to presentation of a report by the City Comptroller on non-action matters that have not been addressed elsewhere on the agenda.*

X. UNFINISHED BUSINESS

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

- A. Second Reading of an Ordinance Amending the City Code to Add Chapter 225 Entitled "Licensing of Mobile Food Establishments and Pushcarts" - Presented by Mayor Valentino #6-2023 {Page 27}

XI. NEW BUSINESS

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

- A. Resolution Supporting 2023 Urban and Community Forestry Tree Inventory Application – Presented by City Clerk Guinan #19-2023 {Page 41}
- B. Board/Commission Appointments {Page 44}

XII. 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

XIII. 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.

XIV. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

May 3, 2023 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Salamendra (left at 8:20pm), Clr. Burrall, Clr. Pealer, Clr. Noone, Clr. Brimm, and Clr. Gaglianese (left at 9:00pm)

2. PUBLIC HEARING – Sale of 30 Castle Street

Mayor Valentino opened the public hearing at 7:02pm

Tom Pavone told council that he bought 30 Castle Street and his son and daughter-in-law opened Anorah Restaurant. He said that the piece of property he is looking to purchase is a small piece at the corner of the municipal parking lot. He said he provided the city with a purchase agreement and he provided council with a map of the parcel.

With no one else requesting to speak, Mayor Valentino closed the public hearing at 7:05pm

3. PRESENTATION - Police Budget Advisory Board, Proactive Policing with a focus on Public Safety and the Elderly

Amara Dunn, Andrew Spink and James McCorkle presented council with their research and some proactive strategies to improve the quality of service and public safety overall. She said that the recommendations were discussed and agreed upon by all four members present at their April meeting. In addition the rest of the board had the opportunity to review and provide feedback.

Andrew Spink went over the board's recommendations related to mental health and policing:

1. They hope that City Council will continue to fund regular replacement of the tablets currently being used to connect GPD officers and persons in crisis to mental health professionals at Clifton Springs. It is important that this tool continue to be available to the GPD.

2. While it seems that mental health calls may make up a comparatively small proportion of the annual GPD calls for service (154 in 2021, according to the DCJS report), it would be valuable to continue exploring with the Geneva Chief of Police new opportunities to reduce the need for GPD officers to respond to mental health calls. Employing mental health professionals to respond in-person to mental health crises in addition to or instead of police officers would likely require significant adjustments to the City's budget, significant partnerships with other local institutions, or significant outside funding. They do not recommend that mental health providers be sent into situations involving a potential weapon without officer support.
3. Comparatively, the number of calls for service for property checks in the City of Geneva is huge – 15,724 in 2021, according to the DCJS report. Even if these calls are shorter than others, they accounted for more than half of the calls the GPD received in 2021. The board recommends exploring alternatives to reduce the GPD need to respond to property checks. For example, such calls could be further classified and the use of other City resources to alleviate the need for police to respond urgently to these calls could be explored. He said they are looking to alleviate the work load of GPD officers and reduce the risk of officer burnout.
4. Mr. Spink said it is good to know the total number of mental health calls, the number of calls that utilize CPEP, and the number of calls that result in transport to Clifton Springs in every annual GPD report.
5. Explore opportunities to enhance mental health crisis prevention in the City of Geneva as a way of being proactive rather than reactive to responding to mental health crises, and would further reduce the burden on the GPD.
6. Ensure that mental health care for officers be readily available, and that these services are de-stigmatized and officers are encouraged to take advantage of them. Furthermore, maintain adequate staffing levels to reduce officer burnout and fatigue.

Amara Dunn went over the board's recommendations related to public safety and our elders saying that these recommendations emphasize collaboration and sharing of resources to address issues that overlap, such as mental health and elder-care. This is not to minimize either these concerns or the resources needed, but to underscore their connections and the need to be sustainable. These recommendations are also intended to be proactive, even activating the tools we have:

7. In the city's masterplan, which includes the Public Safety department, **develop shared city-wide resources**, particularly in regard to recreation that might address both ends of the age spectrum—kids and elders.
8. Develop shared resources and expertise between the GPD, other Public Safety staff, the city's other departments, and non-profits and social service agencies. **Greater public outreach** will foster better community relations with the GPD. For example, a program on computer fraud held jointly by members of the GPD and the Geneva Public Library at the Library.
9. Develop a **dedicated phone number** to respond to non-emergency, non-violent circumstances involving the elderly or mentally ill.
10. **Greater training** for officers to better understand the particular (and evolving) crimes against the elderly, as well as the particular needs and best approaches for assisting the elderly. Recognizing who may be frail, who may deny the need for assistance, who insist on dignity, who may be suffering from the onset of dementia, or who may have other health issues difficult to discuss when under duress requires distinct forms of training.

11. Go beyond short-term or in-house (i.e. webinars) training for GPD officers, but **offer scholarships or assistance to officers** wishing to obtain certificates or degrees in geriatrics, social work, or other areas, including mental health and substance abuse. Offering such assistance should also help with police recruitment and retention, as these certificate or degree programs provide substantial professional development opportunities for officers, including those which could be useful in post-police careers.
12. **Hire non-officer social / public health and safety personnel** who would work with the GPD and alleviate the need for GPD officers to respond to non-criminal calls (such as calls to check on or support the elderly, or to respond to mental health crises.

Clr. Regan thanked the board members for their forward-thinking presentation noting her appreciation of their references to working with the police chief. Clr. Camera echoed Clr. Regan's comments and added that we need to find resources and partnerships to help us. Ms. Dunn told council that the board is willing to do that research. Clr. Salamendra thanked the board members for their hard work and noted that she has been concerned about the property checks and is glad they brought that up. Mayor Valentino said that he agrees that some of these saying that he would like to see a database to help leverage the council decision making process such as the size of other communities they researched and their success rates using mental health professionals opposed to police officers. Clr. Camera said he feels the county has the same needs and we could leverage some of their money to help fund and expand these resources.

4. DRI UPDATE

WORK COMPLETED TO DATE:

There has been no significant progress on the project to report.

A letter of project Substantial Completion was prepared and submitted to Nardoizzi on February 8, 2023. We are waiting on the contractor's acceptance of this substantial completion request.

A letter quantifying all remaining contract work and an Uncompleted Work Agreement was prepared and submitted to Nardoizzi on February 8, 2023. We are waiting on the contractor's acceptance of this Uncompleted Work Agreement request.

A DRAFT Change Order Number 7 was submitted to Nardoizzi on February 28, 2023. Project quantity units were balanced either plus or minus resulting in a zero-cost increase to the project totals. We are waiting on the contractor's approval of this change order.

A DRAFT Pay Application 17 was submitted to Nardoizzi on 3/6/23. The contract sum paid to date remains at \$9.23 Million. We are waiting on the contractor's approval of this pay application.

The contractor is disputing all paid quantity items, time extension denials, assessed maintenance and protection of traffic violations and assessed engineering charges for additional construction inspection

and project oversight fees, as summarized by our project engineers and consultants Barton and Loguidice.

We are looking forward to receiving an updated project schedule for all remaining contract and corrective action plans for punch list items. Nardoizzi has submitted, and approval has been given for a new electrical subcontractor to begin completion of all remaining traffic signal systems and corrective active electrical work.

5. FOUNDRY UPDATE

Remedial Design

- Remedial design plans will be issued in early May for four properties located along the south side of Tillman Street and four properties located along the east side of Geneva Street south of Tillman Street. Meetings were recently held with the respective property owners to review the plans.
- Remedial design plans continue to progress for 10 remaining properties that are located south of St. Peter's Church between Genesee and Geneva Streets. Meetings will be held with the respective property owners in May and June with issuance of designs to follow.

Remedial Construction

- Excavation of a block of six properties located along the west side of Genesee Street just south of Lewis Street was completed in April. Restoration activities are underway and will be substantially completed before summer.
- Excavation of a block of nine properties located along the south side of Lewis Street, east side of Geneva Street, and north side of Tillman Street began in April and will be completed in May. Restoration will be substantially completed by mid-summer.
- Restoration activities in Genesee Park, including masonry activities and landscaping, are now expected to resume in May. The project mason will replace concrete features that were removed by the project, and the city DPW is coordinating with the mason for the installation of new concrete features, likely in June or July. New trees are expected to be planted later in May or in June.
- Remediation of all other remaining residential properties, including those between Genesee and Geneva streets south of St. Peter's Church and those east of Geneva St. and south of Tillman Street, is expected to be performed with owner concurrence during summer and fall 2023. Remediation of the State Street staging area, located on the parcel just east of the railroad, is anticipated to be completed in early 2024. Demobilization from the additional project staging area on Lehigh Street will also be completed in 2024.

6. OVERVIEW OF STORM RESPONSE – Joe Venuti, Director of Public Works

Mr. Venuti said he appreciates the opportunity to provide updates on DPW's investigation into the April 5, 2023 rain event. He said they have examined storm sewer infrastructure, natural watercourses, and other circumstances which may have contributed to flooding. Since the City has been served with notices

of claim arising from the rain event, the city attorney has advised him to not discuss or answer questions about specific properties or instances of damage allegedly caused by flooding. He said he respectfully requests to share his prepared notes and answer what questions he can, at the end. He said he has had the pleasure to meet with many community members in the past few weeks to listen to their concerns and to try and help better understand and answer their questions about the flooding events. He thanked everyone for their patience as his staff continues work to investigate and mitigate future flooding.

What Happened

- City endured a historic level of rain event on the afternoon of April 5, 2023. It has been reported that from 1.5 to more than 3.5 inches of rain had fallen in a 2-hour time frame. The City's infrastructure and natural watercourses were unable to handle the sheer volume of storm water.
- Officials in Ontario, Seneca, Wayne, and Yates counties all reported moderate to significant flooding damage from that storm.
- The flooding that occurred in the city may not have been preventable.

Potential Cause of Stormwater/Flooding Issues

- Capacity issues during large storm events. The existing storm sewer piping is not of sufficient size to accommodate large events
- Undetermined amount of cross sewer connections
- Tailwater condition at several discharge points into Seneca Lake. Tailwater condition refers to water courses that do not free flow into Seneca Lake, but rather discharge below the water surface elevation, requiring additional head pressure to pass through the system potentially causing upstream backup and flooding.
- City wide late 1800s and early 1900's storm water system is still in place, and although we have separated storm and sanitary sewer components, there are still inflow and infiltration issues. He said infiltration refers to groundwater that seeps into sewer pipes through holes, cracks, joint failures, and faulty connections. Inflow is stormwater that quickly flows into sewers via roof drain downspouts, foundation drains, storm drain cross-connections, and even through holes in manhole covers.

Known natural watercourses North to South

- Marsh Creek – Regulated by NYSDEC Flood Control - conveys north and west of city under North Street south to Middle
- Loomis Creek – Not regulated most of which is under private property, conveys at Larchmont east on North St to Oak St
- Castle Creek - Class C Stream not regulated by the DEC and starts west of city 5&20 and Pre Emption Rd, both open and underground much of which flows across private property
- Cemetery Creek – channelized underground storm sewer beneath private residential property and our business improvement district
- Glenwood Creek - not regulated, Cortland Worthington, Washington William, Pulteney

Known neighborhood areas of concern

We are aware of several neighborhood areas that appear to “always” have reported flooding issues such as

- East North Street at Pre Emption Street
- Oak Street, at West North Street along private property
- Cross lots on private property from Maple to Brook to Larchmont to Sprucewood
- Behind private property Pulteney Street at Washington and William
- Topographical low elevations location of Rtes. 5&20 at Jefferson Street

What work has been completed since storm

- DPW staff walked the safest accessible sections of Castle Creek
- They have not verified any obstructions up Washington to Grove, then to Jefferson and on Jefferson
- They have not verified any obstructions of storm sewer lines on West North Street to Larchmont,
- Hired outside contractor for closed circuit TV (CCTV) inspection and mapping of Loomis Creek to Sprucewood Dr.
- Began CCTV this week at cemetery creek behind Pulteney Street properties
- Identified and repaired cave-in sink hole on a 20" brick storm sewer at north entrance to Glenwood Cemetery
- Identified and removed a tree root mass on 10" storm line on Brook Street between Pleasant and North
- Identified and working on solution of sanitary sewer lateral discharge to 48" Cemetery Creek storm sewer at 144 Pulteney St.
- Identified and removed debris from Castle Creek under city rights of way under Genesee Street and Geneva Street, consisting of leaves, sticks, limbs, logs and tree stumps.
- Identified and removed sticks and limbs upstream of west Castle St culvert at Oak Street.
- Monitored pipe cave in and private property repair at 41 Lakefront
- Begun spring street sweeping
- Begun yard and lawn debris pick up program

Suggestions-Comments

- Sanitary water backup complaints MAY be related to storm water and ground water saturation that finds its way to the sanitary system
- A large percentage of basement sump pumps MAY be connected and discharge directly into sanitary sewer soil stacks, cleanouts, or floor drains. If this is true, enormous amount of storm water flowing into those basements is being pumped into the sanitary sewer, causing many sanitary lines to back up. The volume of storm water flowing into the sewer collection system from these sources contributes to basement flooding and impacts the City's ability to treat sanitary sewage and causes significant stresses to our WWTP
- We recommend property owners should check rain gutter downspouts to ensure storm water is being conveyed away from foundations
- We recommend property owners ensure that any ground water or storm water be conveyed to lawn and garden areas or to install laterals to collect to nearby storm system
- We recommend property owners install a wing nut or bladder style drain plug in basement floor drains.
- We recommend the City require private property owners to install inline check valves – backflow preventers on existing sanitary laterals

Next steps and goals for DPW

- Limit future negative impacts to public health and the environment as well as property damage caused by erosion and flooding

- Continue to investigate causes of flooding
- Work with Town, County State and Federal partners to seek funding and resources. Review status of previous started multi-jurisdictional hazard mitigation plan from 2015
- Partner with Ontario County Soil and Water Conservation to install gabion stone revetment project at Castle Creek across from tennis courts
- Encourage property owners to connect sump pumps to storm sewer
- Prepare and present a resolution for council adoption of a sump pump connection inspection program at time of sale of properties. Proper connection should be required
- Work with consultants to provide possible underground flood storage such as locations like 305 Main Street
- Review past engineering studies and recommendations
- Small sections of the system where storm water flow is restricted should be reviewed and systematically improved – keeping in mind that some such sections are located on private property and some are inaccessible. These restriction points might continue to cause flooding in the same general locations
- The City is concerned for property owners who experience repetitive water damage caused by flooding
- The causes of the flooding are complex and vary from location to location
- The city may not be responsible for the flooding
- The solution is not simple and will not be an easy fix. Some of the components of the City's storm and sanitary collection systems are over 125 years old or older
- Increasing the size of all existing city storm sewers is not feasible or practical and is not being proposed. This would require major capital improvement reconstruction projects which is not anticipated and cost prohibitive
- Sections of the storm water system and natural watercourses will be reviewed and systematically improved – again keeping in mind that some sections are inaccessible

When asked about partnering with the Town of Geneva and reaching out to consultants, Mr. Venuti said that he has been talking to the Town and discussing a Stormwater Management Plan. He said that one of his major concerns is that Castle Creek is not under city or DEC regulations, and he is dealing with the Army Corps of Engineers. When asked what was causing the water to come out, Mr. Venuti said it is just the hydraulics of backing up with pressure strong enough to lift a manhole cover.

Clr. Camera said he feels inspections to sump pumps done when the property sells is a time when money is flowing between owner and buyer, similar to sidewalk inspections when selling property. He noted that Geneva is benefitting from the sidewalk inspection program, even though change doesn't happen as quickly as we would like it to.

Clr. Salamendra thanked Mr. Venuti for the information saying that she knows they are working hard and she supports any resolutions to help.

Mr. Venuti told council that it was his understanding that the lake level rose 6 inches during the storm. Mayor Valentino reminded everyone that leaves and lawn debris should not be placed in the road to avoid plugging up the drains.

Clr. Gaglianese asked about reaching out to the Town about shouldering some of the cost of research, and City Manager Hendrix told council that from conversations with them, she feels the Town of Geneva is willing to partner with us.

7. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the April 12th Council Meeting be approved

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT the minutes of the April 19th Council Meeting be approved

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

Abstain – Clr. Pealer and Clr. Salamendra

MOTION CARRIED

8. PUBLIC COMMENT

Pat Schiller said that last weekend was great in and for Geneva, and she offered kudos to the organizers and volunteers of the Seneca 7 for their success in this 13th year of their race. She told council that over 2000 participants came to our city including special teams to donate to some of our charity spots. She said it was a wonderful chance for people to volunteer and meet people from all over.

Shauna O'Toole said she wanted to address a rant on social media involving some members of council. She said that she is a trans woman and she was not groomed nor is she a predator. She said that some people say that trans individuals should be lobotomized, incarcerated or even eliminated. She said that words have power, and she is trying to just live her life. She told council that her mother was a devout Roman Catholic and her father was a psychiatrist in the US Army, so she was not groomed in any way. She reminded council that their words as an elected body have more power and influence than others. She said it would be horrible if an incident was a result of a rant by someone in power. She told council that they do not have to like her, but if they have questions, they should just ask.

Judy Salotti thanked Mr. Venuti for his report and council for their dialogue saying it gives her hope. She said she lives on Genesee Street and was affected by Castle Creek. She thanked the Northside Fire Department for pumping out the 6 ft of water that flowed into her basement in less than 20 minutes. She

said she has lived in her house since 1970 with the first flooding event being in 1998 when the tunnel was rebuilt by the city. Since then, her house has flooded three more times in the last 5 years. She has lost several appliances and hot water heaters, and has spent a lot of money to repair her furnace. She voiced her concern about the recent downtown flooding saying there will be no reason for people to come to downtown. She also mentioned the large gas line under the tunnel that could cause more damage. She noted that over the past 10-15 years, major construction has gone on all over the city along with trees being taken down. She said she understands a fix will take some time, but this is an urgent matter. She suggested checking the tunnel regularly to make sure it is free of debris, and she suggested the fire department get rescue pumps.

Kathryn Slining Haynes said we live in a time of incredible division and hateful speech and feels it is necessary to speak out. She referred to comments made by a councilor against the LGBTQ+ community saying that this speech can be harmful, especially coming from someone who holds a seat in government. She reminded council that they have a responsibility to represent and protect everyone in the city, and she feels Geneva is better than this. She said we are neighbors and we celebrate having a wide variety of people. She said that rather than ostracizing people we don't understand, we should reach out and try to understand. She suggested council start with one another and try not to treat each other disrespectfully.

9. PUBLIC COMMENT - MOBILE FOOD ESTABLISHMENTS

Kathryn Slining Haynes said that she supports the issuance of licenses for mobile food establishments as she has had the opportunity to eat at a couple mobile food truck courts in Portland, Oregon several years ago, and she appreciated the relaxed atmosphere and diversity of foods offered. She said that when brick and mortar establishments say they cannot compete, she says they are two different markets. She cautioned council that she is not looking for development at the lakefront. She said she has talked to people from Canandaigua who come here because of less open space at their lake. She said that the city's ability to hold events increases our tourism. She said it would be great to see food trucks at Bicentennial Park and make that space more user friendly. She said she would also like to see a variety of choices along with sustainability practices.

John Brennan said that the ordinance is very well written already and suggested adding wording with regard to noise, including loud music, engines, and generators. He also suggested in the penalty section prohibiting offenders from applying for one year instead of "up to one year". He said that it should include enforcement provisions stating who would keep track and enforce and how they would do it. Lastly, he said that Mrs. Salotti's comments were really well spoken and he asked council to support Joe Venuti's department.

10. PROCLAMATION – Mental Health Month

11. CITY MANAGER REPORT

Thank you to Joe Venuti and DPW Staff for their work continuing to manage and learn from our storm events. Thank you to PBAB for their presentation. Members of the PBAB are willing to work with council and GPD on these high-level ideas, honing them further into actionable items with the direction of Council

Upcoming Legislative Meetings/Discussions:

- **Zoning Work Session** - June 13 at 5:30pm
- **Committee Review** – staff will be providing action items at the July meeting
- **Short Term Rental** – Recommendations from the Council will be incorporated into an ordinance for the June council meeting.

Farmer's Market and Lakefront Study

City staff and representatives from the Farmer's Market, Visitor's Center, and BID met with the selected firm – PLAN Architects – to discuss the study for the Farmer's Market/Lakefront properties. The group will develop a phased in master plan for developing the lakefront/bicentennial park area to include options for a Farmer's Market, Events, and Boat Launch. From the plan, we will be able to look at grant resources as well as long term support for the maintenance and use of these areas.

Recruitment

- Planning and Economic Development Director: We have received a handful of applications at this time. The panels will receive the redacted resumes and begin the interview process in the coming weeks.
- Human Resource Manager: Application period ends on May 12, 2023.
- City Clerk: Application period ends on May 12, 2023.
- Assessor: Interviews were held in partnership with the City of Canandaigua and she is hopeful an offer will be made in the near future.
- Chief of Police, we are still awaiting the test results for this position.

Staff Training Day

Staff from all of the city departments attended the staff training day held on Wednesday, April 26. The training day covered topics including sexual harassment, workplace violence, ethics, cyber security, CPR, AED, and Narcan training.

Marina

We've finally received both permits for the marina, and are working on next steps. City staff will be meeting with the engineers to discuss phasing of the next potential steps for this project including final engineering, bidding, decisions related to construction and maintenance within the next two weeks.

Downtown Street Lamp Maintenance and Painting

Although street lamp repair/repainting (lamps were to be removed, powder coated, and painted) was originally included in the DRI, it had to be moved out of the contract and is now being worked on by city staff. The original 2018 funding does not meet the 2023 costs and we are working to create a

replacement schedule. In the meantime, city staff and our partners at the BID will work to paint the existing street lamps in downtown.

Budget

The City Manager meets twice a month with all department heads. Quarterly these meetings are finance meetings where we review the previous quarter of spending with each department. At your June council meeting you will receive an overview of the 1st quarter.

Launching the 2024 budget on May 10, 2023. Meeting with all departmental budget staff to discuss expectations and how budget will be forecasted. We will be breaking the budget into two components Capital and Asset Management Budget and Operating Budget.

Comptroller will meet with Advisory boards, committees, etc. that have budget advisory responsibilities in May to discuss the City processes.

In June Department Fees and the Asset Management/Capital Budgets will be due to the Comptroller and City Manager. In July the Departmental Operating Budgets will be due to the Comptroller and City Manager. In July we would like to hold a special Council Meeting for the Comptroller and I to provide an overview of the Capital and Asset Management Budget. In August we will prepare the overall 2024 Budget. The budget will be finalized and shared with Council on Tuesday, September 26. This will allow 3 Wednesday workshops on the budget and a public hearing (October 11, 18, 25) and budget adoption prior to the November deadline.

Clr. Regan asked if changes can be made at this point to the marina project. City Manager Hendrix told council that it depends on the change. Minor changes would be okay, but if something like placement of the floating dock system needed to be changed, that would be a huge change requiring more approvals.

12. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 215 ENTITLED "LICENSING OF OCCUPATIONS"

City Manager Hendrix presented the following ordinance for second reading:

Be it ordained by the City Council of the City of Geneva, NY that Chapter 215 entitled "Licensing of Occupations" of the City of Geneva Municipal Code be amended as follows:

1. Article I, section 215-6 (A) is hereby amended to read:

"Such application shall be accompanied by a cash deposit or payment bond with sufficient sureties in the sum of \$7,500, which must be approved by the City Attorney, and conditioned for the faithful observation of the laws of the State of New York and this chapter and all other applicable local laws, ordinances, rules and regulations of the city."

2. Article I, section 215-7 is hereby amended to read:

"Upon the filing of the application, bond and information as provided in the previous sections, the City Clerk may upon his approval of such application and payment to the City Clerk of the license fee hereinafter provided, issue to the applicant a license to engage in the business of auctioneering. No

license shall be refused except for a specific reason and for the protection of the public safety, good order and morals. All licenses shall be numbered in the order in which they are issued and shall state clearly the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least three months has elapsed since the last previous rejection, unless he can show that the reason for such rejection no longer exists."

3. Article I, section 215-8 is hereby amended to read:

"The fee for this license shall be determined by the Geneva City Council during budget discussions. No license shall be used by any other person other than the original licensee, and any holder of such license who permits it to be used by another person and any person who uses such license granted to another person shall be guilty of a violation of this article."

4. Article II, section 215-14 thru 23 entitled "Barbers" is hereby repealed
5. Article III, section 215-24 thru 31 entitled "Hairdressing and Cosmetology" is hereby repealed
6. Article IV, section 215-32 thru 37 is hereby renumbered to Article II, section 215-14 thru 19.

- a. New section 215-14 titled "Licenses Required" being amended to read:

"No person shall carry on or engage in any of the trades, occupations or businesses hereinafter specified within the city without first procuring a license from the City Clerk."

- b. New section 215-16 (A) (1) titled "Trades, occupations and businesses specified" is being amended to read:

"Before a license shall be issued under this subsection, the licensee shall file with the City Clerk a bond in the penal sum of \$500 with surety or sureties to be approved by the City Attorney conditioned for the faithful observance of all applicable ordinances of the city"

- c. New section 215-16 (A)(2) titled "Trades, occupations and businesses specified" is being amended to read:

"The fee for the aforesaid license shall be determined by the Geneva City Council during budget discussions."

- d. New section 215-16 (A)(3) titled "Trades, occupations and businesses specified" is hereby repealed

- e. New section 215-16 (B) is being amended to read:

"Junk Dealers. In considering any application for a license under this subsection, the City Clerk shall consider the general welfare of the city and the proposed location within the city where the licensee intends to carry on the business of junk dealer, and the City Clerk may refuse to grant such license in any case where he or she deems the issuance of such license

would be contrary to public interests and the general welfare. The fee for the aforementioned license shall be determined by the Geneva City Council during budget discussions.”

7. Article V, section 215-38 thru 40 is hereby renumbered to Article III, section 215-20 thru 22, section 41 is hereby repealed, and section 42 and 43 are renumbered to 23 and 24.

- a. New section 315-21 titled “License Required” is hereby amended to read:

“License. It shall be unlawful for any person, associate, partnership or corporation to engage in business as a scrap processor unless such scrap processor shall have complied with the provisions of this article and obtained a license to do so from the City Clerk. Each license shall expire on June 30 of the year next ensuing.

- b. New section 315-22 titled “License application” is hereby amended to read:

“Application for a license hereunder shall be made in writing to the City Clerk, by the person to be licensed, on forms to be furnished by the City Clerk. The application shall contain such information as to name and address of the applicant and such other information as said City Clerk may reasonably require. The fee for said license shall be determined by the Geneva City Council during budget discussions.”

- c. New section 315-23 (B) entitled “Records” is hereby amended to read:

“Such records shall be available for inspection by local, county or state law enforcement officials or other officials having jurisdiction.”

- d. New section 315-24 (A) entitled “Penalties for offenses” is hereby amended to read:

“Each violation of this article by a scrap processor shall be a violation subject to a fine of not more than \$1000, unless such violation shall be willful, in which event it shall be a misdemeanor except, however, the scrap processor shall not be liable for any violation of this article by a seller, his agent, or a purported seller or agent.

This ordinance shall take effect immediately and in accordance with law.

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

MOVED THAT this ordinance be approved for second reading

MOTION CARRIED UNANIMOUSLY (8-1 absent)

13. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 335-17 ENTITLED "PARKING, STANDING AND STOPPING RESTRICTIONS"

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 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 On the north side of William Street: No parking from a point 50 feet easterly from the east curb line of West Street to Nursery Avenue. On the south side of William Street, there are no restrictions.

WHEREAS, the City Director of Public Works recommends that correct no parking here to corner distances be established in this area.

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:

William Street

On the north side:

No parking from a point 75 feet easterly from the east curb line of West Street. Blocking of the driveways to houses Number 242 and 246 William Street will not be allowed.

On the south side:

No parking from a point 60 feet westerly from the west curb line of West Street.

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

MOVED THAT this ordinance be approved for second reading

MOTION CARRIED UNANIMOUSLY (8-1 absent)

14. RESOLUTION AFFECTING SALE OF CITY OWNED PROPERTY

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva owns real property located at 30 Castle Street (104.43-2-3); and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold through a sealed bid process; and

WHEREAS, a public hearing was held on the potential sale of this property on May 3, 2023; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property at owns real property located at 30 Castle Street (104.43-2-3).

City Manager Hendrix told council that the City of Geneva owns 0.015 acres of real property located at 30 Castle Street which no longer serves a public service and could be sold to a private party. A public hearing was held at the start of this meeting. This resolution will allow the sale of this property to Castle Peacock, LLC for \$700.00.

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

15. RESOLUTION RETIRING POLICE OFFICER BADGE NUMBER 839

City Manager Hendrix presented the following resolution:

WHEREAS, the purpose of a Police Officer's Badge is as a symbolic emblem, given by the people as a show of public trust. The Police Officer's Badge represents honor, integrity, truth and justice. The law enforcement badge is a symbol of service to the community, and

WHEREAS, to remove badges from circulation of officers who lost their lives while serving is often done to show respect for the sacrifice made by that particular officer.

WHEREAS, 18-year veteran, Officer Timothy S. Peters lost his life in 2022, and the Geneva Police Department lost a reliable, well-respected officer who put Geneva residents first and never hesitated to offer assistance where needed.

NOW THEREFORE BE IT RESOLVED that the Geneva Police Department shall honor Officer Timothy S. Peters by forever removing his badge number 839 from circulation.

City Manager Hendrix said that in 2022, 18-year veteran, Officer Timothy S. Peters lost his life, and the Geneva Police Department lost a reliable, well-respected officer who put Geneva residents and fellow officers first. The department would like to honor Tim by removing his badge number from circulation.

Clr. Burrall said that he misses seeing Officer Peters stopping tractor trailers on S. Main Street. He said that he was a special guy and even had a sandwich named after him, the #839, at the B & D Market. He said that every officer can aspire to have their badge number retired.

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

16. FIRST READING OF AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 225 ENTITLED
“LICENSING OF MOBILE FOOD ESTABLISHMENTS AND PUSHCARTS”

City Manager Hendrix presented the following ordinance for first reading:

Be it ordained by the City Council of the City of Geneva, NY that a new Chapter 225 entitled “Licensing of Mobile Food Establishments and Pushcarts” be added to the City of Geneva Municipal Code as follows:

Chapter 225

Article I

Mobile Food Service Establishments and Pushcarts

§ 225-1. Definitions

As used in this article, and the State Sanitary Code, Environmental Health Regulations subpart 14-4 the following terms shall have the meanings indicated unless the context clearly indicates that a different meaning is intended:

MOBILE FOOD SERVICE ESTABLISHMENTS - a motorized or self-propelled, self-contained food service operation, located in a vehicle, pushcart or a movable stand, self- or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.

MOBILE FOOD TRUCK – a motorized vehicle registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRAILER - a vehicle towed by another vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

PUSH CART- a cart or barrow, manually propelled, used to vend food intended for individual portion service.

COMMISSARY – an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It is also the place which is used as the base of operations for one or more mobile food service establishments or pushcarts, where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

DESIGNATED LOCATIONS – mobile food service establishments who obtain a license per this section of the code will be assigned a location on city property where their mobile food truck, food trailer or push cart may be parked during their license period. Designated locations include: Exchange Street Parking Lot, Seneca Street Parking Lot, Lakefront (2), and Bicentennial Park with a specific parking space being assigned at the time the license is issued.

VENDOR- An individual, firm, estate, partnership, company, corporation, trustee, association, or any public or private entity operating a mobile food service establishment.

§ 225- 2. General Provisions

- A. No mobile food service establishment or push cart shall operate within the public rights-of-way within the city without first having obtained from the City Clerk a valid Mobile Food Service Establishment License as prescribed in this article.
- B. Mobile food trucks shall not be greater than 28 feet in length and shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.
- C. Each mobile food service establishment must at all times carry on the vehicle a fire extinguisher and a measuring device with a measuring capacity of no less than 500 ft as a condition of its licensure. The failure of any mobile food service establishment to carry such fire extinguisher and a measuring device or abide by the proximity distance restrictions included in this article shall constitute a violation of this article.
- D. All mobile food service establishments must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.
- E. No mobile food service establishment shall operate within 100 feet of the closest point of any restaurant or sidewalk café seating area approved by the Department of Public Works.
- F. No mobile food service establishment shall operate within 500 feet of the boundary of any festival or special event that is permitted or sponsored by the city, except when the vendor has obtained a permit to so operate from the City of Geneva Events Coordinator.
- G. No mobile food truck, food trailer or push cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
- H. All food trucks and food trailers must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.
- I. Vendors are responsible for cleaning up any fluid, such as grease, gas, oil, etc., which leaks from their trucks, trailers or pushcarts.
- J. Vendor may place one sandwich board sign on the sidewalk nearest their food truck, food trailer or push cart as directed by city staff, but said sign cannot obstruct access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
- K. No vendor shall cry out or make loud noises for the purpose of selling any food or merchandise.
- L. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, hydrant, sign or post, light pole, telephone pole or other street appurtenance unless otherwise noted in this article.

- M. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their food truck, trailer or push cart free and clear of any litter, trash or spillage from the unit.
- N. No vendor shall conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, the Development Services Manager or by the local Health Department with respect to vending of food or food products.
- O. Any mobile food truck, trailer, pushcart, tables, chairs and trash containers left unattended are the responsibility of the owner, and the City of Geneva cannot be held liable for damage or stolen property.
- P. Five designated areas of the city will be chosen along with the designated space in that area to be occupied by each mobile food establishment or pushcart.

§ 225- 3. License Required for Designated Locations on City Property

- A. Any person desiring to operate a food truck, food trailer or push cart in one of five locations on city property shall make written application for such license to the City Clerk. The application for such license shall be on forms provided by the City Clerk, and shall include the following:
 - 1. Name and address of each applicant and each corporate officer of the food truck, food trailer or push cart vending corporation, or owner of an unincorporated business.
 - 2. Address of the commissary used in the supply and preparation of food for this food truck, food trailer or push cart.
 - 3. A valid copy of all necessary licenses, permits or certificates required by the New York State Department of Health, and vendors must comply with all laws, rules and regulations of said department, including, but not limited to the State Sanitary Code, Environmental Health Regulations subpart 14-4.
 - 4. A valid New York State Department of Motor Vehicles registration, vehicle insurance and valid driver's licenses of all vehicle operators.
 - 5. A copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the vendor to collect both the New York State sales tax and compensating use taxes.
 - 6. A background check provided by the police department where the applicant resides. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the Correction Law after considering the factors set forth in that law. An applicant who is denied shall be entitled to a hearing in the manner provided for a revocation of a license by this Chapter section 225-8.

7. Within 10 days of the issuance of a license, the vendor will make an appointment with the Geneva Fire Chief's Office for an inspection of the mobile food truck, food trailer or push cart to determine that the vehicle meets applicable New York State Fire Codes and rules and regulations required by the Fire Chief. The Fire Chief is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.

§ 225- 4. Insurance

Before any license authorized herein shall be issued, the applicant shall file with the city proof of insurance, issued by an insurance company licensed to do business in the State of New York and approved by the City Attorney as to form, which insurance must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall not be less than \$1,000,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended except on 10 days written notice to the City Clerk served personally or by certified mail. Municipal operations, employees and property shall not be excluded from coverage. The insurance must list the City of Geneva an additional insured party.

§ 225- 5. Form and Condition of License

Every food truck, food trailer or push cart vending license shall contain the following conditions:

- A. Each license shall be valid from April 1st thru October 31st of the issue year. In the event of unseasonable temperatures, vendors may request an extension of the license period during the remaining five months of the year. License fees shall not be prorated and no refunds given for any reason.
- B. The license shall not be transferable.
- C. The license is valid for one food truck, food trailer or push cart only.
- D. There shall be issued to each vendor a license to be permanently and prominently affix in the vehicle.

§ 225- 6. Fees

- A. All vendors shall pay an annual fee as agreed upon by the Geneva City Council during the budget process.
- B. Replacement licenses shall cost \$10 for each replacement license requested.

§ 225- 7. Revocation of License

- A. The City of Geneva shall have the power to suspend or revoke a license granted or renewed pursuant to this Code for a violation by the vendor licensee, his or her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Geneva relating to the conduct of the business or trade for which the license or permit was issued, for fraud or deceit in such business or trade or for making a material misrepresentation on a license

application. The City of Geneva shall also have power to revoke summarily the license or permit of any person who pleads guilty to or is convicted of violating the laws of the State of New York or ordinances of the City of Geneva relating to the business or trade in which the licensee is engaged.

- B. The City of Geneva shall revoke a license in the event that the bond or insurance policy filed at the time of application is canceled or has expired and the holder of the license or permit has failed to file a new bond or policy within 10 days after cancellation or expiration. No part of any license or permit fee shall be refunded in the event that said license is revoked or suspended for cause.
- C. Failure to comply with the terms of a permit as issued by the City Clerk or with this chapter shall result in the denial of future applications for a Mobile Food Establishment License for at least one year.

§ 225- 8. Severability

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

This ordinance shall take effect immediately and in accordance with law.

City Manager Hendrix told council that staff researched other municipalities from throughout the Finger Lakes area to bring together an ordinance that is comparable to those municipalities. This ordinance will allow five public areas in the downtown and lakefront for vendors to set up from April thru October, seven days a week from 11:00am to 7:00pm, with the license fee being \$750 per vendor.

Clr. Gaglianese said that this is a tough subject as he was 100% for this before he received calls and emails from six different restaurants in the downtown. He said he has to back the local restaurants who say this will hurt them. He said he feels statistics show mobile food establishments do not hurt brick and mortar restaurants, but he is not sure how to vote at this point.

Clr. Regan said she has also heard from a couple people, but she feels mobile food establishments offer a different experience, and they also have issues with seating, restocking and protection from the weather. She mentioned how much the downtown businesses support our city with fundraisers, etc. and how important they are to our city. She said that her instincts tell her that competition will not hurt our restaurants since the mobile food ones are more of a spontaneous experience.

Clr. Pealer said this is a great start, and he is a big supporter of expanding our current policies. He would like to see more in the way of mobile vending than just food. He said there is almost nothing at

the lake, and the city needs to capture visitor dollars while enhancing the lakefront. He said he does have concerns with Seneca and Exchange Street locations.

Mayor Valentino said that what is in front of council needs work. He said he agrees with John Brennan about the noise issue and removing "at least" from the one-year revocation of problem vendors. He voiced his concern with the trucks sitting in one location for months and up and coming downtown businesses being impacted severely, and he wants to approach this cautiously and remove mobile establishments from downtown.

Clr. Camera said he is concerned about Seneca and Exchange Streets. He said he would like more at the lakefront, and referred to the "Park the Carts" in Portland, OR that has dozens of food trucks in one venue. He said he feels we have plenty of room at the Welcome Center for six to twelve vendors and park benches and tables. He said they wouldn't be in direct competition with the downtown businesses at the lakefront.

Clr. Burrall said he is not going to support this ordinance as the origin of food trucks was designed to be a grab and go experience when food is limited or non-existent. He said we already offer events with permits noting that this proposal goes against connecting downtown with the lakefront. He said that food is already being offered at the Welcome Center, 41 Lakefront Hotel, and the Long Pier. He said this also goes against buying local noting that there are 25 places to eat lunch within walking distance from the lakefront and 26 places to eat dinner within walking distance. He said he feels a resolution is supposed to solve a problem, but he does not see a problem to solve. Clr. Burrall said that brick and mortar businesses have been here for decades and been good to our community. He said that mobile restaurants will be gone tomorrow with our money. He suggested marketing our downtown restaurants at the lakefront if that is what the problem is.

Clr. Brimm said we need to look at what we have and try to bring in something different, more so at the lakefront rather than downtown. He said he feels like half of downtown closes at 9:00pm and wondered what could be put in place for that time.

Clr. Noone said he would like to see this in place for the summer noting that we need information in the code for enforcement and noise. He said that this will afford more choices, welcome new businesses, and move us to modern times. He said that this may also foster growth by getting these businesses to find a permanent building in our city. He said he would like to see more set up at the lakefront with Bicentennial Park being a fantastic choice. He said he knows we will not please everyone, but this will bring in opportunities and choice.

When Clr. Pealer mentioned the current process of events being approved by the City Manager, Ms. Hendrix explained that all events go through the events committee which she is only a part of, and not the ultimate decision maker.

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

Clr. Camera said he would like to start small by only utilizing the lakefront instead of putting mobile food establishments in downtown. Clr. Burrall asked him to clarify that it is city property west of Rtes. 5&20.

ACTION TAKEN by Clr. Camera; seconded by Clr. Brimm
MOVED THAT the ordinance be amended to only include locations west of Rtes. 5&20
ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Clr. Pealer, Clr. Burrall, and Clr. Brimm
Nay - Mayor Valentino and Clr. Noone
Absent – Clr. Gaglianese and Clr. Salamendra
MOTION CARRIED

{Roll call vote on the ordinance as amended}

ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Clr. Pealer, Clr. Noone, and Clr. Brimm
Nay - Mayor Valentino and Clr. Burrall
Absent – Clr. Gaglianese and Clr. Salamendra
MOTION CARRIED

17. MAYOR AND COUNCIL REPORTS

Clr. Noone said that the Zoning Board of Appeals did not meet and he met with the city manager and zoning coordinator to look at how to make this board more effective, noting that there has been some confusion with roles and responsibilities. He said they will continue to clean things up.

Clr. Burrall thanked the speakers for coming to the podium tonight. He said that the next blood drives will be May 19th at Geneva General Hospital from 10-3pm, May 27th at Sampson State Park from 9-2pm, and May 30th at the Presbyterian Church from 1-7pm. He announced that the BID's Cruisin' Night will be June 2nd from 5-10pm with food trucks. He said there will be a second day of shows this year on Saturday, June 3rd from 9-2pm. He told council that on April 8, 2024 the City of Geneva will go dark at 3:22pm for three minutes as there will be a solar eclipse. He said this will be a huge marketing event with the possibility of 100,000 people coming to our city that day, noting that there will be no school that day. He reported that the Shadetree Committee gave away 90 free trees to residents, and the Mission Zero event was a huge success with great attendance.

Clr. Pealer said that the Recreation Board did not meet, and their next meeting will be May 17th. He announced that co-ed softball signups are coming to a close soon, soccer tots signups are still rolling,

summer youth soccer signups are going on, and the summer rec program will be July 10-August 18th from 8-noon. Anyone with questions can call 315-789-5005.

Clr Regan said that the Mission Zero event at the Geneva Recreation Complex had over 350 people with highlights being the tree giveaway, tours of the solar homes, E-Bikes, and more. She said that the Heat Smart Program will be starting soon with an event on May 4th at 7:00pm at the Geneva Community Center on Carter Road. She said they will walk through the program, and we will be partnering with the Town of Geneva to offer it to our residents. She announced a native plant sale May 20th at the Welcome Center. She said that the Seneca 7 has been great and the Geneva Music Festival will be coming in a couple weeks including a concert the night before Cruisin' Night. She announced that the Smith Opera House will have a bunch of free events this week with a peace theme. She said yoga and Pilates will be offered along with a sand mandala.

Clr. Camera said that in early April, one of our City Councilors who is active in social media such as Twitter decided to exchange Tweets with others on the matter of drag shows and their association with pedophilia and other crimes. Well, these exchanges have gotten peoples' attention both here in Geneva where he is a City Councilor and in Canandaigua where he works. I am not fully aware of the extent of this council member's remarks, but they are sufficiently insensitive to have caused harm to a valued segment of our community. I am mentioning this because, in the case of FLCC, I attended a public forum there last Friday afternoon when about 75 staff members and friends gathered to reflect on these posts and have conversations. Clearly, some harm has occurred. How could it not when our LGBTQ+ community sees texts that associate them with child pornography and grooming. I am not sure that I can say much more about the details, but I do want to acknowledge that these posts occurred and that I reject the essence of this councilor's assertions.

Are you towing a party line? Do Republicans really hate homosexuals, just not as much as the Taliban, Al-Qaeda and ISIS? Yes, a Florida State legislator said this publicly a couple of days ago. If this councilor does not receive any pushback from his colleagues in the local Republican Party on his remarks, am I to assume that most Republicans in Geneva also believe that children have more to fear from drag queens and the LGBTQ+ community than all the heterogenous pedophiles? Our LGBTQ+ community has responded to your hateful speech and asked that you participate in a "small-group conversation" with them in the near future. I urge you to take them up on the invitation. My attendance at the FLCC Forum helped me better understand the challenges and threats facing this community. You can only improve as an individual if you accept this invitation.

Finally, for my part, I want to believe that Geneva is an open and welcoming and safe community for all our LGBTQ+ residents and will do what I can to make it so. The first step is for me not to ignore this councilor's comments and the second is to acknowledge that some harm has been rendered. The third thing I can do is recommend that we consider censuring this councilor at a future meeting.

I leave this subject for now by referring to Gov. Hochul's June 2022 Gay Pride Proclamation.

"Every New Yorker, regardless of gender and sexual identity or expression deserves a government that recognizes them for who they are and provides a space of value, love, and belonging."

The proclamation goes on to refer to the major advancements in LGBTQ+ equity achieved as part of the recently enacted 2022 NYS State budget. And finally, she pledged that her administration "will continue to fight to help ensure equality and respect for the LGBTQ+ community."

This pledge of protection and respect extends to the many dozens, perhaps even hundreds of people in our own local Geneva LGBTQ+ community. So, let us get on board with that councilor and obey the law. Finally, for this upcoming Pride Month perhaps the City Council can craft its own proclamation. There are many very good examples out there. May I refer you to the 2022 Lake Stevens, WA proclamation as a good model for us to consider.

Mayor Valentino asked Clr. Camera to reach out to the Local Development Corporation to let them know that the two people they asked to be appointed to their board did not get appointed tonight, but at the next meeting. He also announced that the Memorial Day Parade was going to take place this year at 10:00am and was being overseen by the American Legion and Don Wheeler of the Geneva Fire Department.

Clr. Noone announced that the American Political Items Collectors – New York Chapter will be holding their political and historic memorabilia show this Saturday from 8:30 to 2:00 pm at the Sons and Daughters of Italy, and admission is free.

18. ADJOURNMENT

**ACTION TAKEN by Clr. Brimm; seconded by Clr. Camera
MOVED THAT the meeting be adjourned at 9:43pm
MOTION CARRIED UNANIMOUSLY**

Lori Guinan

City Clerk



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Lori Guinan, City Clerk

Meeting Date: June 7, 2023

Item Title: Second Reading of an Ordinance Amending the City Code to Add Chapter 225 Entitled "Licensing of Mobile Food Establishments and Pushcarts."

Action Required:

If approved by council this will add a new chapter to the city code for mobile food establishments and pushcarts, which includes food trucks and trailers.

Background:

Input from Council and community members have been incorporated into the ordinance. Staff from the working group that provided the research and honed this ordinance will be onsite to further discuss the following updates which occurred from the first reading:

- Limit of available locations to the lakefront only (west of 5 & 20) with potential addition of Centennial Park options. These options were developed to ensure that the trucks are not located in close proximity to current food and beverage spaces, are not in an event space, are not damaging the lawn, and are easily accessible for all. The locations will be further detailed by staff members in attendance at the meeting.
- Noise issues are addressed within the ordinance.
- The update includes wording that vehicles cannot be left overnight or unattended.
- Penalties for offenses has been added to the ordinance.

Office of the City Clerk

Lori Guinan

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2603 - FAX (315) 789-0604 - lguinan@geneva.ny.us - www.cityofgenevany.com

- The addition of the language regarding the failure to comply with the requirements; vendors that fail to comply cannot be considered for an application in the following year.
- Added General Provision (Q): The City of Geneva reserves the right to relocate mobile food establishments based on city need with 30 days' notice.
- Language will be added to the applications for preference for WMBE vendors and City owned food establishments.

Previously, at the direction of Council, City staff researched other municipalities from throughout the Finger Lakes area to bring together an ordinance that is comparable to those municipalities. Staff took into consideration established businesses in the downtown and tried to place these mobile establishments in places that were not in direct competition with current businesses.

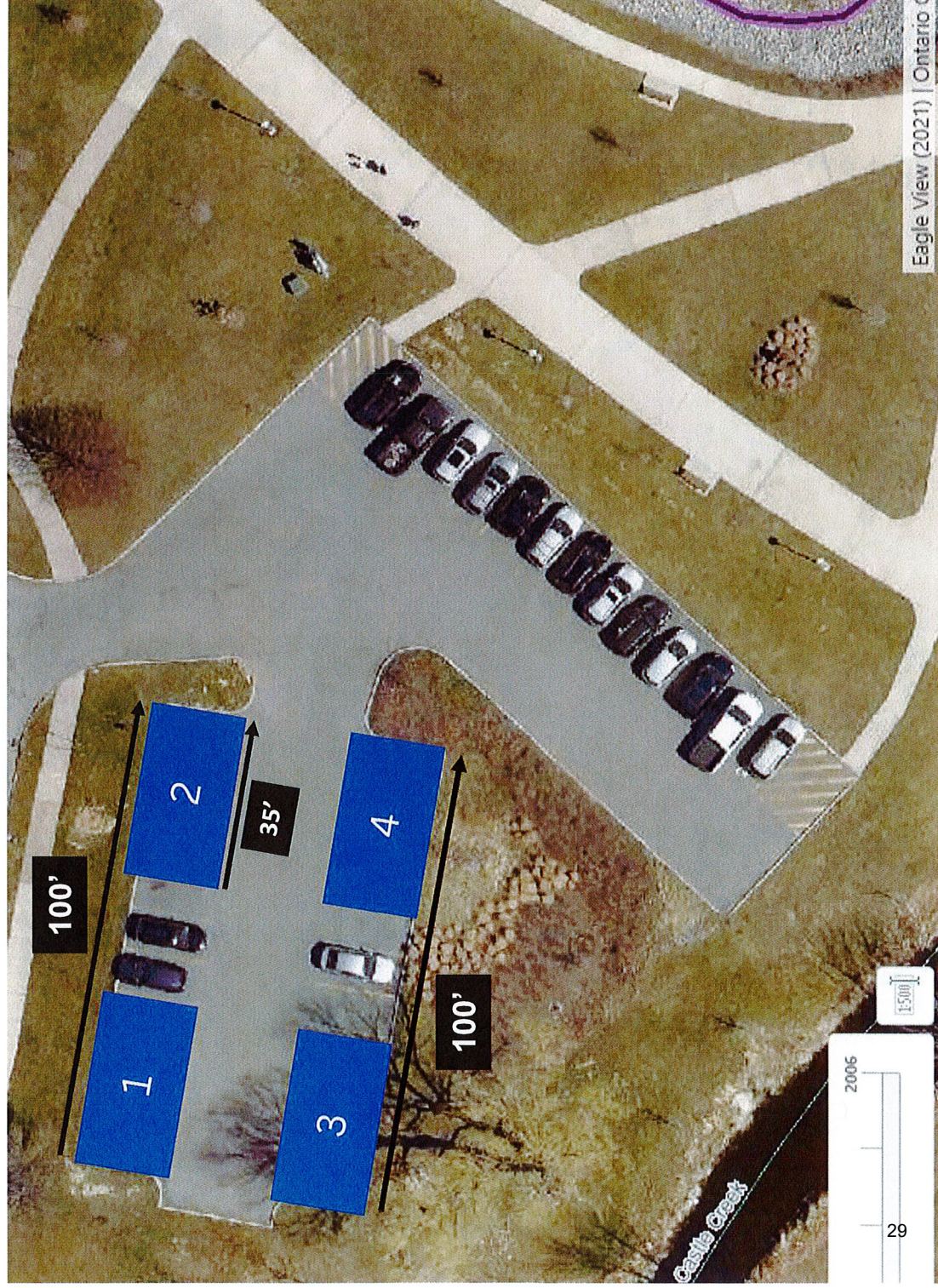
The initial ordinance contained the following items, which are still intact:

- A license fee of \$750, which council will review as part of the annual fee schedule during budget discussions each year.
- Staff will designate the location, with input from council, for the vehicle that the vendor will need to stick to. This will take into consideration pedestrian traffic, trash receptacles and possible table and chair set up.
- A license period from April 1st to October 31st from 11:00am to 7:00pm, seven days a week with the option to sell during the remaining five months if there is unseasonably warm weather.
- Language that ensures vendors will abide by the State Sanitary Code, Environmental Health Regulations subpart 14-4 and will need to schedule an inspection with the Fire Chief's Office within 10 days of issuance of their license.
- An application, where the vendor will need to provide proof of all necessary licenses required by the Department of Health, motor vehicle registrations and driver's licenses, certificate of authority issued by the Department of Taxation and Finance, and proof of insurance.

Financial Impact:

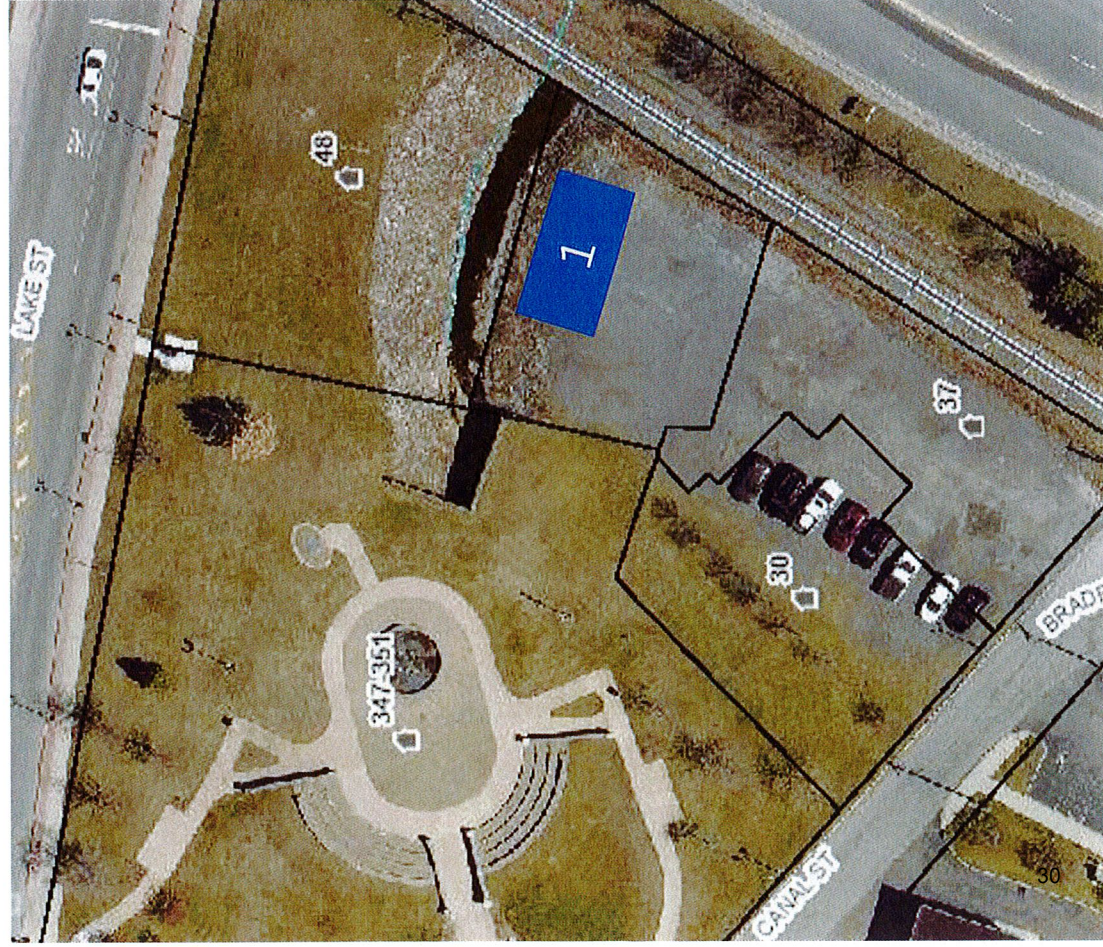
Any revenue generated by licenses sold and potential return of additional sales tax received by the sales from the mobile food will be added to the city budget.

LAKEFRONT OPTION



- Length of parking lot is approximately 100 feet. Space could accommodate 4 food trucks.
- This location was chosen for its good visibility from the main road, provided a designated location for the trucks that would not block pedestrian access with their blocking roads and sidewalks.
- Additionally, it is far enough away from the FLWC's main seating, the City's Farmers Market and from the main event space.

BICENTENNIAL PARK OPTION



ORDINANCE # 6 - 2023

AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 225 ENTITLED “LICENSING OF MOBILE FOOD ESTABLISHMENTS AND PUSHCARTS”

Be it ordained by the City Council of the City of Geneva, NY that a new Chapter 225 entitled “Licensing of Mobile Food Establishments and Pushcarts” be added to the City of Geneva Municipal Code as follows:

Chapter 225

Article I

Mobile Food Service Establishments and Pushcarts

§ 225-1. Definitions

As used in this article, and the State Sanitary Code, Environmental Health Regulations subpart 14-4, the following terms shall have the meanings indicated unless the context clearly indicates that a different meaning is intended:

MOBILE FOOD SERVICE ESTABLISHMENTS - a motorized or self-propelled, self-contained food service operation, located in a vehicle, pushcart or a movable stand, self- or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.

MOBILE FOOD TRUCK – a motorized vehicle registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRAILER - a vehicle towed by another vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

PUSH CART- a cart or barrow, manually propelled, used to vend food intended for individual portion service.

COMMISSARY – an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It is also the place which is used as the base of operations for one or more mobile food service establishments or pushcarts, where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

DESIGNATED LOCATIONS – mobile food service establishment vendors who obtain a license per this section of the code will be assigned a location at the lakefront, on city property where their mobile food truck, food trailer or push cart may be parked during their license period when they are in operation.

VENDOR- An individual, firm, estate, partnership, company, corporation, trustee, association, or any public or private entity operating a mobile food service establishment.

§ 225- 2. General Provisions

- A. No mobile food service establishment or push cart shall operate within the public rights-of-way within the city without first having obtained from the City Clerk a valid Mobile Food Service Establishment License as prescribed in this article.
- B. Mobile food trucks shall not be greater than 35 feet in length and shall be registered as a motor vehicle or trailer and able to be operated on the public streets of New York State.
- C. Each mobile food service establishment must at all times carry on the vehicle a fire extinguisher and a measuring device with a measuring capacity of no less than 500 ft as a condition of its licensure. The failure of any mobile food service establishment to carry such fire extinguisher and a measuring device or abide by the proximity distance restrictions included in this article shall constitute a violation of this article.
- D. All mobile food service establishments must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.
- E. No mobile food service establishment shall operate within 100 feet of the closest point of any restaurant or sidewalk café seating area approved by the Department of Public Works.
- F. No mobile food service establishment shall operate within 500 feet of the boundary of any festival or special event that is permitted or sponsored by the city, except when the vendor has obtained a permit to so operate from the City of Geneva Events Coordinator.
- G. No mobile food truck, food trailer or push cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
- H. All food trucks and food trailers must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.
- I. Vendors are responsible for cleaning up any fluid, such as grease, gas, oil, etc., which leaks from their trucks, trailers or pushcarts.
- J. No vendor shall cry out or make loud noises for the purpose of selling any food or merchandise.
- K. No vendor shall make, continue, cause, or permit to be made or continued, any excessive noise. It shall be prima facie evidence of a violation of this section if noise emanating from any source, including, but not limited to, regular operation of the mobile food establishment or generator, is audible at a distance of 50 feet from the designated operating space from which it emanates during hours of operation.
- L. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, hydrant, sign or post, light pole, telephone pole or other street appurtenance unless otherwise noted in this article.
- M. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their food truck, trailer or push cart free and clear of any litter, trash or spillage from the unit.

- N. No vendor shall conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, the Development Services Manager or by the local Health Department with respect to vending of food or food products. See § 225- 7 regarding revocation of license.
- O. Mobile food trucks, trailers, pushcarts, tables, chairs and trash containers cannot be left overnight nor left unattended and are the responsibility of the owner, and the City of Geneva cannot be held liable for damage or stolen property.
- P. Designated areas at the lakefront will be chosen along with the designated space in that area to be occupied by each mobile food establishment or pushcart during the hours of operation.
- Q. The City of Geneva reserves the right to relocate mobile food establishments based on city need with 30 days notice.

§ 225- 3. License Required for Designated Locations on City Property

- A. Any person desiring to operate a food truck, food trailer or push cart in one of five locations on city property shall make written application for such license to the City Clerk. The application for such license shall be on forms provided by the City Clerk, and shall include the following:
 1. Name and address of each applicant and each corporate officer of the food truck, food trailer or push cart vending corporation, or owner of an unincorporated business.
 2. Address of the commissary used in the supply and preparation of food for this food truck, food trailer or push cart.
 3. A valid copy of all necessary licenses, permits or certificates required by the New York State Department of Health, and vendors must comply with all laws, rules and regulations of said department, including, but not limited to the State Sanitary Code, Environmental Health Regulations subpart 14-4.
 4. A valid New York State Department of Motor Vehicles registration, vehicle insurance and valid driver's licenses of all vehicle operators.
 5. A copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the vendor to collect both the New York State sales tax and compensating use taxes.
 6. A background check provided by the police department where the applicant resides. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the Correction Law after considering the factors set forth in that law.
 7. Within 10 days of the issuance of a license, the vendor will make an appointment with the Geneva Fire Chief's Office for an inspection of the mobile food truck, food trailer or push cart to determine that the vehicle meets applicable New York State Fire Codes and rules and regulations required by the Fire Chief. The Fire Chief is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.

§ 225- 4. Insurance

Before any license authorized herein shall be issued, the applicant shall file with the city proof of insurance, issued by an insurance company licensed to do business in the State of New York and approved by the City Attorney as to form, which insurance must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall not be less than \$1,000,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended except on 10 days written notice to the City Clerk served personally or by certified mail. Municipal operations, employees and property shall not be excluded from coverage. The insurance must list the City of Geneva an additional insured party.

§ 225- 5. Form and Condition of License

Every food truck, food trailer or push cart vending license shall contain the following conditions:

- A. Each license shall be valid from April 1st thru October 31st of the issue year. In the event of unseasonable temperatures, vendors may request an extension of the license period during the remaining five months of the year. License fees shall not be prorated and no refunds given for any reason.
- B. The license shall not be transferable.
- C. The license is valid for one food truck, food trailer or push cart only.
- D. There shall be issued to each vendor a license to be permanently and prominently affixed in the vehicle.

§ 225- 6. Fees

- A. All vendors shall pay an annual fee as agreed upon by the Geneva City Council during the budget process.
- B. Replacement licenses shall cost \$10 for each replacement license requested.

§ 225- 7. Revocation of License

- A. The City of Geneva shall have the power to suspend or revoke a license granted or renewed pursuant to this Code for a violation by the vendor licensee, his or her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Geneva relating to the conduct of the business or trade for which the license or permit was issued, for fraud or deceit in such business or trade or for making a material misrepresentation on a license application. The City of Geneva shall also have power to revoke summarily the license or permit of any person who pleads guilty to or is convicted of violating the laws of the State of

New York or ordinances of the City of Geneva relating to the business or trade in which the licensee is engaged.

- B. The City of Geneva shall revoke a license in the event that the bond or insurance policy filed at the time of application is canceled or has expired and the holder of the license or permit has failed to file a new bond or policy within 10 days after cancellation or expiration. No part of any license or permit fee shall be refunded in the event that said license is revoked or suspended for cause.
- C. Failure to comply with the terms of a permit as issued by the City Clerk or with this chapter shall result in the denial of future applications for a Mobile Food Establishment License for one year.

§ 225- 8. Penalties for offenses

Violation of any provision in the code shall be punished by a fine of \$1,000. Each day any such violation shall continue shall constitute a separate violation.

§ 225- 9. Severability

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

This ordinance shall take effect immediately and in accordance with law.

ORDINANCE # 6 - 2023

AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 225 ENTITLED
"LICENSING OF MOBILE FOOD ESTABLISHMENTS AND PUSHCARTS"

Be it ordained by the City Council of the City of Geneva, NY that a new Chapter 225 entitled "Licensing of Mobile Food Establishments and Pushcarts" be added to the City of Geneva Municipal Code as follows:

Chapter 225

Article I

Mobile Food Service Establishments and Pushcarts

§ 225-1. Definitions

As used in this article, and the State Sanitary Code, Environmental Health Regulations subpart 14-4, the following terms shall have the meanings indicated unless the context clearly indicates that a different meaning is intended:

MOBILE FOOD SERVICE ESTABLISHMENTS - a motorized or self-propelled, self-contained food service operation, located in a vehicle, pushcart or a movable stand, self- or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.

MOBILE FOOD TRUCK – a motorized vehicle registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRAILER - a vehicle towed by another vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

PUSH CART- a cart or barrow, manually propelled, used to vend food intended for individual portion service.

COMMISSARY – an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It is also the place which is used as the base of operations for one or more mobile food service establishments or pushcarts, where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

DESIGNATED LOCATIONS – mobile food service establishment vendors who obtain a license per this section of the code will be assigned a location **at the lakefront, on city property** where their mobile food truck, food trailer or push cart may be parked during their license period **when they are in operation**.

Designated locations include: Exchange Street Parking Lot, Seneca Street Parking Lot, Lakefront (2), and Bicentennial Park with a specific parking space being assigned at the time the license is issued.

Commented [LJG1]: Changing to lakefront only

Commented [LJG2]: Cannot leave parked the entire season

VENDOR- An individual, firm, estate, partnership, company, corporation, trustee, association, or any public or private entity operating a mobile food service establishment.

§ 225- 2. General Provisions

- A. No mobile food service establishment or push cart shall operate within the public rights-of-way within the city without first having obtained from the City Clerk a valid Mobile Food Service Establishment License as prescribed in this article.
- B. Mobile food trucks shall not be greater than 28 feet in length and shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.
- C. Each mobile food service establishment must at all times carry on the vehicle a fire extinguisher and a measuring device with a measuring capacity of no less than 500 ft as a condition of its licensure. The failure of any mobile food service establishment to carry such fire extinguisher and a measuring device or abide by the proximity distance restrictions included in this article shall constitute a violation of this article.
- D. All mobile food service establishments must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.
- E. No mobile food service establishment shall operate within 100 feet of the closest point of any restaurant or sidewalk café seating area approved by the Department of Public Works.
- F. No mobile food service establishment shall operate within 500 feet of the boundary of any festival or special event that is permitted or sponsored by the city, except when the vendor has obtained a permit to so operate from the City of Geneva Events Coordinator.
- G. No mobile food truck, food trailer or push cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
- H. All food trucks and food trailers must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.
- I. Vendors are responsible for cleaning up any fluid, such as grease, gas, oil, etc., which leaks from their trucks, trailers or pushcarts.
- J. No vendor shall cry out or make loud noises for the purpose of selling any food or merchandise.
- K. No vendor shall make, continue, cause, or permit to be made or continued, any excessive noise. It shall be prima facie evidence of a violation of this section if noise emanating from any source, including, but not limited to, regular operation of the mobile food establishment or generator, is audible at a distance of 50 feet from the designated operating space from which it emanates during hours of operation.
- L. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, hydrant, sign or post, light pole, telephone pole or other street appurtenance unless otherwise noted in this article.
- M. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day.

Commented [LJG3]: Waste reference

Commented [LJG4]: Noise issue

- Vendors shall also be responsible for keeping the immediate area of their food truck, trailer or push cart free and clear of any litter, trash or spillage from the unit.
- N. No vendor shall conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, the Development Services Manager or by the local Health Department with respect to vending of food or food products. See § 225- 7 regarding revocation of license.
- O. Mobile food trucks, trailers, pushcarts, tables, chairs and trash containers cannot be left overnight nor left unattended and are the responsibility of the owner, and the City of Geneva cannot be held liable for damage or stolen property.
- P. Designated areas at the lakefront will be chosen along with the designated space in that area to be occupied by each mobile food establishment or pushcart during the hours of operation.
- Q. The City of Geneva reserves the right to relocate mobile food establishments based on city need with 30 days notice.

Commented [LJG5]: Waste reference

Commented [LJG6]: Cannot remain parked overnight

Commented [LJG7]: Remove option to remain parked in the designated spot permanently

Commented [LJG8]: Added since 1st reading

§ 225- 3. License Required for Designated Locations on City Property

- A. Any person desiring to operate a food truck, food trailer or push cart in one of five locations on city property shall make written application for such license to the City Clerk. The application for such license shall be on forms provided by the City Clerk, and shall include the following:
1. Name and address of each applicant and each corporate officer of the food truck, food trailer or push cart vending corporation, or owner of an unincorporated business.
 2. Address of the commissary used in the supply and preparation of food for this food truck, food trailer or push cart.
 3. A valid copy of all necessary licenses, permits or certificates required by the New York State Department of Health, and vendors must comply with all laws, rules and regulations of said department, including, but not limited to the State Sanitary Code, Environmental Health Regulations subpart 14-4.
 4. A valid New York State Department of Motor Vehicles registration, vehicle insurance and valid driver's licenses of all vehicle operators.
 5. A copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the vendor to collect both the New York State sales tax and compensating use taxes.
 6. A background check provided by the police department where the applicant resides. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the Correction Law after considering the factors set forth in that law.
 7. Within 10 days of the issuance of a license, the vendor will make an appointment with the Geneva Fire Chief's Office for an inspection of the mobile food truck, food trailer or push cart to determine that the vehicle meets applicable New York State Fire Codes and rules

and regulations required by the Fire Chief. The Fire Chief is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.

§ 225-4. Insurance

Before any license authorized herein shall be issued, the applicant shall file with the city proof of insurance, issued by an insurance company licensed to do business in the State of New York and approved by the City Attorney as to form, which insurance must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall not be less than \$1,000,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended except on 10 days written notice to the City Clerk served personally or by certified mail. Municipal operations, employees and property shall not be excluded from coverage. The insurance must list the City of Geneva an additional insured party.

§ 225-5. Form and Condition of License

Every food truck, food trailer or push cart vending license shall contain the following conditions:

- A. Each license shall be valid from April 1st thru October 31st of the issue year. In the event of unseasonable temperatures, vendors may request an extension of the license period during the remaining five months of the year. License fees shall not be prorated and no refunds given for any reason.
- B. The license shall not be transferable.
- C. The license is valid for one food truck, food trailer or push cart only.
- D. There shall be issued to each vendor a license to be permanently and prominently affixed in the vehicle.

§ 225-6. Fees

- A. All vendors shall pay an annual fee as agreed upon by the Geneva City Council during the budget process.
- B. Replacement licenses shall cost \$10 for each replacement license requested.

§ 225-7. Revocation of License

- A. The City of Geneva shall have the power to suspend or revoke a license granted or renewed pursuant to this Code for a violation by the vendor licensee, his or her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Geneva relating to the conduct of the business or trade for which the license or permit was issued, for fraud or

deceit in such business or trade or for making a material misrepresentation on a license application. The City of Geneva shall also have power to revoke summarily the license or permit of any person who pleads guilty to or is convicted of violating the laws of the State of New York or ordinances of the City of Geneva relating to the business or trade in which the licensee is engaged.

- B. The City of Geneva shall revoke a license in the event that the bond or insurance policy filed at the time of application is canceled or has expired and the holder of the license or permit has failed to file a new bond or policy within 10 days after cancellation or expiration. No part of any license or permit fee shall be refunded in the event that said license is revoked or suspended for cause.
- C. Failure to comply with the terms of a permit as issued by the City Clerk or with this chapter shall result in the denial of future applications for a Mobile Food Establishment License ~~for at least~~ for one year.

Commented [LJG9]: Remove at least to leave one year

§ 225- 8. Penalties for offenses

Violation of any provision in the code shall be punished by a fine of \$1,000. Each day any such violation shall continue shall constitute a separate violation.

Commented [LJG10]: Enforcement added

§ 225- 9. Severability

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

This ordinance shall take effect immediately and in accordance with law.

RESOLUTION # 19 - 2023

**MUNICIPAL RESOLUTION SUPPORTING 2023 URBAN & COMMUNITY FORESTRY
TREE INVENTORY APPLICATION**

WHEREAS, the City of Geneva is applying to the New York State Department of Environmental Conservation (DEC) for a reimbursement project grant under the Urban and Community Forestry (UCF) Program to create an inventory of the trees located on municipal parkland, streetsides, and cemeteries; and

WHEREAS, the City's last Tree Inventory is eight years old and needs to be updated to match the changing conditions; and

WHEREAS, the City's 2016 Comprehensive Plan specifically states that the "visually beautiful and ecologically sustainable environment should be celebrated and protected within the city and surrounding area," and

WHEREAS, completing an updated Tree Inventory will allow the City to obtain a more accurate picture of the City's natural assets and better ascertain how to preserve them; and

NOW, THEREFORE, be it resolved that the Council of the City of Geneva hereby does approve and endorse this application for a Tree Inventory grant under the Urban and Community Forestry Program, authorizes the Director of Public Works to proceed with any of the logistics that are needed for this grant submission, and will administer the grant in accordance with all applicable rules and regulations established by the DEC.

Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found [here](#).

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations.

As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership.

Is Vendor an entity conducting business operations in Russia, as defined above? Please answer by checking one of the following boxes:

- ☐ 1. No, Vendor does not conduct business operations in Russia within the meaning of Executive Order No. 16.
- ☐ 2.a. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but has taken steps to wind down business operations in Russia or is in the process of winding down business operations in Russia. (Please provide a detailed description of the wind down process and a schedule for completion.)
- ☐ 2.b. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but only to the extent necessary to provide vital health and safety services within Russia or to comply with federal law, regulations, executive orders, or directives. (Please provide a detailed description of the services being provided or the relevant laws, regulations, etc.)
- ☐ 3. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16.

The undersigned certifies under penalties of perjury that they are knowledgeable about the Vendor's business and operations and that the answer provided herein is true to the best of their knowledge and belief.

Vendor Name: _____
(legal entity)

By: _____
(signature)

Name: _____

Title: _____

Date: _____

Attachment S

Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of any applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

If the above certification cannot be made, the applicant must submit a signed statement below detailing the reasons why the certification cannot be made.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____



To: Clr. Camera and Clr. Gaglianese
From: Lori Guinan, City Clerk
Date: June 7, 2023
Subject: Appointments for council meeting

The Geneva Local Development Corporation would like to appoint Josh Miller and Kyle Ackart to their board.

The following people could be appointed to the Police Budget Advisory Board - Geoffrey Geiger, Tanya Higgins, Amaris Elliot Engle and Jeremy Busch as an alternate.

Office of the City Clerk
Lori Guinan

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