

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

JULY 11, 2017 – 7:00PM

Presiding – Ron Alcock, Mayor  
Present – Matt Horn, City Manager

1. ROLL CALL

**PRESENT:** Clr. Hagerman, Clr. Camera, Clr. Gramling, Clr. D’Amico, Clr. Marino, Clr. Eddington  
**EXCUSED:** Clr. Greco, Clr. Valentino

2. GENEVA FOUNDRY UPDATE

City Manager Horn provided the following update:

***Outreach Update:***

**Jessica’s Engagement since her onboarding:**

**# of homes visited: 45** – total (Out of 45, 30 Jessica has sat down and met with-most meetings are 30 minutes to as long as 1.5 hours).

**# of resident meetings: 30**

The focus of this role is to connect directly with residents on what their needs are, strategizing on a plan to get residents what they need. She is also assisting with connecting DEC and DOH with residents of the impact area.

**Access to Fresh Produce:**

Food Link’s Curbside- Every Friday. There is a new summer schedule out for Curbside adding some locations to the spring schedule. This is now each Friday throughout the summer. Schedules with locations are on our website.

We have set up a voucher program with Curbside, if you live in the impact area, you can get \$10/week of fresh foods from the Curbside Market in voucher. Jessica will be at each of the locations to get you your vouchers. You do not need photo ID, just something that indicates where you live (a cellphone bill, mailing, water bill, etc.) If you have a larger need, we will work that out with Jessica to provide more than one voucher at the visits to the truck for your family.

Partnership with the Food Justice Taskforce, led by Teresa Shaffer and Henry Farro to have a mobile food trailer in full operation. In addition to their amazing work throughout the years, they will be adding the foundry impact area to their outreach and services with this new mobile unit. They have been working with the office of neighborhood initiatives to close the gap in funding and will be working with Jessica and other community groups to get food wherever it needs to go. There will

be an additional level of this partnership to use the Innovation Kitchen for canning and freezing classes and storage space for some items when produce is not in season.

Free Little Food Pantry that we talked about at our last meeting is available at the Geneva Peeps Co-op space. Thank you to Jeff Henderson and Sara Meyer for your continued leadership there.

We are finalizing details now to work with Geneva Farmers Market vendors on a voucher program for residents to be able to come shopping at the Farmers Market for produce with a similar voucher program to curbside and are flexible in whatever the particular household need is. That is hoping to start next week.

The Ontario County Office for the Aging will be distributing Senior Farmers Market coupon booklets, total value of \$20.00. For more information, contact Jessica or the Office of the Aging at 585-396-4040.

Thank you to all of the community partners who have offered community gardens opportunities too.

**For any of these options, if the times/locations do not work for the families, we will have these options of produce delivered to their door.**

We have talked to local pedestrians and there are some foods that are high in Vitamin C, Iron, and Calcium have some correlation to reminding lead in our bodies. Stapled to the curbside fliers provided, there is a list of produce there with highlighted items that fit this description that are available at Curbside Market each Friday. There is a hand-out on lead poisoning at the information table too that was passed along to us from a local pediatrician. This listing is also great if Jessica is going to be picking these items up for you, just mark on that what you would like.

**If none of the above options work for you, please contact Jessica at 315-828-6585 or via email at [info@genenvanrc.org](mailto:info@genenvanrc.org), so that she can get you the food and/or information that you need.**

#### **Raised Garden/Flower Beds:**

DPW is able to build and deliver raised flower beds to any resident in the impact area. Jessica has been working with residents who would like these delivered very early spring next year for the whole growing season. If this is something that you would like to receive now or in the Spring, please contact Jessica at [info@genenvanrc.org](mailto:info@genenvanrc.org).

#### **Dogs-Bark Park Passes:**

We have complimentary Bark Park annual passes for anyone who lives in the impact area. Your dog does need to be registered with the city and the annual passes to the Bark Park is free. Feel free to come into City Hall on the first floor to sign up for the Bark Park. You will have to bring any proof of residency to receive the free pass.

## **Supervised Play:**

We had worked out a plan to provide a formal day-care setting or camps with our community partners and after speaking directly to residents ---that was not something that they needed at this time. We are going to be setting up supervised play in parks and other locations (for during the winter months). We are getting the plan for that off the ground now and will make an announcement ASAP. You can find several family-friendly free events that are supervised through the GNRC and Rec Department programming too that have already started for the summer. Please find more details on the info table or contact Jessica.

## **DEC:**

Availability Sessions are happening tomorrow, 3-8pm. The DEC and DOH will be there to talk with residents about their particular property or residents and answer specific questions that you may have about your parcel, timing, or the process.

*Of Note: water while work is being done:*

*Through the remediation process, the DEC may be using water on the properties, you will not see those costs, the DEC will be paying for the water that they use.*

## **Remediation Update**

### **I. NYSDEC Neighborhood Remediation Update**

#### **A. Public Meeting / Availability Sessions**

- These will be held tomorrow, July 12<sup>th</sup> at the Salvation Army of Geneva from 3 – 5 pm and 6 – 8 pm
- NYSDEC and NYSDOH will be meeting with property owners and residents to discuss the sampling results.

#### **B. Status of Remediation at the “Priority Sites”**

Properties have been identified as a priority site “based upon use (such as day care facilities), proximity to the former foundry site, and ability to secure access with the property owner.”

#### **1. Remediation Started Monday, July 10<sup>th</sup>.**

- NYSDEC has started remediation at 22 State Street
- Next week, NYSDEC intends to start remediation at 81 State Street, followed by 65 Genesee Street
- NYSDEC completed work plans for remedial activities including the Remedial Construction Work Plan, Community Protection Plan, Community Air Monitoring Plan, Vibration Monitoring Plan, and Infrastructure Protection Plan. These plans are available in the library.
- NYSDEC completed surface infrastructure documentation on approximately 3 miles of roads to be used during the first phase of construction.
- NYSDEC’s contractor completed development of the Lehigh Avenue staging area and continued mobilization activities in preparation for the start of construction.

## 2. **Work at the Remaining “Priority Sites”**

- Project Engineer continues to develop preliminary excavation figures for approval by DEC and DOH
- Nearly all building structural inspections for design parcels are complete.
- With one exception, NYSDEC has conducted homeowner meetings for all design parcels, including initial meetings to discuss excavation and restoration and follow-up meetings with owners where designs were completed.
- The meetings with homeowners included a discussion of the analytical results for the properties.

## C. **Work at the “Boundary Sampling” Sites**

- o NYSDEC continues to prepare screening parcel sampling maps and review/validate the analytical data.
- o All analytical data for 12 parcels east of Center was mailed last week.
- o Analytical data for screening parcels are now being mailed to property owners, and will continue to be issued over next few weeks.

## II. **Foundry Remediation**

- § NYSDEC has approved the Remedial Action Work Plan (RAWP) and the Community Participation Plan (CPP) pursuant to the Brownfield Cleanup Agreement the City executed with NYSDEC
- § Both the RAWP and CPP are available in the Library
- § A Fact Sheet in English and Spanish will be sent by the City notifying the public of the approval by NYSDEC and commencement of the remediation work at the Foundry site
- § The City expects to begin

City Manager Horn said since working with the DEC and with their responsiveness and holding regular meetings, we've been able to get residences the answers they're looking for. Now that we see a much greater need in direct services to residents, staff would like to reallocate funds from the 2017 budget amendment for Regulatory Advocacy. With Council approval, staff would like to reallocate those funds from the contract service line number into direct services. Staff received consensus from the Council present.

## 3. **PROCLAMATION: DISABILITIES AWARENESS MONTH**

Mayor Alcock read a Proclamation proclaiming the month of July as Disability Awareness Month in the City of Geneva. He commended the Aid to Handicapped Committee for its dedication to making disability awareness part of our everyday lives.

## 4. **PUBLIC HEARING – SALE OF IDLEWOOD DRIVE PARCEL**

Mayor Alcock opened Public Hearing at 7:23pm.

As no persons of interest came forward, Mayor Alcock closed Public Hearing at 7:24pm.

5. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling  
MOVED THAT minutes of the June 7, 2017 regular meeting be approved  
MOTION CARRIED UNANIMOUSLY (7)

6. CORRESPONDENCE

The City Clerk reported that on June 26, 2017, the City was served a Notice of Litigation, relative to Zoning Board of Appeals of the City of Geneva, New York, Trinity Episcopal Church and McGroarty Investments, LLC. All correspondence has been distributed to Mayor Alcock and all Council members.

7. PUBLIC COMMENT

Mayor Alcock opened the Public Comment at 7:24pm.

**Sue Rago, 16 Jackson Street.** Displaying actual Foundry weed overgrowth, Ms. Rago made reference to the recent notice residents received stating if they don't take care of their lawns that the City would take care of it and bill them for the work. She said the residents of Jackson Street have to look at those weeds every day. She asked City Council, "When I call someone to clean up the site, where do I send the bill"? Ms. Rago invited the full Council to take a walk down Jackson Street so that they can see for themselves. She said the money spent on Linden Street could be well spent on Jackson Street. She added she has the highest esteem for the City workers of the City of Geneva, noting when it snows, they are there plowing and when debris needs to be picked up, they are there picking it up. She said and they have always been great but she would like to see these weeds taken care of as soon as possible.

**Laura Salamendra, 12 Universal Avenue.** Ms. Salamendra said on June 8<sup>th</sup> in a statement on Finger Lakes 1, City Manager Horn said the City has been working to provide free fruits and vegetables for residents in the Foundry zone, and we just heard a little bit about that. She said just yesterday, two weeks later, they heard what that effort looked like. For a family of 5 living in the contaminated zone they were offered a \$10 voucher for Food Link to be redeemed with a photo ID. She said while this effort is appreciated, it is insufficient and problematic for a number of reasons. She asked how the City reached that figure. For residents that depend on a garden that they cannot plant, this amount for produce is not nearly enough. She said the City only communicated this offer through their hired liaison that knocked on a small number of doors. This liaison did not attend their last community meeting or respond to emails for information and this is unacceptable. The lack of communication between the City and its residents is insulting. If the City is going to continue to pay a liaison a salary, it is expected that she reach out to residents, attend meetings and respond to emails. She added it would be helpful if information about these vouchers were given in both English and Spanish. She questioned the need for residents to show ID. She said photo IDs costs money and not everyone has all the necessary paperwork to obtain one, noting research shows that requiring an ID for services negatively impact our most vulnerable neighbors. She said this is just another unnecessary hurdle that will prevent people from getting what they need. Regarding community gardens and raised beds, she said, there is a time issue, as residents need them now. She said this holds true for supervised play areas because kids need a place to play now. She said since the last City Council meeting, the DEC released a statement that refused the former Director of Public Works, who shall not be named, claim that he was unable to inform residents that they were living in poison. On July 3rd, the Geneva Women's Assembly called a press conference to address this new information. She read an excerpt from what they talked

about there. Ms. Salamendra said when a community had been wronged, the responsible party must be held accountable. She said this is not a blame game or a game at all. It's a call for accountability. The City of Geneva must accept responsibility for their failure and must right their wrong. They can do that by meeting their list of demands but that is not enough. Geneva must also address the violation of trust between the City and its residents and this can only be remediated with the truth. She said the DWA, the Foundry Action Committee and residents of Geneva demand that the City cooperate and fully fund an immediate and independent investigation into all Foundry-related matters. Genevans cannot expect to move forward or trust their City until they know what really happened so they can be sure that it never happens again. Ms. Salamendra said since that press conference, she has met with Clr. D'Amico on two separate occasions and he has been very clear about support for an independent investigation by a committee made up of at least one fact member, one fact group attorney, one public health official and an expert in environmental science. Tonight, she said Clr. D'Amico has promised to do the right thing by proposing a resolution that will get this investigation started and we are grateful to him for this. She encouraged all of Council to support that resolution and cooperate fully with an investigation so that they can begin to move forward.

**Kara Helstrom, 12 Jackson Street.** Ms. Helstrom said her youngest child has tested positive for lead since he was 1 year old and he just turned 4 years old. She said they found out it was from their contaminated soil. She said she feels that the City hasn't really reached out to her in any way since this happened, with the exception of Clr. Gramling until yesterday when Jessica stopped by. She said her children are all home this summer and they cannot play in their backyard. She said the \$10 voucher is nice, but her kids need a place to play. She said she feels betrayed, because as a mother should could have protected her son better had she been aware their soil was contaminated with lead. She said she feels there really isn't too much you can do now to make up for that except an apology and a promise that it is not going to happen to another Geneva resident in the future.

**Robert McLean, 50 Park Place.** Mr. McLean said since March, a lot of work organizing with the Geneva Women's Assembly and the Action Foundry Committee has been focused on the Foundry, the zone surrounding it and the tragic comedy of errors that is no comedy at all, because it is about the slow-motion poisoning of the neighborhood and the countless disregard of their political leaders. He said he has watched and listened as the City has responded as the reality of this disaster has sunk in, adding he has not been impressed. Mr. McLean said the City has consistently obfuscated both the reality on the ground and the broken processes of government that led them to this situation. He said the City has at times denied there is a problem, denied that a reasonable person might perceive a problem and has implied that not informing the people of a deadly public health hazard and the serious contamination of their homes was either normal or a contractual obligation imposed by the State. He added the City's self-serving explanations and evasions – one might say defy common sense, noting another thing that doesn't pass the "smell test" are the attempts to restrict speech. Restricted rules are brought up, tabled and then imposed anyway with total inconsistency; all this to protect the feelings and sensitivities, not of the people who have been poisoned but of Council itself. He said when people are facing real destruction – a real slow motion catastrophe whose health effects we are only beginning to comprehend, scoring rhetorical points or playing games of political hot potato, these distractions seem to be less important and less cute. He urged Council to please stop the games, get to work for the people or get out of the way of the people who are here to help themselves. Referring to Mr. Horns comments, earlier, he said this process has begun, but until recently the focus has been on blaming residents and activists. Part of dealing with failure is understanding how it happened. He asked that Council continue to put the City's resources to work and alleviate the suffering this crisis has caused in which the City needlessly prolonged. Get on the right side of the street; it's better late than never.

**Jackie Augustine, 263 Pulteney Street.** Ms. Augustine said she would like to encourage some openness and dialogue with the residents. She said people have ideas about what will work to make things better and instead of going directly to them, it's always mediated to them through the media or a consultant, etc. She said she doesn't understand why Council cannot hold a special meeting so that they can participate and talk directly to the residents. She said you might say the specter of a lawsuit is what's been preventing comment. She said when she issued an apology, she was surprised and disappointed to learn that it was the first apology and more surprised that it was the last apology. She added it's not about blame but about acknowledging there is a lot of fault to go around and we need to figure out what happened, so that we can make it better and that it doesn't happen again. She said she questioned whether there was any historical precedence for meeting with people who are or potentially suing the City and there is. She said they met with Chris Iverson about 380 South Main Street; they met with Town of Geneva when they were engaged in sewer negotiations which led to a lawsuit and when the Benefit Assessment District was up and being potentially litigated; Council met at the HWS's Presidents house for dinner to discuss that. She said there is a longstanding history of engaging with people who are or might sue the City about wrong that they feel has been done to them. So, she said in this issue, when we're talking about residents of the community that have been harmed by the inactions of City government, why do we have to spend extra money to buffer criticism, instead just come out, talk to people and hear their ideas. She said she will guarantee that at the end of that meeting you will have an action plan that you can immediately put into place instead of taking months and months to offer something and get feedback that is not quite right. She urged Council to get everyone in the same room and get it over with, so that everybody's lives can be a little better.

**Greg Frost-Arnold, 288 Lafayette Avenue.** Mr. Frost-Arnold said pretty much everything he wanted to say has been said by everyone before him tonight. He added all the talk about not playing the blame game surprised him. He said the reason to make an apology is to restore trust. He added you shouldn't be more worried about a lawsuit than restoring the trust of City residents.

**Hannah Dickinson, 50 Park Place.** Ms. Dickinson reminded Council that she and others previously requested they consider having a Spanish interpreter attend City Council meetings.

Ms. Dickinson said she was pleased to learn that the City of Geneva is taking seriously the demands of the Foundry Action Committee, especially those related to fruits and vegetables. She said it is an important step for building trust and a crucial step in mitigating the effects of lead and arsenic poisoning. She said calcium, iron and other minerals in vegetables keep lead from being absorbed into children's bones. She added while going door to door with other Foundry Action Committee members, she learned that a child in the Foundry zone tested at 15 for lead poisoning two years ago, noting County officials checked her house but had no idea what caused high test levels. They now know it was the poison soil and no one told her. A "green diet" was recommended for her child and thankfully he is doing better. She thanked City Manager Horn for all the things they are pursuing now. Ms. Dickinson asked the following questions:

- How will the City make sure residents know that raised beds are available?
- How can we ensure raised beds are constructed as quickly as possible?
- How will the City make sure renters also have access to raised bed gardening?
- How do residents that work during the day or have mobility issues get access to Food Link Vendors?
- Is it necessary to make people prove that they have a right to free fruits and vegetables every week, suggesting the City provide a book of vouchers, a punch card or a laminated card that they can bring with them?
- Is a \$10 voucher reasonable/sufficient?

In closing, she said she is really excited to see the start of some action plans.

As no other persons of interest came forward, Mayor Alcock closed Public Comment at 7:49pm.

8. RESOLUTION AUTHORIZING CDBG GRANT APPLICATION – MICROENTERPRISE ASSISTANCE PROGRAM

City Manager Horn said we are in the process of developing grant applications and all five resolutions require City Council support. He presented the following resolutions:

**WHEREAS**, the Geneva City Council has identified “Economic Development” and “Cultivating Pride in Place” among our Strategic Imperatives for Success, and

**WHEREAS**, the Policies on Lakefront and Downtown Development adopted in 2009 by the City of Geneva, and the Full Occupancy initiative adopted by the Business Improvement District in 2009 identify downtown Geneva as an opportunity for revitalization activities; and

**NOW, THEREFORE, BE IT RESOLVED** that Mathew D. Horn, as City Manager of the City of Geneva, is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its Community Development Block Grant Microenterprise Program 2017 for businesses city-wide, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Geneva for the MAP-6 Project.

**RESOLVED** this 11<sup>th</sup> day of July, 2017

City Manager Horn said these funds support small businesses (5 or fewer employees). On an average, \$25,000 was awarded to 8 businesses each (6 new and 2 expanding). He said it is required that each awardee get training, even the existing businesses, which is one of the reasons we have been so successful. He said we are making application for \$200,000 in Microenterprise Assistance Program and there is no required match from the City.

~ AND ~

9. RESOLUTION AUTHORIZING CDBG GRANT APPLICATION – CITY HALL ACCESSIBILITY PROJECT

**WHEREAS**, the Geneva City Council has identified “Economic Development” and “Cultivating Pride in Place” among our Strategic Imperatives for Success, and

**WHEREAS**, the Policies on Lakefront and Downtown Development adopted in 2009 by the City of Geneva, and the Full Occupancy initiative adopted by the Business Improvement District in 2009 identify downtown Geneva as an opportunity for revitalization activities; and

**WHEREAS**, the addition of an elevator to Geneva City Hall will remove architectural barriers within the historic City Hall and the proposed structural improvements will reduce the physical barriers approved by the Americans with Disabilities Act (ADA), allowing for full access to City Departments and public assembly for all populations; and

**NOW, THEREFORE, BE IT RESOLVED** that Mathew D. Horn, as City Manager of the City of Geneva, is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its Community Development Block Grant Public Facilities Program, and upon approval of said request to enter into and execute a project agreement with the



State for such financial assistance to the City of Geneva and provide the required City cash match for the construction of the City Hall Elevator Project and that the Geneva City Council fully supports this project.

**RESOLVED** this 11<sup>h</sup> day of July, 2017

City Manager Horn said this project is under design with MRB who is the Architect and Engineer of record on the project. They identified the CDBG Municipal funds to support this project. The application is for \$250,000 to support access improvements to City Hall. The City has already allocated \$150,000 to this project and there will be no additional financial impact to the City beyond that.

~ AND ~

10. RESOLUTION AUTHORIZING GRANT APPLICATION – INFLOW AND INFILTRATION TECHNICAL ASSISTANCE

**WHEREAS**, the Geneva City Council has identified “Talent Capitalization” and “Pride of Place” among its Strategic Imperatives for Success; and

**WHEREAS**, the Geneva City Council recognizes that the Wastewater Collection System is experiencing a significant amount of Inflow and Infiltration (I&I), contributing other sources of water to the collection system other than wastewater; and

**WHEREAS**, I&I in the Wastewater Collection System contributes water flow that reduces the available capacity of the wastewater treatment and collection system, increases operation and maintenance costs in the wastewater treatment and collection system, increases the potential for sewer overflows and inadequate wastewater treatment and therefore it is in the interest of the City of Geneva to reduce I&I as much as practical and cost feasible; and

**WHEREAS**, the first step in reducing I&I is to complete a study that will help identify the sources of I&I and that grant monies to help assist in this study may be pursued through the New York State DEC and EFC Engineering Planning Grant Program; and

**WHEREAS**, the Geneva City Council supports the submission of a grant application to the New York State DEC and EFC Engineering Planning Grant Program; and

**NOW, THEREFORE, BE IT RESOLVED** that Mathew D. Horn, as City Manager of the City of Geneva, is hereby authorized and directed to file an application for funds from the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Geneva and provide the required City match for the development of a plan for the City of Geneva Inflow and Infiltration Engineering Planning Project.

**RESOLVED** this 11<sup>h</sup> day of July, 2017

City Manager Horn said the Environmental Facilities Corporation has infrastructure planning grants and the City has challenges with inflow and infiltration where our underground wastewater infrastructure has opportunities for rain water to get into it. Since it costs money to treat wastewater and that process doesn't differentiate between rain water and wastewater, every gallon of water that flows through the plant is treated as if it were wastewater. These funds would support an engineering study to identify the areas which we've previously identify as inflow and infiltration

issues. This is a \$50,000 grant application and requires a \$6,000 match, which we would include in the 2018 budget.

~ AND ~

11. RESOLUTION AUTHORIZING GRANT APPLICATION – ZONING ORDINANCE UPDATE

**WHEREAS**, the Geneva City Council has adopted “Asset Promotion” and “Pride of Place” among our “Strategic Imperatives for Success,” and

**WHEREAS**, the Comprehensive Plan and Community Decision-Making Guide in 2016 recommended modernizing the City’s development regulations; and

**NOW, THEREFORE, BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does direct and authorize Mathew D. Horn, as City Manager of the City of Geneva, to file an application for funds from the New York State Department of State Local Waterfront Revitalization Program in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Geneva for the Waterfront Revitalization Program titled “Zoning Ordinance Rewrite”.

**RESOLVED** this 11<sup>th</sup> day of July, 2017.

City Manager Horn said the 2016 Comprehensive Plan calls for a rewrite of the City’s Zoning Ordinance that gives more deference to form than use. We are taking steps to advance that directive. This is a \$150,000 grant for zoning text rewrite, which would require a \$50,000 match.

~ AND ~

12. RESOLUTION AUTHORIZING GRANT APPLICATION – DOVE BLOCK PRESERVATION

**WHEREAS**, the Geneva City Council has identified “Economic Development” and “Cultivating Pride in Place” among our Strategic Imperatives for Success, and

**WHEREAS**, the Policies of Lakefront and Downtown Development adopted in 2009 by the City of Geneva, and the Full Occupancy Initiative adopted by the Business Improvement District in 2009 identify downtown Geneva as an opportunity for revitalization activities; and

**WHEREAS**, redevelopment of the Dove Block building (459-465 Exchange Street) closely aligns with the principles of previously commissioned studies, Council imperatives, and the goals of the New York Main Street Program; and

**NOW, THEREFORE, BE IT RESOLVED** that Mathew D. Horn, as City Manager of the City of Geneva, is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its New York Main Street Downtown Anchor Project Grant Program 2017, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Geneva for the Dove Block Redevelopment Project.

**RESOLVED** this 11<sup>th</sup> day of July, 2017

City Manager Horn said City Council supported a successful application for New York Main Street Technical grant to do architectural and engineering analysis at the Dove Block and that work is

now completed. This application is for \$500,000 for construction funds for that project, which will require no match from the City.

For the Microenterprise Assistance Block Grant, Clr. Gramling asked if there is an estimated time in which they will be available for the community. City Manager Horn said the deadline for our application to the State is the end of this month and awards are typically made by the first week in December, noting outreach for applications will be in the spring of 2018.

When Clr. D'Amico asked how extensive the application is, City Manager Horn said it can be as simple as 2 or 3 pages. City Manager Horn will ask Collette Barnard to forward Council the application.

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling  
MOVED THAT these resolutions be approved  
MOTION CARRIED UNANIMOUSLY (7)

13. RESOLUTION AUTHORIZING SALE OF 121 NORTH GENESEE STREET

City Manager Horn presented the following resolution:

**WHEREAS**, the Geneva City Council has identified Economic Development among its Strategic Imperatives for Success; and

**WHEREAS**, the City maintains an inventory of publicly-owned property; and

**WHEREAS**, annually, the City staff conducts a review of City-owned property to determine if there is further public purpose, or if releasing the property for sale would assist in Council's community development objectives; and

**WHEREAS**, Council has determined that 121 North Genesee Street in the City no longer serves a public purpose, and sale of this lot would contribute to Council's community development objectives.

**WHEREAS**, a public hearing was held on June 7, 2017 for the sale of the lot; and

**WHEREAS**, staff has received a proposal from Jerome Phillips to purchase the property for \$700.

**NOW, THEREFORE, BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager and City Attorney to prepare documents necessary to affect the sale of the aforementioned property to Jerome Phillips for \$700, and to take steps necessary to restrict its use to prohibit the development of a primary structure on the site.

**RESOLVED** this 11<sup>th</sup> day of July, 2017.

City Manager Horn said this was a blight remediation project and was part of our 2016 demolitions. The adjacent property owner, Jerome Phillips made a request to purchase it and intends to preserve it as green space. A call for bids from all adjacent property owners and Mr. Phillips had the highest bid at \$700.

ACTION TAKEN by Clr. Camera; seconded by Clr. Eddington  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY (7)

14. RESOLUTION ESTABLISHING PUBLIC HEARING – SALE OF PORTION OF 3683 COUNTY ROAD 6

City Manager Horn presented the following resolution:

**WHEREAS**, the City of Geneva owns real property located at 3683 County Road 6; and

**WHEREAS**, the Geneva City Council has deemed that a portion of the property no longer serves a public purpose and should be sold to a private party; and

**WHEREAS**, staff has received private interest in this property; and

**WHEREAS**, if a proposal is determined to be in the best interest of Geneva residents, City Council anticipates a sale of the property.

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing for the sale of the above referenced property be held at the regular City Council meeting on August 2, 2017.

**RESOLVED** this 11<sup>th</sup> day July, 2017

City Manager Horn said staff will have a full overview on this at the public hearing next month. He said this project is known as the City's water tower, which is located on County Road 6. The property is about 6 acres, 3 of which has not been used in over 30 years and is not accessible by any other means other than by an adjacent property owner. The adjacent property owner has inquired as to future municipal use on the site and our engineers has determined it has no further municipal value.

ACTION TAKEN by Clr. Camera; seconded by Clr. Hagerman  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY (7)

15. RESOLUTION AUTHORIZING PAYMENT IN LIEU OF TAX AGREEMENT – COURTYARD APARTMENTS

City Manager Horn presented the following resolution:

PAYMENT IN LIEU OF TAX AGREEMENT

THIS AGREEMENT, made as of the \_\_\_\_ day of \_\_\_\_\_, 2017 is by and among GENEVA COURTYARD HOUSING DEVELOPMENT FUND COMPANY, INC., a New York Not-For-Profit Corporation, formed pursuant to Article XI of the New York State Private Housing Finance Law (the "PHFL"), having its offices at c/o Finger Lakes Community Development Corporation, 41 Lewis Street, Geneva, New York 14456 (the "HDFC"), which will hold title to the Property (as hereinafter defined) for the benefit of GENEVA COURTYARD LIMITED PARTNERSHIP, a New York limited partnership, having its principal office at c/o Finger Lakes Community Development Corporation, 41 Lewis Street, Geneva, New York 14456 (the "Partnership"), and the CITY OF GENEVA, a municipal corporation, with offices at 47 Castle Street, Geneva, New York 14456 (the "City").

WITNESSETH

WHEREAS, the HDFC is, or will become, the bare legal or record owner, and the Partnership is, or will become, the beneficial and equitable owner, of certain real property located at 10 Goodman Street, at Goodman Street and Pre-Emption Street, at a portion of 35 Hawkins Avenue (which address is the subject of a pending Minor Subdivision application as more fully set forth on Exhibit A), and at Goodman Street and Martin Luther King, Jr. Drive, all in the City of Geneva, County of Ontario, State of New York, and more specifically described at Exhibit A attached to and made a part of this Agreement (together, the “Property”); and

WHEREAS, the HDFC has been organized exclusively to develop, on a not-for-profit basis, affordable housing projects pursuant to Article XI of the PHFL; and

WHEREAS, the HDFC is the general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of low income; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, New York State Homes and Community Renewal (“NYS HCR”), the City, the Partnership and the HDFC, have recognized the need for affordable housing for families in the City of Geneva; and

WHEREAS, the Project Description contained in Exhibit B attached to and made a part of this Agreement outlines the development of the affordable housing project known as Geneva Courtyard Apartments (the “Geneva Courtyard Project”, or the “Project”) in the City of Geneva; and

WHEREAS, the HDFC has acquired or will acquire fee title to the Property, upon which the Project will be developed; and

WHEREAS, the Partnership shall supervise the renovation and/or construction of the Project, which is anticipated to be financed in part with loans from both public and conventional sources; and

WHEREAS, the HDFC and the Partnership intend that the Project shall also be financed through the sale of Low Income Housing Tax Credits (“LIHTC” or the “Tax Credits”) pursuant to Title 26, United States Code Annotated, Section 42, pursuant to which the Tax Credits will be available for a period of ten (10) years under the LIHTC program, and the Project must maintain its low-income housing status for up to fifty (50) years to be qualified for the program and other subsidy programs appropriate or necessary for the financing of the Project; and

WHEREAS, with the consent of the City, so long as the bare legal or record title to the Property and the Project is owned by the HDFC, the Project shall remain exempt from the payment of real property taxes, other than assessments for local improvements, pursuant to PHFL Section 577; and

WHEREAS, as of the date on which the HDFC takes bare legal or record title to the Project, as nominee for the Partnership (the "Closing"), the Project will be qualified under the Tax Credits guidelines (as defined on page 2), above) and other regulatory requirements of the applicable financing agencies and

WHEREAS, the HDFC, the Partnership and the City deem it necessary and proper to enter into an agreement making provision for payments in lieu of taxes by the Partnership to the County of Ontario (the "County"), to the City and to the Geneva City School District (the "School District") (collectively, the "Taxing Jurisdictions"); and

WHEREAS, pursuant to PHFL Section 577(1), the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the City Council of the City of Geneva, New York by resolution adopted \_\_\_\_\_, 2017, approved and authorized the execution of this Agreement;

NOW, THEREFORE, in consideration of the renovation and construction of the Project by the Partnership on the Property, and in consideration of the covenants herein contained, it is mutually agreed as follows:

1. The Recitals are made a material part of this Agreement.
2. The Property shall be developed by the Partnership into the Project as described on Exhibit B, as an affordable rental housing project for rental to households of low income.
3. Pursuant to PHFL Section 577, the Project shall be exempt from City, School District and County real property taxes, other than assessments for local improvements. Such exemption shall be effective on the first applicable taxable status date following the Closing. This Agreement shall continue for forty (40)

years and thereafter as long as the Property and the project are owned by the HDFC, unless terminated sooner under Sections 8 and 12 of this Agreement.

4. As long as the Property is owned by the HDFC, as the bare legal or record owner, and the Partnership, as beneficial owner, and used for the purpose of affordable housing as defined herein, and the Project continues to be exempt from real property taxes, the Partnership agrees to pay annually to the Taxing Jurisdictions as payment in lieu of taxes (the "PILOT") an amount equal to:

- (a) Renovation/Construction Loan Phase. During the time that the Project is under construction following the issuance of a building permit and until a Final Certificate of Occupancy is issued, HDFC shall remit to the City One Thousand Dollars (\$1,000.00) annually by June 1<sup>st</sup> of each year following the issuance of the building permit.
- (b) Post Construction Loan Phase. Following the issuance of a Certificate of Occupancy for the Project, the Partnership shall remit annual PILOT payments computed at 10 percent (10%) of the collected Shelter Rent received by the Partnership during each full calendar year subsequent to the year in which the Certificates of Occupancy is issued for the Project. The PILOT payments shall be made to the City by June 1<sup>st</sup> of the year following the calendar year for which tax liability has been determined and by June 1<sup>st</sup> each year thereafter during the term of this Agreement. "Shelter Rent" is defined as gross rental income, less utilities (including water, sewer, electricity, gas, fuel oil, cable and telecommunications) paid by the Partnership. Each payment shall be accompanied by documentation supporting the calculation.
- (c) Late Payments. Any PILOT that is not paid by its due date shall accrue interest at the rate of five percent (5%) in the first month and one percent (1%) each month thereafter. Failure to make a PILOT payment within six months of its due date shall be deemed a violation of this Agreement, and if such nonpayment is not remedied within ten (10) business days after written notice to the Partnership of such default, shall result in the automatic termination of this Agreement without further notice.
- (d) Payment Apportionment. The City shall distribute the PILOT among the Taxing Jurisdictions in the proportion of the amount of real property taxes that would have been paid to each Taxing Jurisdiction for such year if the Project were not exempt from real property taxation bears to the total real property taxes which would have been paid to all of the taxing Jurisdictions for such year if the Project were not exempt from taxation.

- (e) No PILOT payment for any year shall be made to the City in excess of the amount of the real property taxes which would have been paid to the Taxing Jurisdictions for such year if the Project were not exempt from taxation.

5. All units at the Project will be leased to tax credit eligible tenants or tenants otherwise satisfying the regulatory requests of those agencies financing the Project. Tenant income levels and rents charged at these units must meet the requirements of (a) the LIHTC program, and (b) Title I of the Housing and Community Development Act of 1974 (Public Law 93-387) as amended.

6. The Partnership and the HDFC shall annually and without demand by the City deliver to the City financial statements reviewed by an independent certified public accountant and prepare and deliver management reports of its compliance with all terms of this Agreement and of PHFL Article XI, and all audit reports, including executive and/or management findings, required by the Commissioner of NYS HCR, as well as all other audit reports required by any other regulatory agency concerning the Project. The Partnership and the HDFC shall also, promptly and without demand by the City, provide to the City copies of any and all notices of default or violation received from any regulatory agency concerning the Project. The Partnership and the HDFC shall furnish to the City a copy of any Regulatory Agreement with a municipality, state or instrumentality thereof that restricts the occupancy of the Project based on family income and the Partnership and the HDFC shall notify the City immediately upon any suspension, revocation, and/or termination of any Regulatory Agreement without demand by the City. The Partnership shall provide to the City without demand by the City proof that title to the Property has been conveyed to the HDFC. The City shall, upon reasonable notice, have access to all documents and records of the Project, including computerized records, on an ongoing basis and the City specifically reserves the right to audit the Partnership and the HDFC to insure compliance with this Agreement; provided however, that all tenant files, including without limitation all tenant-eligibility records, shall be unavailable for inspection and shall remain confidential. The City shall be permitted to make physical inspection of the Project upon request and reasonable notice.

7. The City retains all applicable rights granted to it under the Housing Development Fund Companies Law (PHFL Article XI) to regulate and monitor the Project and the HDFC. The Partnership and the HDFC shall comply with all applicable provisions of PHFL Article XI in their ownership and operation of the Project.

8. If the Partnership or the HDFC violates any provision of this Agreement, except failure to pay as addressed in Section 4(c), and such violation is not cured within sixty (60) days after receipt of written notification from the City of such violation, and if the Partnership or the HDFC, as the case may be, is not



acting to cure such violation, or in the event the violation is not reasonably capable of being cured within such sixty (60) day period, the tax exemption granted hereunder and this Agreement shall immediately terminate. In addition, any change to the following shall constitute grounds for termination of the exemption and this Agreement:

- (a) Any material change to any representations made in this Agreement by the Partnership or by the HDFC;
- (b) Any material change to the HDFC including material modifications to the Certificate of Incorporation, dissolution, and/or the sale of all or substantially all of the assets of the HDFC without the prior written consent of the City;
- (c) The suspension, revocation and/or termination of any consent by any regulatory agency that is necessary for the Partnership to operate the Project as represented herein.

9. Special district charges, special assessments, and special ad valorem levies, unless otherwise exempt, are to be paid in full in accordance with normal billing practices, except that the HDFC and the Partnership shall not be liable for any charges, assessments, levies or other amounts otherwise payable to the City of Geneva Business Improvement District (BID).

10. The Partnership and the HDFC shall have all of the rights and remedies of a taxpayer with respect to any tax, service charge, special benefit, ad valorem levy, assessment, special assessment or service charge, which the Partnership is obligated to pay pursuant to this Agreement.

11. The Partnership and the HDFC shall have all of the rights and remedies of a taxpayer with respect to any proposed assessment or change in assessment with respect to the Property or the Project by any of the Taxing Jurisdictions, and likewise shall be entitled to protest before and be heard by the appropriate Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings to review the validity or amount of any assessment or the validity or amount of any tax equivalent provided for herein.

12. The tax exemption provided by this Agreement will continue for the term described in Section 3, above, provided that (a) the Property continues to be used as workforce housing facilities for persons of low income, and (b) any of the following occur: (i) the HDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; or (ii) the HDFC assumes the sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Project

shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest shall operate the Property in conformance with Article XI of the PHFL.

13. In the event this Agreement is terminated as outlined herein, then the Partnership agrees to pay on each future tax lien date, to each Taxing Jurisdiction, an amount equal to the taxes and assessments which will be deemed levied on the Property as if the Property had been classified as fully taxable as of the date of loss of eligibility of all or a portion of the exemption described herein.

14. If payments are not made as provided for herein, the City shall be entitled to pursue any and all remedies afforded to it at law or in equity.

15. This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

17. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested, or by such other means as shall provide the sender with documentary evidence of such delivery.

18. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties, enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_  
day of \_\_\_\_\_, 2017.

GENEVA COURTYARD HOUSING DEVELOPMENT FUND  
COMPANY, INC.

By:

-----

Name: Andrew R. Tyman  
Title: Chief Executive Officer

GENEVA COURTYARD HOUSING LIMITED PARTNERSHIP

By: Geneva Courtyard Housing Development  
Fund Company, Inc., its General Partner

By: \_\_\_\_\_

Name: Andrew R. Tyman  
Title: Chief Executive Officer

CITY OF GENEVA

By: \_\_\_\_\_

Name: Mathew Horn  
Title: City Manager

STATE OF NEW YORK )  
COUNTY OF ONTARIO )ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Andrew R. Tyman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF ONTARIO )ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Mathew Horn, personally known to me or proved to me on the basis of

satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

(Remainder of page intentionally blank)

## EXHIBIT A

### PROJECT DESCRIPTION

#### THE GENEVA COURTYARD PROJECT

That certain apartment project located at and commonly known as 10 Goodman Street, City of Geneva, Ontario County, New York, designated as Courtyard Apartments.

Up to 124 units of low income housing

The Property consists of the following:

<u>Street Address</u>	<u>Tax Map Number</u>
➤ 10 Goodman Street Includes all 124 residential units, and Community Building with Site Offices, and parking. (Approximately 10.5 acres)	91.17-2-4.2
➤ Goodman Street at Pre-Emption Street Includes vacant land and play area, east of Community Building and Residential Buildings, to be improved in part by new parking lot. (Approximately 2.7 acres)	91.17-2-5
➤ <u>Part of</u> what is currently designated as 35 Hawkins Avenue Currently being subdivided from existing parcel; application pending before Planning Board. Includes portion of playground area with basketball court, climbing area and gazebo. (Approximately 0.6 acre)	91.17-2-13.2

- Goodman Street at Martin Luther King, Jr. Drive 91.17-2-57

Includes some play area and equipment,  
and some parking.

(Approximately 1.9 acre)

(Legal description [metes-and-bounds] will follow  
when transaction survey map is completed)

City Manager Horn said Courtyard Apartments and most of Geneva Housing properties are under a current payment in lieu of tax agreement, which provides payment to the City for services to those properties. Payments under these agreements are typically calculated according to “sheltered rent”. Sheltered rent is gross revenues less utilities associated with the properties. GHA is attempting to take on a rehabilitation of buildings at Courtyard Apartments and have identified multiple financing opportunities. They are seeing a reduction in the current funding source that supports operations at Courtyard Apartments. He said identifying a new funding source for operations and a new mechanism for financing improvements would require a change in ownership to a not-for-profit housing finance corporation. The PILOT is valid so long as the property is owned by the new not for profit. He included a comparison (attached) of the previous collections and collections under the new arrangement and the City does stand to see about a \$20,000 increase under the new arrangement each year.

Attorney Eades said all 24 units at Courtyard Apartments will be renovated for approximately \$10M. He said the project was built as Chartres Homes around 1956-1958. He said it was a State project at that time and the City was responsible for any loss that occurred; however, in 1994 it was federalized and substantial work was done but that was over 30 years ago. He said we don't have the funds to keep the repairs going or make the necessary improvements. As stated by City Manager Horn, this program that the Federal Government is recommending will get it out of public housing and be owned by a private entity and the funds will be made available by a number of sources to be able to do that work.

# Geneva Housing Limited Partnership

## Geneva Courtyard Apartments

### Projected Payment of In Lieu of Tax Calculation (10-Year Forecast)

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10	10 YEAR TOTAL
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#### I. Payment in Lieu of Taxes (Current PUBLIC HOUSING PILOT)

##### a. Ten Percent (10%) of Gross Rents minus Utilities

Courtyard Apts.	\$ 543,210	\$ 554,074	\$ 565,156	\$ 576,459	\$ 587,988	\$ 599,748	\$ 611,743	\$ 623,978	\$ 636,457	\$ 649,186	\$ 5,947,998
Net Residential Rents	\$ 255,809	\$ 259,646	\$ 263,541	\$ 267,494	\$ 271,506	\$ 275,579	\$ 279,713	\$ 283,908	\$ 288,167	\$ 292,489	\$ 2,737,853
Minus Utilities	\$ 287,401	\$ 294,428	\$ 301,615	\$ 308,965	\$ 316,482	\$ 324,169	\$ 332,030	\$ 340,069	\$ 348,290	\$ 356,697	\$ 3,210,145
Total Taxable Rent	\$ 28,740	\$ 29,443	\$ 30,161	\$ 30,896	\$ 31,648	\$ 32,417	\$ 33,203	\$ 34,007	\$ 34,829	\$ 35,670	\$ 321,015
<b>PILOT @ 10%</b>											

##### b. Allocation of PILOT Payment

	Allocation by Percent											
City	37.06%	\$ 10,951	\$ 10,912	\$ 11,178	\$ 11,450	\$ 11,729	\$ 12,014	\$ 12,305	\$ 12,603	\$ 12,908	\$ 13,219	\$ 118,988
County	15.42%	\$ 4,432	\$ 4,540	\$ 4,651	\$ 4,764	\$ 4,880	\$ 4,999	\$ 5,120	\$ 5,244	\$ 5,371	\$ 5,500	\$ 49,500
School	47.52%	\$ 13,657	\$ 13,991	\$ 14,333	\$ 14,682	\$ 15,039	\$ 15,405	\$ 15,778	\$ 16,160	\$ 16,551	\$ 16,950	\$ 152,546
Total	100%	\$ 28,740	\$ 29,443	\$ 30,161	\$ 30,896	\$ 31,648	\$ 32,417	\$ 33,203	\$ 34,007	\$ 34,829	\$ 35,670	\$ 321,015

#### II. Payment in Lieu of Taxes (PROPOSED PILOT MODIFICATIONS)

##### a. Ten Percent (10%) of Gross Rents minus Utilities

Courtyard Apts.	\$ 940,691	\$ 959,505	\$ 978,695	\$ 998,269	\$ 1,018,234	\$ 1,038,599	\$ 1,059,371	\$ 1,080,558	\$ 1,102,169	\$ 1,124,213	\$ 10,300,304
Net Residential Rents	\$ 265,873	\$ 269,861	\$ 273,909	\$ 278,018	\$ 282,188	\$ 286,421	\$ 290,717	\$ 295,078	\$ 299,504	\$ 303,997	\$ 2,845,565
Minus Utilities	\$ 674,818	\$ 689,644	\$ 704,786	\$ 720,251	\$ 736,046	\$ 752,178	\$ 768,654	\$ 785,480	\$ 802,665	\$ 820,216	\$ 7,454,739
Total Taxable Rent	\$ 67,482	\$ 68,964	\$ 70,479	\$ 72,025	\$ 73,605	\$ 75,218	\$ 76,865	\$ 78,548	\$ 80,267	\$ 82,022	\$ 745,474
<b>PILOT @ 10%</b>											

##### Allocation by Percent\*

City	37.06%	\$ 25,009	\$ 25,558	\$ 26,119	\$ 26,693	\$ 27,278	\$ 27,876	\$ 28,486	\$ 29,110	\$ 29,747	\$ 30,397	\$ 276,273
County	15.42%	\$ 10,406	\$ 10,634	\$ 10,868	\$ 11,106	\$ 11,350	\$ 11,599	\$ 11,853	\$ 12,112	\$ 12,377	\$ 12,648	\$ 114,952
School	47.52%	\$ 32,067	\$ 32,772	\$ 33,491	\$ 34,226	\$ 34,977	\$ 35,744	\$ 36,526	\$ 37,326	\$ 38,143	\$ 38,977	\$ 354,249
Total	100%	\$ 67,482	\$ 68,964	\$ 70,479	\$ 72,025	\$ 73,605	\$ 75,218	\$ 76,865	\$ 78,548	\$ 80,267	\$ 82,022	\$ 745,474

Rental Inflation factor 2.0%  
Utility Inflation factor 1.5%

2.0%  
1.5%

2.0%  
1.5%

2.0%  
1.5%

2.0%  
1.5%

2.0%  
1.5%

\* Assumed Allocation

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY (7)

16. PUBLIC COMMENT

Mayor Alcock opened Public Comment at 8:06pm.

**Tim Jennings, Exchange Street.** Mr. Jennings thanked Council for adding WIFI at the Lakefront. It is the best!! He also thanked Petr Premyslovsky.

**Dale Pemberton, Feher Rubbish.** Mr. Pemberton said he sent a letter out regarding the recently revised trash ordinance explaining to them what is going on and what his concerns are. He said he is not a fan of totes for recycling. The blue bins allow his staff to take contaminated products to set aside and throw it in the truck without having to lift a big toter. He said when you switch over to the totes for recycling he found that a lot of companies will switch to the one-armed trucks. He added he just doesn't think this is a good option and is open to exploring other options with someone. He said he submitted a draft proposal to Clr. Eddington and would like the full Council to review it. Mr. Pemberton said his end game is the same of that of the Green Committee, as he would like to see food waste at every house and improper recycling techniques; however, he feels that education before implementation is needed. He said we need to educate our youths in schools, adding the next time a bid comes up, he'd like the opportunity to explore options of handling municipalities and take that money and invest it into recycling programs. He said they recently went through a price increase and is still far cheaper than his competitors, unless your trash gets picked up one time per week. He explained that for the people affected by the Foundry, he will give them a discounted rate of \$17.50 per month for a 95-gallon container or smaller, so please contact their office at 315-781-9850, so they can get you set up. He said if there is anything else he can do for the Foundry people to please let him know, noting he will give all Foundry impacted residents an Empire Pass and they can take their families to any New York State Park, so that their children will have a place to play.

**Henry Farro, Co-Chair of Food Justice.** Mr. Farro read the following statement:  
"I'd like to take this time to say thank you to the council for the City's generous donation toward a mobile walk in cooler. I'd like to give a little back ground on Food Justice. For the past 5 years the last 3 with Food Justice. I have been gleaning and distributing fresh produce to Geneva agencies like the Girls and Boys Club, Salvation Army, Free Lunch Program, and ABCD (Agra Business Child Development). Since Food Justice Coalition doesn't have a storage area this severely limited the amount of produce we could glean.

On May 9, 2017, at a Tools for Social Change meeting we decided to distribute produce to families living in the contaminated Geneva Foundry Site. A diet high in iron, mainly dark leafy vegetables, helps children's bodies be less likely to become Lead Poisoned.

June 1St Food Justice Coalition set up a GO FUND ME PAGE. We're very thankful for those who have donated to our page, but we are far from our goal. So, on June 20th Food Justice Coalition sent out a few letters asking for donations to help us purchase materials to transform a trailer into a mobile walk in cooler. On June 26th GNRC contacted us stating they would like to donate the needed funds. This mobile walk-in cooler we will enable us to glean produce during the evening, and weekends, store it and then distribute it the next day or two. This mobile walk in cooler will enable Food Justice to double possibly triple the amount of produce



we will be able to glean and distribute this coming harvest season. I'd like to take this time to say thank you to the council for the City's generous donation toward a mobile walk in cooler.

I'd like to give a little back ground on Food Justice. For the past 5 years the last 3 with Food Justice. I have been gleaning and distributing fresh produce to Geneva agencies like the Girls and Boys Club, Salvation Army, Free Lunch Program, and ABCD (Agra Business Child Development). Since Food Justice Coalition doesn't have a storage area this severely limited the amount of produce we could glean. On May 9, 2017, at a Tools for Social Change meeting we decided to distribute produce to families living in the contaminated Geneva Foundry Site. A diet high in iron, mainly dark leafy vegetables, helps children's bodies be less likely to become Lead Poisoned. June 1st Food Justice Coalition set up a GO FUND ME PAGE. We're very thankful for those who have donated to our page, but we are far from our goal. So, on June 20th Food Justice Coalition sent out a few letters asking for donations to help us purchase materials to transform a trailer into a mobile walk in cooler. On June 26th GNRC contacted us stating they would like to donate the needed funds. This mobile walk-in cooler we will enable us to glean produce during the evening, and weekends, store it and then distribute it the next day or two. This mobile walk in cooler will enable Food Justice to double possibly triple the amount of produce we will be able to glean and distribute this coming harvest season. I would like to personally thank the City for your generous donation toward our Mobile Food Pantry. We wouldn't have been able to purchase all the needed supplies this year. Again, thank you for your generous donation”.

As no other persons of interest came forward, Mayor Alcock closed Public Comment at 8:16pm.

## 17. MAYOR AND COUNCIL REPORTS

Clr. Marino reported the following:

- Saturday Morning Coffee Hour – Clr. Marino sat for Coffee Hour on July 1<sup>st</sup> with City Clerk, Doris Myers. There was a comment regarding light bulbs being out on the arterial street lights.
- There was a request for an addition of a 2<sup>nd</sup> large stage for events.
- College Livability Task Force – next meeting scheduled for July 28<sup>th</sup> at 600pm at City Hall.
- LED Update – requested an update on the project
- Shared Recreation Services – requested an update
- Garden Resource Day – hosted by South Lake Neighborhood at Lochland School
- Arbor's July 4<sup>th</sup> Parade - they did a great parade again this year, great turnout. She thanked the neighborhood for their work and to the GNRC for their help.
- Musical Porches – June 17<sup>th</sup>. She thanked all porches and musicians who took part in it, noting Clr. Gramling performed on Doris' porch. She added special thanks to Pat Guard and Kathryn Vaughn for such a successful event.
- Farmer's Market Office Hours – City Manager Horn will hold “office hours” at the Farmer's Market this summer and she will sit with him on Thursday, July 20<sup>th</sup>.

Clr. D'Amico reported the following:

- No Planning Board meeting this month.
- LDC will meet tomorrow
- Arbor's Day Parade – July 4<sup>th</sup>. He marched in the parade and it was a great event. He thanked Jerry Ashley, Rhonda and the strong group of Arbor leaders.
- Fireman's Parade – July 8<sup>th</sup> – he participated in that as well. Amazing job. One of the largest parades in the area. Shout out to the fireman that put this together.

- Abandoned Property – 115 High Street. He will follow up with Adam Blowers regarding the status of it.

Clr. Gramling reported the following:

- Recreation Advisory Committee – summer programs are available, farmer's markets on Thursdays, etc.
- Park Passport Events – events ongoing. Each month, each park in every part of the City has representation and your passport will be stamped and there will be a prize at the end of each month.
- Free Outdoor Movie Series – the next movie is Friday, July 21<sup>st</sup> at Lochland School, *Willy Wonka*
- Foundry – he thanked everyone that spoke tonight and appreciates how much everyone cares about this community. Clr. Gramling read the following statement:  
 “In lieu of all of the amazing work that the Women's Assembly, the Foundry Action Committee and any community advocates has done thus far, as they are focused on various portions of the foundry contamination issue, I believe it's time for me as a representative of the community to personally step out further than I have thus far, on a grassroots level and focus on a resolution in a concentrated way in reaching more of the community as much as possible to get their concerns directly. As I am in a dual role of being affected and a voice for the people, I feel so much compassion and sincere empathy for my community. The city has received the message that they must communicate with residents. With an understanding that some residents have lost trust, the City has articulated interest in rebuilding trust. The City has allocated \$50,000 to have additional people and resources in the foundry area. Part of these funds go to a third-party employee who not only is an affected resident who is one of the closest in proximity to the foundry for 30 years, but she is a bilingual resident who is very capable of articulating information to the various Spanish cultures living in the contaminated area. I will be working directly with Jessica Rivera Avila as she is collecting data from constituents to articulate to the City. Along with these efforts, I as your representative, will be hosting a community meeting that will be centrally located in the 5<sup>th</sup> ward. Please look for that announcement soon. Together we can get through this”.

Clr. Hagerman reported the following:

- Cruisin' Night – Friday, July 28<sup>th</sup>. 18<sup>th</sup> Annual event. Volunteers are still needed – please contact Danielle at the Finger Lakes Times.
- BID – ongoing discussions regarding replacing the Executive Director – evaluating their current model
- BID Board Vacancy – Board is excited to welcome Maria Wallace with Small Grid to their team.
- Visitors Center – City Manager Horn will provide an update
- Downtown Parking Study – it was determined that Geneva is not yet in need of a parking garage but there are a number of things the City can do to manage downtown parking more effectively.

Clr. Camera reported the following:

- Foundry. Clr. Camera said the focus has been too much on Gordon and we've gone back and forth enough regarding when the State should have acted to inform the residents in the Foundry area. Clr. Camera read the following statement:  
 “The then supervisors, the City Manager and others on staff and even City Council knew about the long-term data collection and analysis effort. While I never was a big fan of former Councilor Krueger, I believe what he said in his letter to the editor to the Finger

Lakes Times on June 11, 2017 is correct, 'I, for one, was well aware of the problems regarding the Geneva Foundry and other contaminated properties in the City. Council was advised of the problems and the involvement of the New York State Department of Environmental Conservation, as it developed.' We have to appreciate the challenges of working with the DEC, a very bureaucratic and risk averse organization applying painstaking scientific methods to narrow down the meaning of the data being collected over a period of time by different entities possibly using different methodologies. In this morass, the City did not have a process to handle the situation given the potential concerns. The City essentially followed the DEC's lead. The most important question of all: how does the City avoid this happening again in the future? That is the fundamental question. So how do we do this? May I suggest some areas for the City staff and City Council and its legal counsel to discuss regarding adding some protections for a whistleblower circumstance that could arise in the future. The Federal gov't created whistleblower protection laws back in the late 1980s. NYS has its own whistleblower law and guidelines on how a whistleblower is supposed to proceed when he/she feels that government or non-profits are breaking the law or pursuing actions or inaction that threatens the public safety or health, but this law is much younger 2015-16. So what could we do in the City of Geneva to fashion some kind of process or procedure that would assure public employees that they can be protected from retaliation (if they felt that their supervisor or the City Manager was not responding appropriately to some kind of health or safety issue that could affect the public or fellow employees)? There could be a process set up that might entail the following steps:

1. An employee brings a concern of health and/or safety to the attention of the City's chain of command.
2. The employee feels that there is a health and/or safety issue that is not being adequately addressed
3. The employee documents the issues and concerns in writing (memo to self)
4. The situation continues to be ignored or the response is too slow given the perceived risk or hazard
5. The employee brings the matter to the attention of a City Councilor and discusses it privately. The City Councilors assures themselves that this matter is not political or personal in nature
6. Then City Councilor first contacted engages a 2<sup>nd</sup> City Councilor to discuss the matter. If the second City Councilor concurs that there is justifiable concern, then the matter is released to the public via a press release or regular City Council meeting.

I can see problems with this outline. But it is just a suggestion to get us to think about what a process might look like that answers the original question. I would welcome some input from our City Manager and Counsel and possibly other City Councilors on this idea as well as from the public. The final objective is to provide assurances to the general public that some of the perceived impediments to an early warning system are removed and do not stymie future action and positive outcomes".

- Trash Haulers – referring to the comments regarding the Feher article in the Finger Lakes Times and the City's response, he said a lot of good facts came out. He said the really bad story is that we are really bad recyclers (which is stipulated by the County) in the City of Geneva, noting our 2016 recycling rates was about 14%. He said this is a partnership and we made some changes to the ordinance and some are okay with it and some are not okay with it. He said there are some real problems and ask that trash haulers come back with proposals or presentations. He said we are going to label these totes between now and Christmas and send a clear message to the whole community, there is a recycling container and trash container. He said if the trash/recycling sits outside too long, the City

will dispose of it and charge the owner or landlord, because landfill space is becoming more limited. He said Feher likes the monthly charge but the County and State wants us to start “paying as you go”. He said trash costs two or three times more than recycling and people need to start focusing their eyes on this. He said we need to make some adjustments and work on this together.

- Translation – we need to get the UN technology in here because people should be able to come in here and be able to listen. He suggested putting this in the 2018 budget”.

Clr. Camera commended Matt and his team for their work on the vouchers for the Farmer’s Market and Food Link. He said continual press releases to communicate this information would be very helpful.

Clr. Eddington reported the following:

- Zoning Board did not meet
- Petition – in the absence of Clr. Greco, Clr. Eddington read the following petition and submitted it for the record: “The residents of Avenue B are requesting a 15-mph speed limit on that dead-end street and all other dead-end streets due to multiple children at play”. (signed by 31 residents of Avenue B)
- Trash – Solid Waste Proposal – will be entered for the record as part of the minutes

## 18. CITY MANAGER REPORT

City Manager Horn said the City is 100% green energy powered. We were able to access renewable energy credit, which ensures that any power that we are buying comes from a particular source and our source is a wind farm in the Midwest. We are trying to get our green power more local and we’re looking at expanding our relationship with Quick Solar to do more work

Please check the website or information table (outside of the Courtroom on meeting nights) for additional information/updates/events.

Geneva Peeps – he thanked Jeff Henderson and the Geneva Peeps for supporting the Outdoor Movie Series. He said they were able show the movie, *Sandlot* to over 100 people at the Geneva Red Wings Game.

He thanked HWS for making another commitment in downtown - their Entrepreneurial Study Program, located in the former Stomping Grounds building. Faculty, staff and students will be walking the streets in downtown.

City Manager Horn said WIFI is done and is working well and will fine tune it as needed.

LED Lighting – we have a purchase agreement with NYSEG which is under review at the City’s Attorney’s Office. We will then undertake acquisition and begin final design and replacement in the fall.

Shared Recreation Services – he said representatives from City Council, YMCA, Boys & Girls Club and Town of Geneva met and brainstormed a variety of ideas. A second meeting has been scheduled to review several proposals as part of the 2018 budget.

DRI – held first meeting with the State and representatives from all agencies that will be supporting us with. He said all indications are that they don’t want to stand in the way of implementation. He said for the most part, Infrastructure projects will be managed by the City and grants will come directly to the City and the private sector projects will be managed by the private sectors.

He said there is a public meeting on July 24<sup>th</sup> from 5pm to 7pm on the Marina design.

Farmer's Market Office Hours – he said he will hold office hours from 7am to 10am with a City Councilor and 10am to 1pm with a City staff member every Thursday.

Mobile Food Pantry – he said Council provided an allocation for the Food Innovation Center, a shared kitchen facility. He said part of economic development is ensuring that all of our community has an opportunity to be safe, happy and healthy and feel they are a part of something bigger. We're working on looking to partner with Food Justice to look at canning and freezing in an effort to avoid waste.

19. ADJOURNMENT

ACTION TAKEN by Clr. Eddington; seconded by Clr. D'Amico  
MOVED THAT this meeting be adjourned at 9:01pm  
MOTION CARRIED UNANIMOUSLY (7)



**City of Geneva**  
**Solid Waste Hauler's License**  
**Application Form**

<b>Firm Name</b>		
<b>Mailing Address</b>		
<b>Firm/ Corporation Partners</b> (Attach Additional Sheets if Necessary)	<b>Name</b>	<b>Address</b>
	<b>Name</b>	<b>Address</b>
	<b>Name</b>	<b>Address</b>
	<b>Name</b>	<b>Address</b>
	<b>Name</b>	<b>Address</b>
<b>Vehicles</b>	Attach Printout including each vehicle to operate on the streets of the city of Geneva; including Make, Model and Year. <b><u>There will be a \$10 charge per vehicle.</u></b>	
<b>Indemnification/ insurance</b> (Attach Proof of Insurance)	Authorized signature on this application indicates that the license holds harmless the City of Geneva, its officers and employees for any indemnifies the City of Geneva, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of this Commercial license application/ permit. Applicant shall furnish and maintain such public liability property damage insurance as will protect licensee, property owners and City of Geneva from all claims for damage to	

(continued)	<p>property or bodily injury, including death, which may arise from operation under the license or connection therewith.</p> <p>Such insurance shall provide General Liability coverage insurance with a combined single limit of not less than \$1,000,000 per occurrence for bodily injury and property damage. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insures the City of Geneva, their officers and employees with respect to the permittee's activities carried on under the term of the commercial collection permit, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the contract without 30 days written notice to the City Comptroller.</p>						
<b>Residential Pick-Up</b> (Pick-Up Permitted during the hours of 5am-6pm)	Sun One time services only	Mon Residential Commercial & One time	Tues Residential Commercial & One time	Wed Residential Commercial & One time	Thurs Residential Commercial & One time	Friday Residential Commercial & One time	Sat One time services only
One time service Charge per year	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Commercial Services charge per year		\$25	\$25	\$25	\$25	\$25	\$25
Residential Services (MSW/RCY) charge per year		\$100	\$100	\$100	\$100	\$100	
<b>Service and Pricing</b>	Haulers must have competitive pricing within the service area to which the permit is issued and comparable to their peers in the industry.						
<b>Recycling (Residential)</b>	<ul style="list-style-type: none"> <li>• Haulers must offer at a minimum of bi-weekly Recycling pick-up included with any residential services offered.</li> <li>• Haulers must provide a minimum of a 14 gallon clearly labeled "RECYCLING" Blue Rcy Bin if requested.</li> <li>• Haulers may offer containers <u>for additional charges</u> if the customer's request them.</li> <li>• Haulers are not responsible for cleaning up areas after weather or any other acts of god that may affect the items put out by customers. <i>The city would be responsible utilizing their DPW and Code Enforcement and utilize a weather advisory on their web site or social media outlets including but not limited to Facebook, TV, Radio and City Website.</i></li> </ul>						

(continued)	<ul style="list-style-type: none"> <li>Haulers should make a good faith effort to clean that direct area next to the pick-up location but are not expected to spend more than <u>2 minutes</u> given all the other customers they have to service within the 5am-6pm time frame.</li> </ul>
<b>Recycling (Commercial)</b>	<ul style="list-style-type: none"> <li>Haulers must offer (at reasonable pricing) Recycling to all customers that they service.</li> <li>Haulers must report any customers within the city that do not have or use recycling containers to allow the city a chance to investigate and speak to the customers and either educate or fine if applicable.</li> <li>Customers must have direct access to Recycling information by using either Haulers websites, directing customers to the MRF website or City of Geneva Website or Social media outlets</li> </ul>
<b>Compost/ Yard Debris</b>	<p>Haulers are not to take Yard Debris i.e. grass clippings tree branches etc... The City will provide a location for all residents to utilize and allow customers to dump these items to help control the flow of these from making it to the landfill.</p>
<b>Electronic Waste Effective 1/1/2016</b>	<p><b><u>Effective 1/1/2016 all electronic waste is not to be disposed of in regular MSW (trash) containers.</u></b> It is to be taken to an electronic recycling center to be disposed of.</p> <p>The city will provide a location for customers to take these items to and if they do not run an electronic waste station they will contract with one to ensure that these items do not make it to the landfill.</p> <p>Haulers will be responsible to make a good faith effort to remove these items if able from any containers and also to inform the city of customers disposing of these items to ensure that code enforcement is able to address or if needed place a fine on the home owner.</p>
<b>Customer Education</b>	<p>Option #1 Haulers must provide a link to a Recycling Center or the City of Geneva.</p> <p>Option #2 recycling procedures on their website.</p>
<b>Quality of Service</b>	<p>Haulers must make a good faith effort to work with their customers on directing them if needed to Recycling information available to them. Haulers must inform Code enforcement of any customers who have been placed on a stop service to ensure that the customers do not create an issue with trash.</p>



Avenue B residents are requesting a 15 mph speed limit due to deadend street and multiple children at play. 7/4/17

- Keith Munn 29 Ave B 14456
- Lillian Huffman 37 Ave B 14456
- Dawn Huffman 37 AVE B 14456
- Leann Green 32 Ave B
- Sharon Elder 25 Ave B
- Jean Julia 21 Ave B
- Lawrence E. Rowle 28 Ave B
- Joana Hennings 38 Ave B
- Nelsey Hennings 38 Ave B
- Jaki Bruce 38 Ave B
- Carmen Henninger 42 Ave B
- Michelle Scherb 50 Ave B
- Mark W... 50 Ave B
- ALVIN 50 Ave B
- Brian New 48 Ave. B
- Rosmarie Bruno-New 48 Ave B
- MARIE B... 44 Ave B
- NALIE HESS 48 AVE B
- Ryn Zupler 48 Ave B
- John J. U... 39 Avenue B
- Stephan M. G... 40 Ave B
- Cathy Eagle 44 Ave. B
- Joshua P. Driscoll 39 Ave B
- 2 Little 26 Ave B
- Shelby McComin 26 Ave B
- Eric T. Van 34 Ave B
- Jamoney Richmond 20 Ave B
- Wanda J. Ford 20 Ave B
- Chris Hunt 20 Ave B
- Michael A. Coombs 17 Avenue B

Mary Monroe 6 Ave B Geneva NY ~~4456~~ 4456

Cindy Monroe 6 Ave B Geneva NY 14456

Barbara Messer 14 Dewey St Geneva NY 14456

Karen Bailey 39 Ave B Geneva NY 14456

Missy Alden 41 Ave B Geneva NY 14456

Larry Allen 41 Ave B Geneva NY 14456

Barbara Watson 27 Avenue B Geneva NY 14456

Gay Bright 55 N Dewey St Geneva NY 14456

<b>Certification</b>	As an authorized representative of this license, I affirm that I have read and understand the terms and costs for this license. I authorize that I will comply and work with the City of Geneva to ensure that the process of hauling solid waste and recycling is compliant within the laws of the city and state.	
<b>Signature</b>		<b>Date</b>
<b>Notary</b>	<b>Sign/ stamp</b>	
<b>Office use only</b>		<b>Date</b>

MULTIPLE PROPOSED DRAFT