1. **ROLL CALL**


2. **PUBLIC HEARING** – for local law establishing a Transportation Infrastructure Benefit Assessment District

Mayor Einstein opened the public hearing on the proposal of a local law establishing a Transportation Infrastructure Benefit Assessment District at 6:04pm, giving the privilege of the floor to anyone wishing to address the proposal. Mayor Einstein noted that a letter was received today, dated May 24, 2011, on behalf of Hobart and William Smith Colleges noting that “the Colleges are chartered by the Board of Regents of the University of the State of New York and operate as a not-for-profit higher education institution. As such, the Colleges are exempt from real property taxation pursuant to Real Property Tax Law § 420-a(1) and § 1 of Article 16 of the New York State Constitution. This letter is to express the Colleges’ concerns about proposed Local Law No. 2 establishing a transportation assessment district in the City of Geneva for all properties, including those owned by the Colleges.” The letter goes on to say that the Colleges are concerned that the proposed charges for the transportation infrastructure are truly general real estate taxes and not special assessment. As written, the local law would severely restrict the Colleges’ tax exempt status in violation of Real Property Tax Law and the New York State Constitution. The letter notes that the proposed local law contains a provision for not-for-profit institutions to negotiate a separate payment in lieu of assessment agreements, but the local law as drafted requires that such institutions specifically waive various legal rights, including the right to initiate or otherwise participate in an action or proceeding to challenge the legality of the assessment district, and that is something that the Colleges will not do. The letter ends by saying that the Colleges remain committed to working with the City of Geneva to address the costs of operation of the City of Geneva, the Colleges cannot agree to this impingement on its tax-exempt status, and they request that the City Council table any action on the proposed local law to allow an opportunity for the Colleges to have further discussions with the City of Geneva on this important issue.
City Attorney Foster stated that he received a call from council for Cornell University with regard to State owned property that would constitute Agricultural Experiment Station.

With no one wishing to address Council on this matter, Mayor Einstein closed the public hearing at 6:05pm.

3. RESOLUTION ESTABLISHING CITY COUNCIL AS LEAD AGENCY FOR THE TRANSPORTATION INFRASTRUCTURE BENEFIT ASSESSMENT DISTRICT

City Manager Horn presented the following resolution:

WHEREAS, the City of Geneva, New York (the “City”) owns, constructs, reconstructs, maintains and operates forty-four (44) centerline miles of right-of-way in its local improvement transportation system. In addition, the City maintains, by service agreement, three (3) centerline miles of U.S. Route 20/New York Route 5, as they traverse through the City limits (the “State Highway”). Facilities that comprise this local improvement network include the streets, curbs, gutters, traffic control devices, including traffic lights, signage and pavement striping, stormwater facilities, street lighting, and other related appurtenances; and

WHEREAS, the City has contracted with engineering firm, O’Brien & Gere, to prepare a map, plan and report (the “MPR”) for the purposes of identifying potentially fairer and more equitable means of allocating the costs of the construction and reconstruction of the local road improvement network in the City and the costs of servicing that network, including the State Highway, through its maintenance and operation; and

WHEREAS, the MPR recommends the establishment of a Transportation Infrastructure Benefit Assessment District is appropriate for the allocation of costs associated with the transportation network; and

WHEREAS, the MPR has been filed with the City Clerk and distributed to and reviewed by the members of the City Council; and

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

WHEREAS, the City Council has determined that the proposed Transportation Infrastructure Benefit Assessment District qualifies as an Unlisted Action as defined in SEQRA;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the proposed Transportation Infrastructure Benefit Assessment District is classified as an Unlisted Action pursuant to SEQRA and further consents to act as Lead Agency for the review, and directs the City Manager to prepare an Environmental
Assessment Form so that a determination of the District’s environmental impact can be made by City Council.

**ACTION TAKEN by Clr. O’Malley; seconded by Clr. Augustine**

MOVED THAT this resolution be adopted  
MOTION CARRIED UNANIMOUSLY (9)

4. **DISCUSSION REGARDING REVENUE FORCASTING FOR 2012**

City Manager Horn told everyone that staff is starting 60 days earlier on the budget this year to get as much feedback as possible. The first step is looking at our resources, and he gave Council a line-by-line list of the revenues as projected for 2012.

City Manager Horn began by going over Occupancy Tax which brings in a 3% tax on overnight stays in the City for any lodging with 4 or more rooms. Clr. Cosentino asked to see information on bed and breakfasts that contain fewer than 4 rooms.

Next the City Manager talked about property tax and said that there is no state mandate requiring two payments. He mentioned the possibility of sending a bill for the full amount out and offering a discount for single payment. He said that this would adjust our cash flow, but he is not necessarily recommending this.

Mr. Horn said that, per an agreement, the City receives $150,000 minimum from the County per month, and then an extra check quarterly if the amount collected goes over $450,000. He said that the CHIPS money from the State is based on a formula, and a request for reimbursement must be submitted.

When the City Manager talked about the City’s Highway Maintenance Aid from the State for plowing and filling potholes on Rtes. 5 & 20, Clr. Augustine asked why we don’t receive reimbursements for Rte. 14, which is a truck route with a lot of traffic. City Manager Horn said that the agreement for 5 & 20 dates back to the 1970’s, and we could address the Rte. 14 issues with the State. When Clr. Cosentino asked how we inform the State of needed repairs, Mr. Horn said that we send daily correspondence, and engage politically when necessary. He added that the State has a multi-year plan including construction in 2014 of Rtes. 5 & 20 from city limit to city limit.

Clr. Augustine questioned why we are still charging external users of gas and oil at cost. She reminded everyone that staff has to take time to verify use and generate bills. She feels that we would still be providing a service that is greatly discounted from the market rate even if we charged cost plus $.02 per gallon. City Manager Horn said that this could be a policy discussion for Council.

During the cemetery fees discussion, City Manager Horn said that the rates have not changed in a while, and Clr. Cosentino asked if we could look at charging different rates for residents vs. non-residents.
Clr. Augustine asked if parking ticket fees in high density areas such as S. Main, Park Place, Washington, and Pulteney could be higher or if we could charge more money after a certain number of tickets per license plate. City Manager Horn said he would have the Police Chief and Director of Public Works look at the hot spots in the City.

Clr. Cosentino asked if the fees charged to the college could be tied to the percentage of use, meaning if we respond more, can we charge a higher percentage. He feels this would be an incentive for the college to not involve the police department as much. City Manager Horn said that an agreement could be drawn up to charge by call volume or conviction rate.

City Manager Horn said that there will be a water/sewer presentation at the next budget workshop session. Clr. D’Amico said he didn’t like last years budget version and liked being able to see specific line items. He said that, according to the charter, the budget is prepared by the City Manager, and he prefers to have Council work off the City Manager’s version.

Clr. Augustine said she is not comfortable with the old process of the City Manager plugging in numbers and feels that last years was better. She said she felt it could be modified for people who like the old versions. City Manager Horn said there was a way to combine the line item process with last year’s version, and he would like policy guidance. Clr. Cosentino said that a healthy combination of the two types of budgets would work for him.

Clr. Valentino said that he doesn’t want to lose the opportunity for efficiency and improve life in the City. He would like Council to be creative and look for needed changes.

Clr. Greco said he did not understand the new budget, and he pointed out how the budget called for a 34% sewer increase and questions weren’t asked until the first bill went out.

5. **CDBG APPLICATION UPDATE**

Clr. Alcock said that he had requested a special meeting to discuss the application, but one could not be scheduled in time before the application went out, so he does not want to jeopardize the grant going through. He wondered if he had misinformation and was hoping to discuss the inclusion of the St. Francis project. When he was at the Housing Authority meeting the other night, it was said that if Council had given verbal support at the last meeting, that may have helped with the County application for assistance. Clr. Alcock voiced his concern that he could not get a special meeting in a timely manner and asked how this could be addressed.

Mayor Einstein and the City Manager said that the application was almost done by the 18th and the grant writer said it could not be changed at that point.

Clr. Valentino said he felt that some Council members did voice their support verbally for the project and asked at what point we can put information out about the
thirteen properties that are eligible for this grant. Acting Director of Neighborhood Initiatives, Eric Ameigh, said that the applications are approved in September, and they will start looking at the properties then. Clr. Valentino said he would like information to go out for people to see the changes that will occur. When Clr. Alcock asked about the process, Mr. Ameigh said that there is a waiting list crossed with variables and based on the amount needed.

Clr. Alcock said in the discussion at the Housing Authority meeting they did not say that the project was moving ahead, and added that they are still looking for money.

Clr. Cosentino asked if there were any multi-units in the Hildreth Hill neighborhood and said it would be a good idea to encourage downsizing the number of units per property in our next round of grant applications. City Manager Horn said that deconcentration is an investment priority for the new LDC. When Clr. Cosentino asked about agendas and minutes for the LDC meetings, City Manager Horn said he can send them to Council.

Before adjourning to executive session, City Attorney Foster noted that the same five people are in the audience as was here at 6:00pm when the public hearing began. He added that it is now 7:55pm, and no one has come in subsequently asking to say anything with regard to the public hearing scheduled for tonight.

6. EXECUTIVE SESSION

ACTION TAKEN by Clr. Greco; seconded by Clr. Valentino
MOVED THAT Council move to executive session to discuss pending litigation and medical/financial employment history
MOTION CARRIED UNANIMOUSLY (9)

7. ADJOURNMENT

There being nothing further to discuss, Mayor Einstein adjourned the meeting at 8:45 pm.

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City Clerk