

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

May 4, 2022

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

COUNCIL MEETING STARTS AT 7:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATIONS: Don Liberatore  
Boy Scouts Day of Service
- V. FOUNDRY UPDATE
- VI. CONSIDERATION OF MEETING MINUTES  
*This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:*
  - A. April 4 (Special Council Meeting) {Page 3}
  - B. April 5 (Special Council Meeting) {Page 4}
  - C. April 6 (Regular Council Meeting) {Page 5}
  - D. April 11 (Special Council Meeting) {Page 28}
  - E. April 20 (Special Council Meeting) {Page 29}
  - F. April 25 (Special Council Meeting) {Page 37}
  - G. April 27 (Special Council Meeting) {Page 38}
  - H. April 28 (Special Council Meeting)
- VII. PUBLIC COMMENT  
*This portion of the meeting is dedicated to receiving comments from residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all resident attendees are invited to provide comments during this period.*

VIII. MAYOR AND COUNCIL REPORTS

*This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda*

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

X. UNFINISHED BUSINESS

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

- A. Resolution Extending Tax Exemption Agreements for Lyceum Housing II and III– Presented by Mayor Valentino #17-2022 {Page 39}
- B. Resolution Creating a Police Accountability Committee – Presented by Clr. Camera #18-2022 {Page 41}
- C. First Reading of an Ordinance Adding Private Landlord Registration– Presented by Clr. Salone #5-2022 {Page 42}

XI. NEW BUSINESS

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

- A. Resolution Authorizing Agreement for Marsh Creek Upgrades – Presented by Mayor Valentino #19-2022
- B. Board/Commission Appointments

XII. PUBLIC COMMENT

*This portion of the meeting is dedicated to receiving comments from non-residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all attendees are invited to provide comments during this period.*

XIII. ADJOURNMENT

THE GENEVA CITY COUNCIL  
JOURNAL OF PROCEEDINGS  
SPECIAL COUNCIL MEETING

April 4, 2022 – 5:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 5:00pm to conduct City Manager  
interviews**

**MOTION CARRIED UNANIMOUSLY**

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

**MOVED THAT council leave executive session at 8:01pm**

**MOTION CARRIED UNANIMOUSLY**

3. ADJOURNMENT

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

**MOVED THAT the meeting be adjourned at 8:01pm**

**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*

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City Clerk

THE GENEVA CITY COUNCIL  
JOURNAL OF PROCEEDINGS  
SPECIAL COUNCIL MEETING

April 5, 2022 – 5:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 5:00pm to conduct City Manager  
interviews**

**MOTION CARRIED UNANIMOUSLY**

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

**MOVED THAT council leave executive session at 8:03pm**

**MOTION CARRIED UNANIMOUSLY**

3. ADJOURNMENT

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

**MOVED THAT the meeting be adjourned at 8:03pm**

**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*

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City Clerk

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### REGULAR COUNCIL MEETING

April 6, 2022 – 7:00 PM

Public Safety Building  
255 Exchange Street  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, and Clr. Salone

Absent: Clr. Salamendra and Clr. Noone

#### 2. PROCLAMATIONS – Former Mayor Joanne Wisor Geneva's 125<sup>th</sup> Anniversary

#### 3. PUBLIC HEARING - Local Law Creating Staggered Terms of Office for Members of the Geneva City Council

Mayor Valentino opened the public hearing at 7:15pm and with no one appearing to speak, he closed the public hearing at 7:16pm.

#### 4. COUNTY SUPERVISOR UPDATE

Supervisor Petropoulos said that he has attended two meetings since taking office and wanted to let everyone know that the Board of Supervisors recently passed two resolutions affecting the City of Geneva. The first was a resolution authorizing the closing of the Geneva satellite location of Ontario County Mental Health. The reasons given were that it was created at a time (1998) when there were no other mental health outpatient clinics (there now being several alternatives available in the City of Geneva), the location has since become redundant, it was also created at a time when the current public transportation network did not yet exist; it served as a location where people who otherwise had difficulty travelling to the Hopewell location could go, and lastly, it was underutilized, particularly since the COVID pandemic and subsequent social distancing requirements were implemented; the location has not been used since March 2020

The second resolution passed was a resolution recognizing National Public Safety Telecommunications Week April 10-16, 2022. National Public Safety Telecommunications Week has been designated that week by an act of Congress recognizing all emergency dispatchers (police, fire, and emergency

services), and their devotion/professionalism. The County Board of Supervisors, at the request of the Ontario County Sheriff, is taking recognition of the National Public Safety Telecommunications Week and thanks all Ontario County 911 Emergency Service Dispatch Personnel for their continuing efforts to serve and preserve the public's safety and health.

Lastly, Supervisor Petropoulos told everyone that the Board of Supervisors 209 Investigation Committee completed their report on the investigation into the sexual harassment and hostile work place allegations under former Sheriff Henderson. He encouraged council to read the report. He explained that in early 2021 the county hired outside counsel to look into the accusations. He said this resulted in the dissolution of the internal committee at the Sheriff's Office, and two compliance officer positions were created who report to the Ontario County Human Resources Office.

## 5. FOUNDRY UPDATE

### **Remedial Design**

- Remedial designs were issued for most properties in the block located north of Middle Street along the east side of Exchange Street and the west side of Wadsworth Street. Remaining property designs for this block are in progress and will be completed in April, pending property owner comments. NYSDEC's engineering contractor began meeting with property owners to review design plans. Property owner meetings will continue this month, and excavation of this block is expected to begin in late April or early May.
- Structural assessments and additional soil sampling will be performed in mid-April at several properties located south of Lewis Street on Genesee, Geneva, and Tillman Streets. Remediation of most of these properties is anticipated in 2023, with up to six properties on the west side of Genesee Street anticipated to be remediated in late 2022.

### **Remedial Construction**

- NYSDEC's construction contractor resumed on-site project activities. Excavation began mid-March at six properties located south of Middle Street between Exchange Street and Wadsworth Street. Removal of impacted soil and backfilling with clean soil is in progress and nearly complete at these properties.
- Properties remediated in 2021 that did not yet receive replacement plants and trees will receive them during spring 2022.

## 6. DRI AND TELEPHONE POLE REPLACEMENT/ELECTRICAL UPGRADES UPDATES

### DRI Update:

Director of Public Works, Joe Venuti began by thanking all of the downtown businesses, property owners, city residents and visitors for their continued patience while construction continues. He said the project officially started June 28, 2021 and as of Thursday March 31, the amount of contract time used is 56% and the total approved dollar value completed to date is 25%. This difference shows how much work still remaining. There are many high-cost items like asphalt paving and landscaping, electrical work and

project amenities that are to be completed by the end of October 31, 2022. Extension requests by the contractor are being evaluated at this time. He said he is happy to report that Verizon has just yesterday completed the underground installation of the fiber optic telephone lines in front of Taqueria Los Amigo and Ichiro restaurants located at 405 Exchange St. This will help improve pedestrian access in this area. Nardozzi Contractors are currently working on excavation, forming and pouring footers for the proposed seat wall fixtures, pouring concrete sidewalk and installing brick pavers. Upcoming activities include green infrastructure bio-swales, planting areas and the Buzzuto Rain collection system. He said he is very excited to note that all granite stone curbing will be completed this week on Castle and Exchange St. and as such will bring this phase of the project into conformance with the designed Streetscape configuration. This important contract milestone allows the project to move forward with the Rtes. 5&20 corridor portion. He said he wants to be clear that Nardozzi will be completing restorations, final paving, and landscaping on Castle and Exchange.

Mr. Venuti said that mobilization on Rtes. 5 & 20 is expected on April 18<sup>th</sup> for establishing work zone traffic controls. He said he wants to alert motorists and pedestrians that new traffic patterns will be established to will calm traffic on Rtes. 5 & 20. There will be long durations of parallel two-way traffic. He is asking motorists to please follow the advanced warning signage, to not drive distracted, and to slowdown in not only ours, but all work zones. Drivers can expect traffic control measures from before Pulteney Street and the Cloverleaf ramps to beyond Lake Street. He said they understand there will be inconveniences and delays so please plan trips in advance to limit frustrations. He said that 5&20 construction will be completed in at least 5 phased sequences.

First: Work will begin on the eastbound curb, sidewalks, shared use paths, curbed medians and green initiatives and even milling and paving is to be completed to binder course.

Second: Work will include center median areas, drainage and green infrastructure.

Third: Work will include the proposed cycle track, westbound curbing, sidewalk and traffic signal upgrades.

The 4<sup>th</sup> & 5<sup>th</sup> phases will include two short duration one-way eastbound and westbound detours required to accommodate night work for all milling and paving of the westbound asphalt courses first and then the eastbound top course. The DOT approved detours will route all traffic from Rte. 5&20 to either North Street or Pre-Emption Rd (County Rd 6), depending on which end you approach from, back to 5&20.

He said the greater than \$10 million DRI project was designed over several years with input from many Geneva stakeholders and we are excited to finally see progress being made. He said this is a very large, complicated and disruptive project with a lot of moving parts. He said he is thankful to have the opportunity to play a small part in improving the walkability of our downtown and improving the lakefront access for all pedestrians and cyclists and seeing meaningful green initiatives that will filter stormwater runoff before reaching our beautiful Seneca Lake. He asked everyone to please continue to shop and support their favorite downtown businesses.

Clr. Pealer voiced his concern with some of the traffic patterns in downtown and asked if we would be able to correct some of the more dangerous intersections to make them safe and logical. Mr. Venuti told

council that during the several years of the design phase, the NYS DOT, the County, the city and residents were all involved. He also noted that the pavement markings are temporary and will be improved. He said that engineer software took into consideration truck turning radius for the downtown intersections. He also said he is currently working on changing GPS to keep trucks from driving through downtown who don't need to.

#### City Wide Utility Pole Installation Project Update:

Mr. Venuti said that Upstate Fiber Network (UFN) is currently building a fiber network on over 71 different streets and roads in the City of Geneva and into the Town of Geneva, and at the moment they are impacting 193 utility poles. They were required to apply to be on the utility poles that are jointly owned by NYSEG and Verizon. Mr. Venuti said that over the winter he had met with their management team, discussed the project and he issued right of way permits for the various pole locations. Applications have been approved by NYSEG and Verizon, and UFN has hired Ontario County based O'Connell Electric Company to perform what is called "make ready" on these utility poles to provide space for their new fiber lines. Ontario Trumansburg Telephone Company (OTTC) saw an opportunity to jump in front of the next wave of superior fiber-based internet technology called the Fifth Generation of wireless communication or "5G". OTTC has partnered and secured funding with Oak Hill Capital, a Private Equity Firm, and that's exactly what Upstate Fiber provides. In many cases, crews are required to set a new pole adjacent to an existing pole. With setting a new pole, some tree trimming is required to provide sufficient and mandatory clearance from existing electrical power lines. O'Connell has sub-contracted this work out to a Rochester based professional tree trimmer. Mr. Venuti said he is coordinating this work for our Shade Tree Committee and street tree inventory documentation.

He said that O'Connell will transfer the power lines to the new pole and cut down the "old" pole for the communication lines to be transferred. It is the responsibility of the remaining telecommunication owners of those lines to make the transfers in a timely fashion. Once all the cables are transferred, it is the responsibility of Verizon to remove the old poles. UFN has prepaid all these companies to transfer their cables and ultimately remove the old poles. He wanted to make council aware, based on a prior City Council agreement with NYSEG, the city owns and is responsible for all street lights. He said he has negotiated in good faith with OTTC that any existing street light transfers that are required of City owned hardware, removal of all existing "fire-wire" from the previously abandoned city fire alarm pull box system, and all old utility poles will be removed and lawns restored in a timely manner by OTTC, at no cost to the City of Geneva.

Mr. Venuti said that the way that he understands 5G, the fiber platform relies on a dense network of small, connected antennae to deliver fast speeds with low latency or responsiveness. A single 5G antenna will cover about 250 Meters or approximately 800 Feet radius and weighs only a few grams. Some parts of the system are designed for so-called "block-matrix mounting", where hundreds of the devices are packed in arrays. These come with additional equipment, including control units, backup batteries, and other devices housed in refrigerator-sized metal or composite boxes for point of presence units. He said that UFN has partnered with the Geneva Family YMCA and residents may have noticed that they have placed a 10' x 10' concrete pad on the Norwood Avenue side of the property which houses our point of presence unit containing all of our electronics to service the market. Also, on the pad they

have installed a natural gas backup generator. He said that UFN started Jan 1, 2022 and have placed approximately 140 poles, and they anticipate finishing mid-late May with final connections by end of June with lawn restorations as soon as weather allows. UFN plans on installing our first customers on this new fiber network starting in the first week of May.

7. CONSIDERATION OF MEETING MINUTES

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

**MOVED THAT the minutes of the March 2 Regular Council Meeting and the March 21 Special Council Meeting be approved**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

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

**MOVED THAT the minutes of the March 28 Special Council Meeting be approved**

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

**Abstain – Clr. Pealer**

**Absent - Clr. Salamendra and Clr. Noone**

**MOTION CARRIED**

8. PUBLIC COMMENT

Tom from Community Broadband told council that there is currently an FCC program called the Affordable Connectivity Program that is being offered to residents based on income. Anyone who qualifies can receive \$30 off their monthly internet bill. He said his company currently does not charge for service in Federal and senior housing, and they are working with the Housing Authority. He said that they will be looking to put a pole at McDonough Park, and will be asking council for their support to do this. He said that if residents have questions, they should call their internet provider or go to the website <https://acpbenefit.org> or <https://www.fcc.gov/acp>.

9. MAYOR AND COUNCIL REPORTS

Mayor Valentino read Clr. Noone's update: Since the last city council meeting, the Police Review Board has had 1 monthly meeting of the full board, 5 committee meetings, a training session, and an executive session. The PRB has continued to develop and refine the materials it needs to hear and process complaints. The city's legal team is in the process of reviewing some of the materials that the PRB has developed and is in communication with the board. The next PRB monthly meeting is tomorrow night at 6:30. It will be a hybrid meeting both in-person at the city hall 2<sup>nd</sup> floor conference room and on Zoom, and it will be streamed live on the city's YouTube channel.

Clr. Burrall thanked our public comment speaker tonight and Joe Venuti for the excellent presentation. He also thanked the blood donors at Geneva General Hospital today. He said the next blood drives are Tuesday April 19<sup>th</sup> at Hobart and William Smith Colleges from 1-7pm and April 25<sup>th</sup> at the Presbyterian Church from noon to 6pm. He said the BID is excited to have their new communications person, Colin Minster. He announced that the Rose Soiree will be moving to Pulteney Park in June this year. He said the BID had a visit from Clr. Pealer asking about food trucks at the lakefront. A desire for mobile vending permits for rentals for kites, canoes, kayaks, skateboards, etc. was more favorable. He announced that there is an opening for an administrative assistant for operations, events and payroll at the BID. He noted that the Historic District Commission and the College Livability Task Force did not meet. Lastly, he said that he had \$300 from him and Jim Norwalk for recent firewood deliveries to be used for tree planting or the Arbor Day giveaway.

Clr. Pealer said that mobile vending is near and dear to his heart and would like to see that move forward. He said the Recreation Board met March 23<sup>rd</sup> with their two new members. He announced to the public that there will be an Easter Egg hunt and book giveaway this Saturday at the Recreation Department and partnered with the Geneva YMCA. Anyone with questions can call the YMCA at 789-1616. He also announced there is youth lacrosse going on right now at the YMCA. He told everyone that the Bike Rodeo will be in June, either on the 4<sup>th</sup> or 25<sup>th</sup> in partnership with the Geneva Police Department. He said soccer starts in mid-June, and residents can call the recreation department at 789-2277 or text Clr. Pealer at 315-945-1906 for more information. He announced a Come Fish with Me event on June 18<sup>th</sup>, tennis lessons run through FLX Tennis, and a frisbee clinic run by Clr. Pealer at Brook Street Park on June 5<sup>th</sup> and 11<sup>th</sup>. Anyone needing more information can call the Recreation Department.

Clr. Regan thanked the community leaders involved in the city manager search. She said that the Public Art Committee has not met. She said that the Green Committee has been focusing on the Mission Zero event April 30<sup>th</sup>. She said they are expecting 25 vendors with earth-friendly products for sale and energy saving ideas. She said there will be information about composting, recycling, and community gardens. She said this will take place at the Community Center on Carter Road. She noted that there will be cooking demonstrations and a fix-it clinic where people can bring items that need to be fixed to help keep items out of the landfill.

Clr. Camera thanked council for supporting his going to Albany on March 23<sup>rd</sup> about banning BITCOIN operations. He read his speech that he gave in front of state legislators in Albany:

Some have called the war in Ukraine the latest chapter in the “age of impunity.” What does that mean? People with enough power or money get what they want regardless of who they hurt or bully. But we don’t have to be talking about regular warfare with arms and munitions. There is another type of warfare – economic warfare – that is perpetrated by rogue corporations such as mega landfills and proof-of-work cryptocurrency operations. And Greenidge Generation, LLC is the bully corporation in our neighborhood which is buying its way around all safeguards and protections people and local businesses need to pursue their dreams and aspirations. Bitcoin’s creation is solely for a private benefit for a few rich people accompanied by only negative impacts on the general public and NYS environment.

The plant currently emits approx. ~88,440 metric tons of CO<sub>2</sub>- eq/year to grow to 656,900 metric tons by 2023 (the equivalent of annual emissions of 140,000 passenger vehicles or burning 600 million pounds of coal per year). This plant along with the 5-6 others planned for NYS will completely blow the State's Climate Action Goals and violate "the right of each person to clean air, clean water and a healthful environment" now guaranteed by the NYS Constitution.

There should be no discussion about the money already invested in the Dresden operation by GG, LLC. These investments were made in spite the intent and goals of NYS power plant and climate regulations. This operation committed a legal crime by not waiting for a ruling and believed they could get away with it.

Gov. Hochul, the "age of impunity" in NYS should be stopped in its tracks. Greenidge Generation, LLC and the other plants like it in NYS are totally undeserving of a moratorium on their current operations. They proceeded with all the haste, subterfuge, money and arrogance they could muster. They believe that they can get away with this by creating a fact on the ground. Please, send a thunderclap of a message that across the Finger Lakes, NYS and the nation – the age of impunity is over, and the social contract is renewed. BAN BITCOIN!

Clr. Camera noted that he is the liaison to the Shadetree Committee, but he thanked Clr. Burrall for staying involved. Mr. Venuti added that the Arbor Day Celebration will include a 100 tree giveaway on Scott LaFaro Drive on Saturday April 30<sup>th</sup> at 9:00am.

Clr. Gaglianese thanked the mayor for the two proclamations read tonight. He offered congratulations to Del Parrotta for becoming the newest Fire Chief for the City of Geneva noting that he has big shoes to fill with Chief Combs leaving. He said he feels Mr. Parrotta will be a good fit for the city with knowledge to move us forward. He thanked the City Manager Search Committee which he feels is a very diverse group of residents, and said he appreciates the time and work they have put into this search. He announced that the Planning Board is once again full adding three new members. He said their next meeting will be April 18<sup>th</sup>. Clr. Gaglianese said he missed the most recent Police Budget Advisory Board meeting and he voiced his concern that the board had to move forward without the comptroller. Acting City Manager Slywka told him that they can direct questions to her, and she will forward them to get answers for the board. Clr. Gaglianese said that he appreciates the hard work that this board, and all of the city boards, are doing. Lastly, he thanked Clr. Pealer for his work with the Recreation Board saying that we are moving in the right direction with a full board.

Clr. Salone said he attended his first Geneva Housing Authority meeting where they signed a contract with Wayne County to handle public housing in Wayne County. He said they were awarded a state grant to archive their records. He thanked the City Manager Search Committee along with Jen Slywka, Erica Collins, and Lori Guinan for their work also. He congratulated the Community Kitchen for their \$44,000 grant award noting that they are looking for a location in the sixth ward. He said he reached out to Jackie Augustine to offer assistance. He wished them much success. He said he met with a grocery chain whose headquarters are meeting in June about a possible expansion with Geneva as a possible location. Clr. Salone then thanked Joe Venuti and Nick DeMaria for a tour of the wastewater treatment plant noting that it is a top-notch facility that meets or exceeds all EPA standards. He said he met with LaBella and

had a tour of what has been remediated in the sixth ward along with a briefing of what is being worked on and what will be worked on. Lastly, he congratulated Chief Parrotta and employees for fielding questions about projects going on in the city.

Mayor Valentino said that the IDA met with a full board and the gateway project is awaiting additional approval before closing. He said that the IDA is looking to update a video that they made in 2019 to promote Geneva. He said the LDC met today and discussed the hiring of the communications director for the BID and City of Geneva, and the BID is requesting financial support for outreach for places such as radio and print. He said they may ask the city for matching funds. He announced that they, along with the Revolving Loan Fund, have one opening on each board. He said that Christopher Bates from FLX Hospitality will be moving into the kitchen space at the GEDC building. Mayor Valentino echoed everyone's thank yous to the City Manager Search Committee along with Jennifer Slywka, Erica Collins and Lori Guinan. He told everyone that council did interviews this week, and they will meet again next Monday to discuss. He said that we are fortunate to have great candidates.

#### 10. CITY MANAGER REPORT

Acting City Manager Slywka congratulated the new Fire Chief, Del Parrotta, new Police Lieutenant Matt Colton, and new Police Sergeant John VanSavage. She said that the police department will be losing Lt. Matt Valenti on April 22<sup>nd</sup>, and she thanked him for his 20 years of service.

#### 11. LOCAL LAW CREATING STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE GENEVA CITY COUNCIL

Mayor Valentino presented the following local law:

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

The Geneva City Charter, approved by referendum, effective January 1, 1974, as amended thereafter, is hereby further amended to change the method of election of members of the Geneva City Council.

##### Section I – Purpose

The purpose of this law is to stagger the terms of Geneva City Council members and the mayor so all City Councilors do not come up for election in the same year.

##### Section II – Elective Officers; terms

Geneva City Council members and the mayor shall be elected in stages beginning with the 2023 general election. The mayor, one City Councilor at large and City Councilors representing City Wards 2, 4, and 6 shall be elected to a term of two years in the 2023 general election. One City Councilor at large and City Councilors representing wards 1, 3, and 5 shall be elected to a term of four years in the

2023 general election. Every general election thereafter, all City Councilors and the Mayor shall be elected for terms of four years. It is the intent of this local law, which is subject to mandatory referendum, to stagger the terms of office for City Councilors and the Mayor so all City Councilors and the Mayor do not come up for election in the same year.

Section III – That the City Charter provision in conflict herewith specifically Article 2, Section 2.1 pertaining to elected officials is hereby amended.

Section IV – Effective Date

This local law shall become operative only if approved at the November 8, 2022 general election by the affirmative vote of a majority of the qualified electors of the City of Geneva voting upon the proposition in the above matter, and as prescribed by law.

Abstract of Proposition

Shall the City of Geneva Local Law # 3 – 2022 Staggering the Terms of Geneva City Councilors and the Mayor be approved?

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

**MOVED THAT this local law be approved**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

12. **DEFEATED FIRST READING OF AN ORDINANCE AMENDING CHAPTER 300 ENTITLED “SOLID WASTE” OF THE CITY OF GENEVA MUNICIPAL CODE**

Clr. Camera presented the following ordinance for first reading:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, NEW YORK THAT CHAPTER 300, ENTITLED “SOLID WASTE”, OF THE CITY OF GENEVA MUNICIPAL CODE, BE AMENDED AS FOLLOWS:

Section 300-1 is amended to read as follows:

§ 300-1 Purpose.

By the adoption of this chapter, the City Council of the City of Geneva, for the promotion of the health, safety and general welfare of the City of Geneva and its inhabitants, declares its intent to regulate collection and disposal of residential and commercial solid waste within the City of Geneva.

Section 300-2 is amended as follows:

1. The following definitions are added in alphabetical order

**COLLECTION** -- means the act of picking up solid waste material from the public right-of-way abutting homes, or business or industrial sites.

**COMMERCIAL SOLID WASTE** – means solid waste generated by retail stores, other businesses, offices, restaurants, warehouses, educational, health, not for profit, and other, non-manufacturing, excluding one and two family residential and industrial wastes.

**CONSTRUCTION AND DEMOLITION DEBRIS** -- means uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads, and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquids, and metals that are incidental to any of the above.

**COMPOSTING MATERIALS** – Organic material, including but not limited to, food waste and lawn materials, suitable for composting.

**RESIDENTIAL SOLID WASTE**—means household waste, generated by single family or multifamily dwellings with up to eight dwelling units, excluding automobile parts, tires, construction and debris materials, yard trash, bulky waste, white goods, and hazardous waste.

**SOLID WASTE** -- For the purposes of this Chapter, Solid Waste shall be defined as set forth in 6 NYCRR Section 360.2 subdivision a. currently in effect and as amended.

2. The term **RECYCLABLES** shall be redefined as follows:

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

3. The term **REFUSE COLLECTOR** shall be amended to “**SOLID WASTE COLLECTOR**”.

4. The term **TRASH RECYCLABLES** shall be deleted from Section 300-2.

Subdivision A (1) of Section 300-5 shall be amended to read as follows:

Initial violation. The authority having jurisdiction or its authorized representative shall order the owner of any premises who has not contracted with a collector of residential or commercial solid waste licensed by the City of Geneva, or upon whose premises solid waste shall have accumulated or become improperly stored, or where containers, empty or full, have become improperly stored in violation of this chapter to: contract with a collector of residential or commercial solid waste licensed by the City; to remove such solid waste from such premises and/or to remove containers, empty or full, or properly store them within two days after receipt of an initial notice of violation.

Section 300-6 shall be amended to read as follows:

No person or entity shall engage in the business of receiving, collecting or transporting residential or commercial solid waste within the City of Geneva without first obtaining a license to carry on such business from the City of Geneva and paying the fee for such license as herein provided.

A person or entity may obtain a license to receive, collect or transport residential solid waste within the City of Geneva and a license to receive, collect or transport commercial solid waste within the City of Geneva.

Nothing herein contained shall be construed to prevent any person or entity from transporting yard trimmings or brush generated on residential or commercial premises for the purpose of disposal.

Section 300-7 shall be amended as follows:

1. Subdivision A shall be repealed in its entirety to be replaced by the following:

A. The City of Geneva shall issue up to four licenses for collection of residential solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31<sup>st</sup> of the license period. Said Licenses shall be subject to revocation as provided herein. Collectors of residential solid waste seeking to conduct residential collecting operations on Monday through Thursday of each week shall pay an annual fee of \$250 for each day of the week they will be collecting. Collectors of residential solid waste seeking to conduct collecting operations on Friday of each week shall pay an annual fee of \$750.

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

B. The City of Geneva shall issue up to four licenses for collection of commercial solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31<sup>st</sup> of the license period. Said Licenses shall be subject to revocation as provided herein. Collectors of commercial solid waste seeking to conduct collecting operations on Monday through Thursday of each week shall pay an annual fee of \$250 for each day of the week they will be collecting. Collectors of commercial solid waste seeking to conduct collecting operations on Friday of each week shall pay an annual fee of \$750.

3. The current subdivision B of Section 300-7 shall be re-lettered as subdivision H.

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

C. Initial applications for licenses for collection of residential or commercial solid waste pursuant to the 2022 amendments of this chapter shall be made no later than June 30, 2022. Current holders of licenses under this chapter shall have no vested right to issuance of such a license.

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

D. Unless a license for collection of residential or commercial solid waste is revoked by the authority having jurisdiction, or the collecting person or entity discontinues operations in the City for a period greater than 60 days, the licensee shall apply to the Department of Public Works for

renewal of its license for collection of residential or commercial solid waste no later than 60 days prior to the expiration of its current license. A licensee shall have no vested right in renewal of its license.

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

**E.** Prior to issuing or renewing a license under this Chapter, the Department of Public Works shall review the performance of the applicant. The Department of Public Works shall notify an applicant or a licensee of its determination issuing or denying an application for issuance or renewal of a license under this Chapter in writing, stating the reasons therefor. An applicant or licensee may appeal a determination denying its application for issuance or renewal of its license no later than 30 days of the date it is notified of the determination by filing a written appeal with the office of the City Manager. Determination of the appeal shall be made within 30 days of the date of receipt. A denial of an application for renewal of a license shall be stayed pending determination of the appeal.

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

**F.** No license shall be required for the collection for the purpose of disposal of yard trimmings or brush generated on residential or commercial premises.

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

**G.** Anyone collecting construction and demolition debris related to a building permit must possess a commercial solid waste license issued pursuant to this Chapter or an additional \$250 fee will be added to the building permit fee.

Section 300-9 shall be amended as follows:

1. The current subdivision D of Section 300-9 shall be replaced by the following:

**D.** All vehicles used by collectors for purposes under this Chapter shall have insurance in place for claims of bodily injury and property damage with limits of no less than \$1,000,000 per occurrence. Such insurance shall be without prejudice to other coverage. The City of Geneva shall be named as additional insured.

2. Subdivision F of Section 300-9 shall be repealed in its entirety. Subdivisions G through M of Section 300-9 shall be renumbered F through L accordingly.

Clr. Camera said that this ordinance is trying to address the issues of everyday being trash day in the city and fees not being increased in many years. He said that it is good to make sure haulers are properly insured to hold the city harmless.

Clr. Gaglianese said he cannot support this as presented because it is not much different than before and is adding more work for city staff. He noted that staff has not been included in discussions, and they are the experts. He said he does not agree with the extra fee for building permits when the hauler is not licensed. He said he feels competition is good, and council is making it difficult for new businesses to come here. He feels this ordinance needs to wait until code enforcement is fully staffed.

Clr. Regan said that council needs to consider where waste goes, and it is time for change now. She offered amendments to the proposed ordinance: she suggested haulers and residents be supplied with a short list of incentives that could inch us toward a goal of diverting waste to the landfill, and the city could reward the companies who can reduce waste. She said that if the base fee were increased, the city could offer a discount for each point of compliance; such as companies who offer pay as you throw service. She said companies should offer organic material pickup to be brought to the Resource Recovery Park. She said that the city could require a deposit on new construction to be refunded if recycling requirements are met, and we could request a recycling and waste reduction plan with each building permit application. When jobs are complete, contractors or haulers will supply receipts that show where materials were disposed of, and the contractors who achieve the percentage of waste tonnage established by the city for diversion from the landfill would receive their deposit back in full. She said this makes it clear that this is a priority for our city. Lastly, she asked if there was a way to divide the city into sectors for trash pickup on certain days in certain sectors in order to keep trash cans off every street every day.

Clr. Pealer said that there is a problem with trash removal in the city, and he does not see this ordinance as solving the problem, so he will not support it. He said he would support adding another license. Clr. Burrall said he doesn't believe council is ready to vote tonight. He said the information is confusing, and he does not understand the reason for doubling the fee by splitting residential and commercial licenses. One thing he would like to see in the final ordinance under the section stating no license is required for picking up yard trimmings is the inclusion of compostable material. He said he is not in favor of a potential 8 haulers in the city. Clr. Salone said he agrees with statements made by Clrs. Pealer and Gaglianese and believes in taking care of local businesses.

Mayor Valentino questioned why councilors did not give this input in an email to the rest of council or at the work session. He said there is illegal activity going on in the city, and the code needs to be improved in order to help staff enforce the laws. He said that council can continue to debate tonight, but any council input needs to go to staff and legal for the next reading. Clr. Camera suggested a work session with the haulers to get their input. He added that we need to keep our city beautiful and with hauler cooperation, we would need less code enforcement.

Clr. Gaglianese said he feels council has more important things to talk about. He said that a person has come to us to get a license for a competitive business, and since council made an exception for a microhauler license, he feels this license should be given as well. Clr. Pealer agreed that a fifth hauler license should be added. Clr. Regan said that the microhauler license is a totally different license, and a business' commitment to Geneva is what is important.

**ACTION TAKEN by Clr. Camera; seconded by Mayor Valentino**

**MOVED THAT this ordinance be approved for first reading**

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

**Nay – Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, and Clr. Salone**

**Absent - Clr. Noone and Clr. Salamendra**

**MOTION DEFEATED**

13. **DEFEATED FIRST READING OF AN ORDINANCE ADDING CHAPTER 111-A TO THE GENEVA MUNICIPAL CODE ENTITLED “PRIVATE LANDLORD REGISTRATION”**

Clr. Camera presented the following ordinance for first reading:

**WHEREAS** it is the policy of the City of Geneva to promote the availability and accessibility of safe housing for all persons in the City, and

**WHEREAS**, identification of private rental properties in the City and the ownership of said properties is incomplete, and

**WHEREAS**, creation of a registry of private rental properties in the City will facilitate contact by the City with the owners of such properties to resolve code issues, to identify and prosecute nuisances, and resolve other matters in a timely and expeditious manner, and

**WHEREAS**, creation of a registry of private rental properties in the City will enable the City to provide information to landlords, renters, and State and Federal agencies to enable access to financial assistance, including funds available regarding COVID-19 impacts,

**THEREFORE, BE IT ORDAINED BY THE GENEVA CITY COUNCIL THAT A NEW CHAPTER SHALL BE ADDED TO THE GENEVA CITY MUNICIPAL CODE IDENTIFIED AS CHAPTER 111-A,**

**ENTITLED “PRIVATE LANDLORD REGISTRY”**

**111-A-1 PURPOSE**

The purpose of this chapter is to establish a procedure for the identification and registration of private rental properties, and to ensure that the City of Geneva, hereinafter "City", has a meaningful, efficient, and effective means of communicating with the persons and companies who own private rental property. This chapter is adopted to promote the health and safety of tenants and residents of the City, and to alleviate conditions of substandard housing.

**111-A-2 ENFORCEMENT.**

This registry shall be enforced by the City Office of Code Enforcement. See § 230-12. Code Enforcement Officers and Inspectors.

**111-A-3 DEFINITIONS**

- A) **REGISTRY AUTHORITY** shall mean the City Office of Code Enforcement.
- B) **PRIVATE LANDLORD** shall mean any private person or persons, Corporation, LLC or other entity who owns and operates residential rental property or properties in the City as a for profit business.
- C) **RENTAL PROPERTY** shall mean any Dwelling as defined in §350-2(B) of the Code which is, or any part of which is rented or leased by the owner for residential purposes.
- D) **DWELLING UNIT** shall have the same meaning as provided under §350-2(A) of this Code under the term "Dwelling".

#### **111-A 4 REGISTRATION OF PRIVATE LANDLORDS**

- A. All Private Landlords shall register with the Registry Authority within ninety (90) days of the effective date of this chapter. The registration form shall be known as a "Private Landlord Registration Statement", and shall be signed and affirmed under penalty of perjury by the property owner of record, and if applicable, the managing agent.
- B. It shall be unlawful for any Private Landlord to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied after ninety (90) days of the effective date of this chapter without having first registered pursuant to this chapter as required herein and payment of the registration fee within the time prescribed for such registration and the payment of the registration fee. Failure to receive notice of the registration deadline shall not be a defense for failure to register rental property. It is responsibility of the Private Landlord to fulfill the requirements of this chapter.

#### **111-A 5 DESIGNATION OF MANAGING AGENT**

- A. In the event that a Private Landlord does not reside within twenty (20) miles of the City limits, or if the Private Landlord is not a natural person, or if the Private Landlord has employed a Managing agent, the Private Landlord shall identify or designate a managing agent.
- B. The managing agent shall be a natural person, eighteen (18) years of age or older, who actually resides within twenty (20) miles of the City limits or has a regular place of business within twenty (20) miles of the City limits.
- C. The managing agent shall be designated by the Private Landlord as the person responsible for and in control of the maintenance and operation of such rental property, and upon whom process may be served on behalf of the owner.
- D. The managing agent shall respond to communications from the City Office of Code Enforcement within 2 hours after the communication is sent.
- E. Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent with respect thereto any officer of such

corporation who meet the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.

- F. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as herein provided.

#### **111-A 6 PRIVATE LANDLORD REGISTRATION STATEMENT**

- A. Every Private Landlord as defined above shall file with the Registry Authority, within ninety (90) days after the adoption of this chapter, a Private Landlord Registration Statement on forms to be supplied by the Registry Authority, containing the following information:
  - (1) Property Description: A description of the premises, including: address, number of units, number of floors, total number of bedrooms, whether the units are rented or leased, the name listed on the property deed, and any other identifying information as requested by the Registry Authority.
  - (2) Private Landlord Information: The owner's name, physical address (P.O. Box is not acceptable), mailing address, and primary and secondary voice telephone numbers, fax number and an e-mail address shall be provided.
  - (3) Designation of Managing Agent: If a managing agent is required by § 111-A 5, then the Private Landlord shall provide the following information: the name, business address, business telephone number, and fax number of the managing agent.
- B. The Private Landlord shall be obligated, at all times, to keep this information updated, and when there is a change in any of the requested items (ownership, managing agent, insurance coverage, etc.), the Private Landlord shall update the information by amending the Private Landlord Registration Statement within thirty (30) days from the date of any such change.
- C. Upon completion, execution and submission of the Private Landlord Registration Statement as aforesaid, said registration shall be reviewed by the Registry Authority or their designee for adequacy. Should the Registry Authority and/or their designee determine that said application is incomplete for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed compliant with the requirements of this article.
- D. Where after filing any Private Landlord Registration Statement in relation to any rental property under the applicable provisions of this chapter, a Private Landlord shall have granted or transferred his/her/its right, title or interest therein or in any part thereof, the new Private Landlord shall file a new Private Landlord Registration Statement with the Registry Authority within thirty (30) days after such grant or transfer.
- E. Any designation of the managing agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent. A Private Landlord may terminate such designation by filing with the Registry Authority a sworn written

statement designating a new managing agent made in conformity with the provisions previously cited.

- F. The Private Landlord Registration Statement shall be signed by the Private Landlord, or if the Private Landlord is a corporation, by an officer thereof, or if such owner is a partnership, by a partner thereof, and said statements must be sworn to under the penalties of perjury.
- G. If a managing agent is designated pursuant to the applicable provisions of this section, the Private Landlord Registration Statement shall also be signed by said managing agent.
- H. Any such Private Landlord Registration Statement or designation of a managing agent shall be deemed prima facie proof of the statements therein contained, in any criminal or civil prosecution instituted by the City or by any proper prosecutorial agency against the owner or managing agent of a rental property.

#### **111-A 7 PRIVATE LANDLORD REGISTRY**

- A) The City Office of Code Enforcement shall maintain a Private Landlord Registry, listing all Rental Property within the City, the name, address, telephone number and e-mail contact information of each owner of such Private Rental Property.

#### **111-A 8 REGISTRATION FEE**

Private Landlords subject to this Chapter shall pay a Fee of Fifty Dollars (\$50.00) for registration of each Rental Property consisting of four or fewer Dwelling Units and One Hundred Dollars (\$100.00) for each registration of a Rental Property consisting of five or more such Dwelling Units. Said Registration Fee shall be paid to the City Clerk. Upon change of ownership of a Rental Property, A Registration Fee shall be due and payable by the new Private Landlord within 30 days of closing. (See Section 111-A 6, D above.)

#### **111-A 9 AMENDMENTS TO REGISTRATIONS**

Private Landlords shall maintain correct information in the Registry. No fee shall be charged for necessary amendments.

#### **111-A 10 PENALTIES**

Private Landlords who fail to register ownership of any Rental Property as required by Chapter shall be guilty of a violation and subject to a fine, not to exceed One Hundred Dollars (\$100,00) per month that such failure to register such Rental Property continues.

Clr. Camera said that he wants to make sure landlords are registered so they can be contacted with issues quickly, and he feels this is a standard practice and good government.

Clr. Salone said that he wants better housing, and he heard from landlords wanting to know what the fee is covering. He said he feels it is a tax and duplication of service. He said he recently was given a list that is on file in the fire marshal's office. He said he would like to see better inspecting and enforcement, but he does not agree with charging a fee for registering with the city. Clr. Gaglianese said he agrees with Clr. Salone and doesn't understand what this is trying to solve. He noted that Canandaigua's ordinance is a lot simpler and the City of Geneva does not have enough staff to enforce.

Clr. Pealer said he also received calls from landlords who understand the need for this because they are good landlords. He said that a good part of the ordinance is that it requires out of state landlords to add a local managing agent within 20 miles of the city. He noted that this ordinance punishes good landlords and said it does nothing to punish bad landlords because we do not have enough staff to enforce it. He would like to see the requirement for a managing agent written into the current code. Clr. Burrall said he feels this is being presented because of a few bad apples. He said this five-page ordinance is too much just to get contact information.

Clr. Regan said she feels behind this is important stuff. She said she was surprised the fire department list did not come up before. She said she prefers to pass this tonight for the first reading and make some changes for the next reading.

Mayor Valentino voiced his frustration that this ordinance has been tabled twice, and councilors have not given input in order to get the wording complete in order to pass. Clr. Salone said that the fire marshal's list just came up last week along with the phone calls from landlords. Clr. Gaglianese said that council should have had staff at these meetings, and maybe this information would have come up sooner. Clr. Camera cautioned that there are other issues that are not fire issues, and inspections of even the exterior of some properties give us all assurance of a safe, beautiful city.

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

**MOVED THAT this ordinance be approved for first reading**

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

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

**Absent - Clr. Salamendra and Clr. Noone**

**MOTION DEFEATED**

14. RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A GRANT AGREEMENT FOR PARROTT HALL STABILIZATION AND REMEDIATION

Acting City Manager Slywka presented the following resolution:

**WHEREAS**, a value of the City's Comprehensive Plan recognizes our architectural assets are important to us; and

**WHEREAS**, this plan states that we will protect and enhance our architectural heritage and prioritize the preservation of our historic and architectural assets; and

**WHEREAS**, Parrott Hall, listed as the Denton House at 643 North Street, is listed as an historic structure in the City's Code, Chapter 350: Zoning, Article X: Historic Zoning; and

**WHEREAS**, City Council on May 2, 2018 resolved to support the preservation of Parrott Hall and on January 2, 2019 resolved to enter into a license agreement with the New York State Office of Parks, Recreation & Historic Preservation (NYSPRHP) and a Memorandum of Understanding with the Friends of Parrott Hall, a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 57 High Street, Geneva, New York ("the Friends"), The Landmark Society of Western New York, Inc., a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 133 Fitzhugh Street, Rochester, New York ("the Landmark Society"), and the Preservation League of New York State, a Not for Profit Corporation organized under the Laws of the State of New York, with an address of 44 Central Avenue, Albany, New York ("the Preservation League") for the stabilization, rehabilitation, and reuse of Parrott Hall, and

**WHEREAS**, the City was awarded a New York State Parks, Recreation and Historic Preservation (NYSPRHP) Environmental Protection Fund grant for the stabilization and remediation of Parrott Hall; and

**WHEREAS**, the Coalition is asking for a second NYSPRHP Environmental Protection Fund grant application be submitted for additional remediation and veranda restoration of Parrott Hall; and

**WHEREAS**, the Memorandum of Understanding has been signed with the Coalition to coordinate and administer the grant project;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York authorizes the City Manager to submit a NYSPRHP Environmental Protection Fund grant application for Parrott Hall.

**ACTION TAKEN by Clr. Salone; seconded by Clr. Pealer  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

15. RESOLUTION ESTABLISHING A MEANS FOR PROVIDING LOCAL LAWS TO CITY COUNCILORS

Mayor Valentino presented the following resolution:

**WHEREAS**, according to Municipal Home Rule Law Section 20, paragraph 4, a proposed local law may be introduced only by a member of the legislative body at a meeting of such body or as may be otherwise prescribed by the rules of procedure adopted by the legislative body, and

**WHEREAS**, no such local law shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, or (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post office box of the United States post office department within the local government at least ten calendar days, exclusive of Sunday, prior to its final passage, or (c) e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage, and

**WHEREAS**, provided that (i) the local government has documented that each member of the legislative body had an email address, (ii) the local government has published such email address on the bulletin board of the local government clerk, and (iii) the legislative body has unanimously adopted a resolution authorizing such electronic delivery, and

**NOW THEREFORE BE IT RESOLVED** that the city council agrees that local laws can be sent in PDF format via email to all councilors no less than ten calendar days, exclusive of Sunday, prior to the date of the council meeting where the local law shall be passed.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Salone**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

16. RESOLUTION CALLING FOR AN INCREASE IN AID AND INCENTIVES FOR MUNICIPALITIES (AIM) FUNDING

Mayor Valentino presented the following resolution:

**WHEREAS**, AIM funding plays a pivotal role in funding essential municipal services such as water, sewer, public works, police, fire and ambulance for cities and villages across New York State and,

**WHEREAS**, the State has not increased AIM funding in 13 years and,

**WHEREAS**, inflation has eroded AIM funding by roughly 29% over that time period and,

**WHEREAS**, the New York State Conference of Mayors and nearly 400 of its members have signed onto a letter to the Governor requesting an inflationary increase of \$210 million in AIM funding and,

**WHEREAS**, the Governor's Executive Budget proposed keeping AIM funding flat and,

**WHEREAS**, the New York State Senate and Assembly have included increases of \$210 million and \$150 million, respectively, to AIM funding in their one-house budgets and,

**WHEREAS**, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York, and

**NOW, THEREFORE, BE IT RESOLVED** that the Geneva City Council urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2022-23 adopted State Budget, and

**FURTHER BE IT RESOLVED** that a copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Pamela Helming, Assemblymember Jeff Gallahan and the New York State Conference of Mayors.

**ACTION TAKEN by Clr. Salone; seconded by Clr. Camera**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

17. RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A LEASE FOR LAKEFRONT SERVICES

Mayor Valentino presented the following resolution:

**WHEREAS**, the City of Geneva owns a facility on the lakefront to be used for lakefront services; and

**WHEREAS**, City staff identified lakefront services including concessions and rentals as a need for the lakefront and sent out a request for proposals for lakefront services; and

**WHEREAS**, City staff received proposals for services and determined that the most advantageous proposal was received from Michael & Tricia Mirras d/b/a Long Pier Ice Cream & Rentals; and

**WHEREAS**, the lease will be for one year with the option to renew for up to an additional five years; and

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute a lease with Michael J. Mirras d/b/a Long Pier Ice Cream & Rentals for lakefront concessions and rentals for a one-year term with an option for renewal at the conclusion of the first year for up to an additional five years.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

18. RESOLUTION APPROVING A DATA BREACH NOTIFICATION POLICY

Mayor Valentino presented the following resolution:

**WHEREAS**, the threat of cybercrimes has been a significant focus of State and local governments for decades calling on the New York State Legislature to enact the NYS Information Security Breach and Notification Act designed to protect State residents from unauthorized access to their private information stored in electronic format; and

**WHEREAS**, the Act requires local governments to adopt a notification policy which mandates that they disclose to any New York resident any breach of security, unauthorized access, or unauthorized release of personal computerized data whose information has been accessed or is reasonably believed to have been accessed; and

**WHEREAS**, in the event of a security breach and unauthorized access of private information, the City of Geneva will notify affected individuals by either written notice, electronic notice, or telephone notification including contact information and a description of the categories of information and the specific personal information and private information that is reasonably believed to have been acquired by a person without valid authorization. Staff will also notify the NYS Attorney General, the Department of State and the State Police as to the timing, content and distribution of the notices and approximate number of affected persons.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council approves the Cyber Security Citizen's Notification Policy which is consistent with the State Technology Law section 108 as added by Chapters 442 and 4914 of the Laws of 2005.

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Salone**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

19. APPOINTMENTS

**ACTION TAKEN by Clr. Salone; seconded by Clr. Camera**  
**MOVED THAT Monika McGowan be reappointed to the Board of Assessment Review**  
**and Debra Wright be appointed**  
**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Salone**  
**MOVED THAT Wesley Greco be appointed to the Recreation Advisory Board**  
**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

20. PUBLIC COMMENT

Clr. Pealer said that the Jefferson Street Playground was severely vandalized this past weekend. He thanked the DPW and Recreation Department for their prompt response to getting it cleaned up. He put a call out to parents to know where their kids are and what they are doing.

21. ADJOURNMENT

**ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer  
MOVED THAT the meeting be adjourned at 9:45pm  
MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*

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City Clerk

THE GENEVA CITY COUNCIL  
JOURNAL OF PROCEEDINGS  
SPECIAL COUNCIL MEETING

April 11, 2022 – 7:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, Clr. Camera, and Clr. Salone  
Absent - Clr. Salamendra and Clr. Noone

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 7:00pm to discuss the City Manager applicants**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

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

**MOVED THAT council leave executive session at 8:45pm**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

3. ADJOURNMENT

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

**MOVED THAT the meeting be adjourned at 8:45pm**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

*Lori Guinan*

City Clerk

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### SPECIAL COUNCIL MEETING

April 20, 2022 – 6:00 PM

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

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, Clr. Camera, Clr. Salamendra, Clr. Salone, and Clr. Noone

#### 2. EXECUTIVE SESSION

Clr. Camera asked to make a statement before council moved to executive session:

As a standing committee made up of citizens of the same governmental jurisdiction the creation of a Police Review Board (PRB) is perfectly in line with the Grand Jury law embedded in the 5<sup>th</sup> Amendment of the US Constitution. The grand jury law allows a federal entity to prefer charges against a person for offenses based on a review of the evidence by a majority of the grand jury made up of regular citizens.

UNITED STATES CONSTITUTION 5th Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...”

NEW YORK STATE CONSTITUTION Article 1, Section 6 “No person shall be held to answer for a capital or otherwise infamous crime...unless on indictment of a grand jury...”

(NYS Grand Juror’s Handbook, 2021)

“Your mission is two-fold: on the one hand, to use your power as grand jurors to investigate crimes and hand up an indictment when sufficient evidence exists to do so; on the other, when the evidence is insufficient, to protect people from unfounded criminal accusations by not handing up an indictment.”

So, what is really different between a grand jury type mechanism and a police review board in principle? Not much. What is essential is that the investigation and deliberations are held in confidence, are conducted by regular citizens of the jurisdiction and then an opinion is handed back to the governmental entity to pursue. In the case of Geneva’s PRB, the police chief takes the recommendation and combines it with her own information and evidence and then comes to a final conclusion. It is too simple.

In my opinion, Judge Doran's decision on April 11<sup>th</sup>, 2022 potentially proved two things:

- It showed his ignorance of the spirit of Grand Jury process and its fundamental foundation in the US Constitution to assure that justice is preserved or protected.
- And/or he wrote an opinion and finding that is a 26-page rationalization for his decision to suggest tons of technical research and legal analysis that makes sense and justifies striking the law.

It does not. This ruling is founded on biases that he freely admits to and, to put it mildly, his insensitivity as a young person to the racial inequalities that existed in the past and still persist to this day. If he had wanted to add one more page to his tome of 26-pages of excuses he could have done a little google research and he would have found that complaints involving people of color are less likely to be heard, processed, and adjudicated, than those filed by white people and therefore makes the lack of a PRB the perpetuation of racism and intimidation for the weaker and disenfranchised among us.

He could even have taken into account the human rights complaint lodged by a City of Geneva policeman in March 2022 over three weeks before he issued his ruling.

FLTimes headline, March 19<sup>th</sup>, **At Odds with the City, GPD**, in which a white police officer files a human rights complaint against the City.

Judge Doran may not be responsible for systemic or past acts of racism that have flowed in Ontario County and the going back to the founding of our country, but he is responsible for the future and his potential impact on it.

And from what I can tell, this decision, perpetuates injustice, racism, and bullying and would best be assuaged by either his retraction of the ruling and/or his resignation.

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

**MOVED THAT council adjourn to executive session at 6:07pm to discuss proposed, pending or current litigation**

**MOTION CARRIED UNANIMOUSLY**

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

**MOVED THAT council leave executive session at 7:01pm**

**MOTION CARRIED UNANIMOUSLY**

3. **DEFEATED RESOLUTION AUTHORIZING AN APPEAL FROM APRIL 11, 2022 DECISION REGARDING THE POLICE REVIEW BOARD**

Mayor Valentino presented the following resolution:

**WHEREAS**, promoting positive police community relations is a goal of the City of Geneva, and

**WHEREAS**, in furtherance of said goal, the Geneva City Council adopted Local Law 1-2021 creating a Police Review Board, and

**WHEREAS**, an Action was commenced by Council 82 of the New York State Law Enforcement Officers Union in Ontario County Supreme Court on Jun 1, 2021, challenging Local Law 1-2021, in which it asked the Court to determine Local Law 1-2021 to be invalid, void, and unenforceable and sought a permanent injunction restraining, enjoining, and prohibiting the City from implementing the Local Law and putting it into effect, and

**WHEREAS**, Gibson, Dunn & Crutcher LLP, special counsel, appeared in said Action on behalf of the City of Geneva, and

**WHEREAS**, Motions were filed in said Action by all parties, and

**WHEREAS**, Supreme Court Justice Craig J. Doran issued a decision on April 11, 2022 in the Action brought by Council 82, determining that Local Law 1-2021 was invalid, void, and unenforceable and permanently enjoining, restraining, and prohibiting the City from implementing Local Law 1-2021 and putting it into effect, and

**WHEREAS**, Gibson, Dunn & Crutcher LLP, has advised the Geneva City Council concerning the details of the April 11, 2022 decision and the possibility of appealing the decision to the New York State Supreme Court, Appellate Division, Fourth Department.

**NOW, THEREFORE BE IT RESOLVED THAT** Gibson, Dunn & Crutcher LLP, is authorized to file an appeal with the New York State Supreme Court, Appellate Division, Fourth Department, from the April 11, 2022 Decision in the Action brought in Ontario County Supreme Court by Council 82 and to apply for a stay of the April 11, 2022 decision pending determination of the Appeal.

Clr. Pealer asked to clarify that if councilors vote “yay”, then the appeal will move forward, and if they vote “nay”, it will not move forward.

Clr. Salamendra said that tonight she is not speaking as an activist or someone who supports the Police Review Board, but she is speaking in the position of someone whose job it is to protect the city. She said she is worried that a decision to not appeal the judge’s decisions will open the city to increased liability and decrease public trust in city government and the police. She referred to a human rights complaint filed by Sgt. Nolin of the Geneva Police Department and the case against Jack Montisanto saying that a Police Review Board (PRB) has a way of decreasing the amount of money the city spends on lawsuits related to Geneva Police Department misconduct. She said that if we stop this process now, we are giving people with potential lawsuits the ability to point to this day as the day where city officials refused to take police misconduct seriously. She noted that it will cost us much more than the \$120 spent by the PRB in the last nine months. She said that Genevans are ready and waiting to share their complaints with the PRB. She said that photos were recently shared with her from within the Police Department on a computer used by multiple officers. She said she is afraid that if council does not appeal Judge Doran’s decision and let the

process play out, this kind of behavior on the part of the GPD will have a chilling effect. She said she feels everyone can agree that what we want is to improve relations with the GPD and the community. She reminded council of the hours of public comment they heard when they voted to pass the local law for the PRB. She asked council not to turn their backs on the people or the law they all wrote together.

Clr. Gaglianese said I don't think anyone would argue that Geneva's diversity is one of our greatest assets. People from different walks of life, different political views, different visions for Geneva's future. This diversity is what makes Geneva the city we all know and love. I was elected onto council as an At-Large councilor. That means that I am tasked with the difficult role of representing ALL of the people of Geneva. Making decisions as a councilor that make everyone in Geneva happy is not only difficult. Let's be honest- it is utterly impossible. With each vote, every one of us up here is going against what some of our constituents want. That is just the nature of government. For me, the decision whether to appeal or not has little to do with Supreme Justice Doran's ruling that deemed Local Law 1-2021 invalid. In fact, his ruling only echoed the warnings we received from John Corcoran with Hancock and Estabrook, as well as that of our own city attorney, Emil Bove- who both went into great lengths to caution us that the way we created the language to this law would be challenged in the end. My vote tonight is based on the same thing it has been since the beginning of this entire process. That is- that the overwhelming majority of my constituents have opposed this from the start. During a global pandemic, when we couldn't even hold in person meetings, this council experienced civic engagement from our community in ways that I don't believe we have truly ever seen before. I would love to know if there has ever before been a public hearing in the city with over 100 participants giving public comment. People navigated technology, and learned how to use ZOOM- all because they wanted to be heard. And- I just want to say- to the Genevans who spoke in support of this PRB from the start- just because I didn't vote for this PRB does not mean I wasn't listening to you. As I said, my role- as well as Clr. Noone's role- is to represent the whole population of Geneva. And when the whole population has differing views, I base my vote on what the majority wants- because that is what a councilors decision must be based on. Not personal agendas, not the will of a small subset, not demands or ultimatums. At the public hearing, the overwhelming majority- over 60%- of participants spoke in opposition to the PRB. At that hearing, a petition-read by Councilor Noone- and signed by almost four hundred Geneva residents combined from all 6 wards and taxpayers, asked us to dismiss the local law "in it's entirety". Then, when the stronghold of 5 on council ignored the majority of feedback and still passed the local law, Genevans from both sides of the aisle- Democrats and Republicans came together to raise the funds needed to obtain their own legal representation- as they felt they were not being heard or represented by their councilor. In just a very short time, over 575 registered voters combined from all 6 wards in our city signed their name to a petition asking for the local law establishing a PRB to be put to a vote- because they wanted their chance to have their voices heard. I don't know if any of the other councilors have looked at all of the signatures on that petition, but it was pretty powerful. To see page after page of Genevans, young and old- left right and center- all willing to put their name out there for a chance to be heard. Almost 600 voters in this city united to tell us that we didn't listen to them. We did those people a great disservice- and its time to make that right. My vote tonight doesn't erase the time, dedication and hard work that many people put into the local law and the PRB. I would like to express sincere appreciation to all of those who got involved throughout this process. Your volunteerism is noble, and I thank you all for that. But it should have never gotten this far. The concept of

transparency and accountability not just for our police department but city-wide is something that we all must prioritize. I believe we can continue to build trust between GPD and the community in many ways, and I look forward to collaborating with all Geneva stakeholders- to include the African American Men's Association and the NAACP- two groups which were not represented on the PRB. In fact, the NAACP's nominations for the PRB were shot down entirely. As a side note- I have never seen public safety in Geneva take a back seat to politics and personal agendas, as I have the last 18 plus months and have stated from the get-go that this approach and process was flawed. This drain and strain approach would be reckless and have consequences and, in the end, we would have a price to pay. This law has made it hard to attract lateral transfer police officers to backfill empty positions we currently have vacant at our police department and because of this we have put officers as well as general public at risk. Doing more with less isn't working and long term we cannot continue operate like this. In closing, appealing this ruling would not guarantee us moving forward without more legal challenges and obstacles. Yes, I do know that Gibson Dunn and Crutcher will continue handling this case pro-bono and some will say we have nothing to lose, others will state this legal cycle could go on for months even years and in the end we would get nothing but a more diluted version of the diluted version we already have created. With this being said I am a No vote to this appeal.

Clr. Salone said that he is here to represent residents of the 6<sup>th</sup> Ward. He said that when he learned of the Judge's ruling, he went out and canvassed his ward and was able to hear from 313 residents, noting that this was three times the number of people who voted in the last election. He said that 129 people were in favor of the appeal, and 184 were against the appeal. Based on these results, he will be voting no for the appeal. He said he fully supports the men and women in blue who are dedicated to Geneva. He referred to the incident involving Officer Montisanto saying that the police chief did not hesitate to act, and did what he was supposed to do by law. He believes the chief will continue to serve our city this way. He mentioned incidents where current councilors were found in violation of tenants of our City's Code of Ethics, and they were not held accountable. He said he believes in accountability for every person in every department, but it has to start at the top. He said he believes our citizens are fed up with the breakdown of moral and ethics in our city and across the country. He said that council needs to listen, respect, and agree to disagree. He thanked the people of his ward saying that he is honored to be their representative and will continue to represent the people of his ward.

Clr. Regan said what we are voting on tonight is NOT the Police Review Board. It's not a vote on the Local Law 1-2021. We already voted on that – we approved it. What we are voting on tonight is whether to give this legislation its due. Whether to honor the work of it – our work together, probably the best work we have done – the work and of a solid diverse group of Geneva's citizens, and the work of a volunteer board that has met diligently and responsibly for over a year. We are voting on a legitimate common legal step, to give this huge effort a rightful chance. And to give the city a law and board to show what indeed it can accomplish. For this reason, I am most interested in the remarks of two Councilors. One is Councilor Salone, who told us publicly that he would support the PRB. You have the opportunity to honor this work and the democratic process. I am interested in his comments tonight. The second is Councilor at large Anthony Noone. Though he voted against this law, he was strangely enough made the council liaison to the committee. He has reported each month on their numerous meetings and hard work. I would like to hear his impressions of their professionalism, of their worth at a shot in continuing their work. To my

colleagues who claim we should not put more time into this – I ask them, how much time have you put into this lawsuit so far? This has been solely in the hands of pro bono lawyers. We have not been asked for anything on this path, except an occasional meeting to update us on status. This has been handled by a group of high-profile pro bono attorneys, not by City Council. Another point here that needs to be clear to the public – we are not paying for this appeal. There will surely be some interaction with our own attorneys, but tax payers are not being asked to fund an appeal – just as they did not pay for the primary legal services that came with crafting this law. As for the need of a body like this – When I hear from people who do not believe this is needed, that it is fabricated from national stories not relevant in our small city – I fear we ignore far too many stories—far too much of what is reality for others who live here too. There are well known cases that have occurred in over recent years that I have known of course. But in my first two years being on Council I had two cases that came to me – two cases that needed a PRB, but somehow found my number instead when one did not exist. One of those cases involved a domestic abuse situation, where an off-duty Geneva officer attacked a woman in neighboring city. The Chief investigated this case that came to home from that other City's police department -- but chose to interview the alleged offender, and not speak to the victim herself, or any witnesses. Unfortunately, the abuse continued. That was when this woman spoke to me. Serving in pre-PRB mode, I worked with others to be sure this case was properly heard. Had we had a PRB in place, without doubt the board would have questioned the original investigation that did not include interviews with the victim or witnesses. It could have prevented the continuing attack, and the danger all of Geneva faced having an officer with the propensity to beat a girlfriend walking our streets with power and a gun at his hip. This is a dramatic and worse case example, but a clear situation where the PRB would have made a difference. Still, I see the PRB primarily as a tool of better understanding – between citizens and the police -- and a trusted place for people with legitimate concern or complaints to go to. For all these reasons – to allow the city to follow through on passed legislation through a legitimate well established legal procedure, to honor the work that preceded its passage, to let the City see this board we formed together in action, and in recognition of the actual need for this in Geneva – I will vote in favor of seeking an appeal on Judge Doran's ruling.

Clr. Camera said that he feels the judge's decision was tainted based on his background and orientation, noting that he even stated he was connected to people in the law enforcement community. He said he feels that makes the judge's ruling biased. He wondered why the judge did not take into consideration the event of March 20<sup>th</sup> where an officer said he was being harassed and not supported by the Geneva Police Department and also what just happened at the county police department. He said that the county established a 209 Committee to handle the matter at the county level. He questioned why Judge Doran wouldn't think a PRB would be useful. Clr. Camera said that he does not personally need to be oppressed or feel bullied to want a PRB, and he is concerned for people who are.

Clr. Burrall compared requesting an appeal to getting a second opinion from a doctor when a person receives a diagnosis that is life changing. He said he feels there is no harm in requesting a second opinion or appealing the judge's decision. He said at the advice of legal counsel, he will vote in favor of an appeal.

Clr. Noone said that for the past 18 months he has taken part as the council liaison to the PRB, noting that they ran their meetings more efficiently than this council and should be applauded for their work. He said he never questioned their organization, professionalism or determination to do what's right. He said he even attended one of their trainings, which he found interesting and enlightening. He said that tonight's vote is not about the PRB individuals, but about the law itself that created the board. He said he spoke to a resident who encouraged him to appeal the decision, and he said that Chief Passalacqua's name came up in the conversation. He said that he has never questioned the chief's integrity and his determination to do what is right and to stand by his people when they do the right thing, and to stand against those who do wrong. He said the person he spoke to agreed that the PRB should not be put in place because of Chief Passalacqua or the current GPD staff, but for any future officers we may have who do not have the integrity of our current chief. He said he feels we need to be proactive in addressing police reform and not reactive, and this will not be the be all, end all if council does not appeal the recent decision. He said that misinformation is causing division in our city, noting that the attorney they spoke to tonight said that they can put a new local law into effect if they choose not to appeal. Clr. Noone said that council was warned eighteen months ago by their other law firm that we would come to this point, but some councilors found a firm to tell them what they wanted to hear. He said he would like to go back to the beginning to get a law that will stand up, such as the one in Albany that was accepted by the police unions. He said he agrees that everyone needs to be held accountable, and he would like to see a law drafted collectively with the police chief and bargaining units that will bring people together rather than causing division.

Mayor Valentino said that there are important things about accountability, and he himself had to correct some issues after he was found in violation of an ethics tenant. He referred to July of 2020 when council was in their first year, and 7 resolutions came before them without going through staff and legal to see they were worded properly and met all requirements. He said that when council was provided legal counsel based on a local law that was copied and pasted from the Rochester local law, they were told there were items that would cause issues, but council chose not to listen to internal or external counsel when making adjustments. He said that he voted in favor of the local law to remain on the prevailing side to be able to bring this back up again to make adjustments.

Clr. Salamendra said that council rewrote the law when the lawyers said it would not work.

Clr. Pealer said that the important thing to do is keep track of the number of people who speak to council, noting that the majority were against it. He said it is important to know that your councilors understand what is before them. He said he believes crime touches everyone, and he supports police for what they do every day. He said in 1999 he was held at knife point and mugged outside Madison Square Garden, and by chance a Police Officer walking the beat approached, scaring off the mugger. In 2004 he was stopped in Grand Central Station by Metro PD and accused of being an Arab Terrorist and profiled. He was held for over 12 hours in a holding cell. He had to spend \$1500 in legal fees for doing something legal. He understands that police can overextend themselves. He said that council had an opportunity to do this right as PRB's require buy-in or support by the police, but we ended up with division. He said that horrible things were said about our police officers. He said he mostly agrees with Judge Doran's decision, but he disagrees that this was a thinly veiled attempt at taking shots at our Police Unions. He thinks this was a very direct attack. He thanked the volunteers and offered an apology to those who signed the

petition for referendum as council ignored it on the advice of their legal team, and council should have listened to the public.

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

**MOVED THAT this resolution be approved**

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

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

**MOTION DEFEATED**

4. ADJOURNMENT

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

**MOVED THAT the meeting be adjourned at 7:50pm**

**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*

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City Clerk

THE GENEVA CITY COUNCIL  
JOURNAL OF PROCEEDINGS  
SPECIAL COUNCIL MEETING

April 25, 2022 – 4:00 PM

41 Lakefront Hotel  
(Former Ramada Inn)  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Camera, Clr. Salone, Clr. Salamendra (left at 5:05pm), Clr. Pealer (arrived at 4:25pm), and Clr. Noone (arrived at 4:30pm)

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 4:00pm to interview City Manager applicants**

**MOTION CARRIED UNANIMOUSLY (7-2 absent)**

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

**MOVED THAT council leave executive session at 6:05pm**

**MOTION CARRIED UNANIMOUSLY (8-1 absent)**

3. ADJOURNMENT

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

**MOVED THAT the meeting be adjourned at 6:05pm**

**MOTION CARRIED UNANIMOUSLY (8-1 absent)**

*Lori Guinan*

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

April 27, 2022 – 4:00 PM

41 Lakefront Hotel  
(Former Ramada Inn)  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Camera, Clr. Salone, Clr. Noone,  
Clr. Salamendra (left at 5:15pm), and Clr. Pealer (arrived at 4:20pm)

2. EXECUTIVE SESSION

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

**MOVED THAT council adjourn to executive session at 4:02pm to interview City Manager  
applicants**

**MOTION CARRIED UNANIMOUSLY (8-1 absent)**

**ACTION TAKEN by Clr. Salone; seconded by Clr. Camera**

**MOVED THAT council leave executive session at 6:00pm**

**MOTION CARRIED UNANIMOUSLY (8-1 absent)**

3. ADJOURNMENT

**ACTION TAKEN by Clr. Salone; seconded by Clr. Camera**

**MOVED THAT the meeting be adjourned at 6:00pm**

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

**Nay – Clr. Pealer**

**Absent - Clr. Salamendra**

**MOTION CARRIED**

*Lori Guinan*

City Clerk



## Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: Emil J. Bove, Jr. Esq., of counsel, Midey, Mirras & Ricci, LLP

Meeting Date: May 4, 2022

Item Title: Resolution Authorizing Extension of Tax Exemption Agreements (TEA's) with the Geneva Housing Authority

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### **Action Required:**

Pass a resolution authorizing Acting City Manager to execute and deliver a written agreement extending the Tax Exemption Agreements for Lyceum II and Lyceum III to a terminus date coincident with that of the TEA for Lyceum I.

### **Background:**

The Geneva Housing Authority is the managing authority for three low income housing projects at 150 Lyceum Street: Lyceum Heights I; Lyceum Heights II; and Lyceum Heights III. The projects are 100 % exempt from real property tax pursuant to Article V of the State Private Housing Finance Law. The owners and the City entered into TEAs fixing the real property assessments of the property. The Lyceum Heights II and Lyceum Heights III TEAs had different expiration dates than the Lyceum Heights I TEA.

The GHA is asking that the terms of the Lyceum Heights II and Lyceum Heights III TEAs be amended so that their expiration dates are the same as the expiration of date of the Lyceum Heights I TEA. This will allow the three projects to be bought out and syndicated.

Note: these projects are 100 % tax exempt

### **Financial Impact:**

If the Lyceum Heights II and Lyceum Heights III TEAs are not extended, they may be 100% tax exempt.

### **Office of the City Clerk**

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

**RESOLUTION # 17 – 2022**

**AUTHORIZING EXTENSION OF TAX EXEMPTION  
AGREEMENTS WITH THE GENEVA HOUSING AUTHORITY**

**WHEREAS**, the former Shuron Optical (later, Garden Galleries) property at 150 Lyceum Street has been developed by associated entities of the Geneva Housing Authority for low-income senior housing, in three stages:

Lyceum Heights I by Lyceum Housing Limited Partnership (LH LP)  
Lyceum Heights II by Lyceum II Housing Limited Partnership (LHII LP)  
Lyceum Heights III by Lyceum Heights III Housing Development Fund  
Corporation (LHIII HDFC), and

**WHEREAS**, LH LP, LHII LP, and LHIII HDFC, “the Owners”, have executed Tax Exemption Agreements (TEAs) with the City of Geneva, and

**WHEREAS**, the TEA for Lyceum I (2000) is for a term of 30 years, expiring in 2030, and the TEAs for Lyceum II (2005) and Lyceum III (2011) are for terms of 15 years each, and

**WHEREAS**, the TEAs for Lyceum II (2005) and Lyceum III (2011) have expired, and

**WHEREAS**, the Owners anticipate that in the near future all three projects will be consolidated in a re-syndication that will provide funding for repairs and capital improvements, and

**WHEREAS**, the Owners have requested that the TEAs be coordinated with a single expiration date.

**NOW, THEREFORE, BE IT RESOLVED**, that the acting City Manager be and she hereby is authorized to execute and deliver to the owners of Lyceum II and Lyceum III, a written agreement extending the TEAs for Lyceum II and Lyceum III to a terminus date coincident with that of the TEA for Lyceum I.

## Resolution # 18 - 2022

### RESOLUTION CREATING A POLICE ACCOUNTABILITY COMMITTEE

The City Council of Geneva under its powers of home rule and the Geneva City Charter has the right to constitute independent standing committees to provide research, input and guidance to the City Council on matters of significant public interest.

Given the murder of George Floyd in May 2020, many citizens of Geneva expressed their concerns about the GPD's own problems in handling complaints against its officers going back at least several years. The Peoples Peaceful Protest (PPP) reflected many young and old persons' concerns in Geneva.

Eventually, these concerns were addressed through a collaborative process with members of the PPP and other interested residents of the City. After a lengthy collaborative drafting exercise a police accountability law was enacted by a majority of CClrs. in February 2021 when the Police Review Board (PRB) was enacted as Public Law 1-2021, by a 6-3 vote.

The Law, by changing the City Charter, assured all residents of a permanent and independent review of and accountability by the GPD regarding all complaints against it.

In January 2022, the City's police union (Local 3471 of New York State Law Enforcement Officers Union, Council 82), challenged the legality of the law and sued for its dismissal which was granted by Judge Craig Doran on 4/11/2022 in Ontario County Court.

This current resolution is to assure that police accountability to the citizens of Geneva is still on-going by way of the creation of a standing committee to receive, review, and research complaints about police activities and then report them directly to City Council.

Therefore be it resolved, the City of Geneva and its residents deserve an appropriate process for the review of complaints made against the City Police Department.

Be it further resolved that most of CClrs. are on record in supporting police accountability.

Be it further resolved that a fair and impartial review process will meet the needs of Geneva residents and also help the GPD improve training methods and internal development leading to an enhance reputation and greater public confidence.

Be it further resolved that the creation a standing committee of the City Council made up of councilors and members of the public (including the former PRB) will assure a broad perspective and impartial analysis of complaints.

And finally, be it resolved, that the City Council of the City of Geneva shall constitute the standing committee known as **Police Accountability Committee** whose purpose shall be to do receive, research, analyze, and make recommendations to the CC and CM so they may better perform oversight of police operations and management for the citizens of Geneva.

**CITY OF GENEVA**

**CITY COUNCIL ORDINANCE NO 5-2022**

**ORDINANCE ADDING CHAPTER 111-A TO THE GENEVA  
CITY MUNICIPAL CODE ENTITLED "PRIVATE LANDLORD REGISTRATION"**

**WHEREAS** it is the policy of the City of Geneva to promote the availability and accessibility of safe housing for all persons in the City, and

**WHEREAS**, identification of private residential rental properties in the City and the ownership of said properties is incomplete, and

**WHEREAS**, creation of a registry of private rental properties in the City will facilitate contact by the City with the owners of such properties to resolve code issues, to identify and prosecute nuisances, and resolve other matters in a timely and expeditious manner, and

**WHEREAS**, creation of a registry of private residential rental properties in the City will enable the City to provide information to landlords, renters, and State and Federal agencies to enable access to financial assistance, including funds available regarding COVID-19 impacts,

**THEREFORE, BE IT ORDAINED BY THE GENEVA CITY COUNCIL THAT A NEW CHAPTER SHALL  
BE ADDED TO THE GENEVA CITY MUNICIPAL CODE IDENTIFIED AS CHAPTER 111-A,  
ENTITLED "PRIVATE LANDLORD REGISTRY"**

**111-A-1        PURPOSE**

The purpose of this chapter is to establish a procedure for the identification and registration of private residential rental properties as defined herein, and to ensure that the City of Geneva, hereinafter "City", has a meaningful, efficient, and effective means of communicating with private landlords. This chapter is adopted to promote the health and safety of tenants and residents of the City, and to alleviate conditions of substandard housing.

**111-A-2 ENFORCEMENT.**

This registry shall be enforced by the City Office of Code Enforcement. See § 230-12. Code Enforcement Officers and Inspectors.

### **111-A-3 DEFINITIONS**

A) **REGISTRY AUTHORITY** shall mean the City Office of Code Enforcement.

B) **PRIVATE LANDLORD** shall mean any private person or persons, Corporation, LLC, or other entity who owns, leases, or has any interest in and operates private residential rental property or properties in the City as a for profit business.

C) **PRIVATE RESIDENTIAL RENTAL PROPERTY** shall mean any Dwelling, as defined now in the City Code under §350-2(A) thereof, or as hereinafter amended, which is, or any part of which is, operated by a private landlord for residential purposes.

D) **DWELLING UNIT** shall have the same meaning as defined in the City Code, under §350-2(A) thereof, or as hereinafter amended, under the term "Dwelling" .

### **111-A 4 REGISTRATION OF PRIVATE LANDLORDS**

A) All private landlords in the City shall be required to register with a contact name and phone number within ninety days of the effective date of this ordinance or within 10 days of acquiring an interest in private residential rental property, by deed, lease or other transaction, whichever is sooner. Failure to register or maintain accurate information, may result in the suspension of the Certificate of Occupancy for the property in question and a penalty of Two Hundred and Fifty dollars. Penalty must be paid in full and re-inspection of affected property or properties must be completed before suspension will be lifted.