

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

January 5, 2022 – 7:00 PM

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

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. EXECUTIVE SESSION

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

MOVED THAT council adjourn to executive session at 5:31pm to discuss collective negotiations pursuant to article fourteen of the civil service law and matters Leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation

MOTION CARRIED UNANIMOUSLY (7-1 absent)

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

MOVED THAT council leave executive session at 5:59pm

MOTION CARRIED UNANIMOUSLY (7-1 absent)

3. AMENDMENT TO THE AGENDA

Mayor Valentino asked to make an amendment to the agenda to include a resolution appointing an acting city manager, a resolution authorizing a response to an opioid settlement agreement and to make board appointments.

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

MOVED THAT an amendment be made to the agenda to add two resolutions and to make board appointments

MOTION CARRIED UNANIMOUSLY (7-1 absent)

4. CITY MANAGER SEARCH PROCESS DESCRIPTION

Mayor Valentino said he would like to publicly thank the City Manager and Asst. City Manager for the work they have done throughout their years with the city noting that their presence has been tremendous for him. He wished them both well.

He said that the city manager search will be similar to what was done in the past, starting by January 14th with an announcement going out. He said there will be a city manager search committee established which will divide up into subcommittees and review the applications. Council will hold an executive session to determine which candidates will be interviewed. Zoom interviews will be held the week of April 11th with council holding another executive session to determine finalists. Council will hold in-person interviews with the finalists the week of May 9th with a possible resolution appointing the new city manager June 1st.

5. FOUNDRY UPDATE

I. New York State Department of Environmental Conservation (NYSDEC) Neighborhood Remediation Update

- The off-site remediation project is on a construction break until March, but the Department's engineer continues to work on remedial designs for upcoming properties. The Department will provide a status update prior to resuming remedial construction activities in March. The Department anticipates that construction work in 2022 will begin at six properties located south of Middle Street between Exchange Street and Wadsworth Street.

II. City

Genesee Park Remediation

- Remediation and restoration plans are underway with an anticipated remediation start Fall 2022.

Resident outreach – City of Geneva

- The City's liaison for the Foundry work is Liz Toner. etoner@geneva.ny.us or 315-828-6585. Residents with questions on the NYSDEC's remedial design or construction activities can email Bob Gibson from the State's consultant team from Ecology and Environment, Inc. at rgibson@ene.com.
- FoodLink Curbside's mobile market's voucher program for fresh vegetables and fruits will not be operating this winter.

The voucher program for the Dog Park is available with sign-ups in the City Clerk's office at City Hall. All voucher programs are available for residents waiting for remediation

6. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the December 1, 2021 Regular Council Meeting be approved

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

Abstain – Clr. Noone and Clr. Pealer

Absent – Clr. Salamendra

MOTION CARRIED

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

MOVED THAT the minutes of the December 13 Special Council Meeting be approved

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

Abstain – Clr. Gaglianese, Clr. Noone and Clr. Pealer

Absent – Clr. Salamendra

MOTION CARRIED

7. PUBLIC COMMENT

Charles King said that he knows that council will be looking for someone who has leadership skills, is a good delegator and organized and focused on the facts and seeing the big picture. He said he remembers council looking for someone who was a good public communicator both in writing and speaking. He also noted that it was important for the new city manager to be able to juggle the goals of the comprehensive plan when it came to the triple bottom line of economic and environmental success, particularly with our residents living below the poverty line. He noted the triple bottom line requires a fairly broad ability to read, listen, research and empathize and observe, pointing out that it may take more than one person to do that job. He encouraged council to keep three things in mind; sensible boss skills, public communication skills and an ability to grab triple bottom line thinking. He told Mrs. Gerling and Mr. Blowers that he will miss seeing them at these meetings.

Penny Hankins said I am urging Council to not leave the Ward 6 city council seat open. Ward 6 needs representation as much as any other ward in this city, and it would be unfair to its residents to leave them without a voice. I currently reside in Ward 3, but I lived in Ward 6 on Wadsworth Street for six years when I first moved to Geneva. I know how vulnerable many of the residents of Ward 6 are, because they were my neighbors. We would often help each other out whenever needed. They are vulnerable for a number of reasons: the Foundry poisoning, the food desert that exists in that ward, and a lack of affordable housing, to just name a few issues. The future of the city is in the way we develop or don't develop Ward 6. They should not be left out of any city council decision. Please don't leave the residents of Ward 6 without representation.

Hannah Dickinson said, as a Ward 6 resident, I encourage Council and the Mayor to act with speed to fill the vacant Ward 6 seat. I was surprised not to see this matter on the agenda for tonight's meeting. In a Dec. 18 Finger Lake Times article, Mayor Valentino stated that he expected the process of selecting the next Ward 6 councilor to begin at the January 5th City Council meeting. Further, former Ward 6 Councilor, John Pruet, submitted his resignation in August, and this council has had over 4 months to develop a plan to ensure that Ward 6 had continuous representation. I see, everyday in my neighborhood, the incredible work that Ward 6 community members do to support one another. From the new Crystal St. Community garden, to efforts to address unsafe housing, to community discussions about the railroad, to basketball tournaments at Gulvin park, to this year's holiday party at Courtyard apartments, Ward 6 is a vibrant and integral part of the life of this city. It is also a Ward that has been historically disenfranchised: from the foundry contamination, from over-policing, and from uneven and unequal development, to name a few. The council has an opportunity to do right by Ward 6, to resist any attempts to delay and to recognize that we have the same rights to representation as every other ward. I hope the mayor will stick to his word and begin this important conversation tonight, and that not another meeting will pass without 6th Ward representation.

Jacob Fox said that he was asked to pick up landfill, recycle and upcycle for residents to reduce the reliance on the landfill. He said there is plenty of room at the Resource Recovery Park for people to bring their waste, and they just need to swipe a card. He said that the system of microhauling is necessary noting that Clr. Burrall called him about a couch left out at the street. He said he has 20 people already signed up for a pick up/drop off option, and he is asking to have what other haulers in the city have, but in a micro sense. He said he hopes he can operate in the city and offer jobs to people.

8. MAYOR AND COUNCIL REPORTS

Clr. Noone thanked City Manager Gerling and Asst. City Manager Blowers noting that they left a positive impact on the city while moving us into the future. He said that since the last city council meeting, the Police Review Board has had 1 monthly meeting of the full board, 5 committee meetings, and 3 community forums on their complaint intake documents. The PRB would like to thank all of the community members who submitted feedback about the complaint intake materials, both through the community forums and by email. The PRB is working to update the materials based on this feedback. The PRB has also launched 2 social media accounts to help the public stay better informed about when PRB meetings are happening. They can be found on Facebook at "Police Review Board of Geneva, NY" and on Instagram at "police_review_board_geneva_ny". The next PRB monthly meeting is tomorrow night at 6:30. It will be a virtual meeting on Zoom, and it will be streamed live on the city's YouTube channel. He said that he hopes council will work hard to create a stable environment. He referred to residents submitting applications to fill the ward 6 vacant seat stating that he would like council to hold interviews January 25 and 26th, from 6-8pm. Clr. Camera said he would like to have a resume and personal statement from each candidate before the interviews to review.

Clr. Burrall said that the blood supply is low and there is no substitute for blood donations. He said that giving blood is the ultimate form of volunteerism noting that people can donate up to 6 times per year, which he did this past year. He urged everyone to consider donating blood noting that it only takes 30 minutes and does not hurt. The next opportunities to donate are Jan 11th at the Presbyterian Church from 1-7pm, Jan 6th at Midlakes High School from 9-2pm, and on January 10th at the Waterloo Baptist Church from 2-7pm. He highlighted the BID December meeting saying they discussed the success of their Jingle in Geneva week that was put together by their Director, Michael Mills and sponsored by Summit FCU. It began with Shop Small Saturday and culminated on Friday December 3rd with the Mayor's Tree Lighting and visit from Santa Claus. He said that many businesses had extended hours, specials and giveaways. There were vendors in the streets, groups singing, and Linden Street was shut down for tastings, an art walk, and live alpacas. The BID collected four boxes of food for the Center of Concern. He said that the board is also enthusiastic about hiring a communications manager along with the City of Geneva, and four fast-charging stations are up and running in the Seneca Street municipal lot. Clr. Burrall said that the College Livability Task Force and Historic Districts Commission did not meet. He and Jim Norwalk delivered wood from chopping down trees, and he has a check for \$425 to donate to the fund he started last month for shadetree and nursery donations. He said he would like to offer a symbolic resolution for the new year; he pleads that all on council will start practicing the most ultimate form of civility to one another as we were elected to do city work. He said that council should limit comments attacking one another as they are a distraction. He asked that all councilors work together in the new year and stick to the issues. He thanked City Manager Gerling for her service saying that he respects her decision to put her family first, and he will miss her. He thanked Asst. City Manager Blowers for all he has done for the city noting that he hopes his replacement is comparable.

Clr. Pealer echoed what everyone had said about the City Managers, and he wished them the best of luck. He said that the Recreation Board is looking for three people, so anyone passionate about recreation is asked to apply. He said their first meeting of 2022 will be the first week of February.

Clr. Regan read a letter from the Green Committee:

Dear Geneva City Council,

As we prepare for the closing of the Ontario County Landfill in the near future, we need to explore new options to deal with the City's waste. You have already led in exploring alternatives with the opening of the Geneva Resource Recovery Park and vermiculture composting facility on Doran Ave. The City Green Committee strongly supports the proposal before you on Wednesday to allow Closed Loop Systems the same rights that other waste haulers have but only with a pickup truck-trailer setup, known as micro-hauling. Closed Loop Systems has a high commitment to resource recovery including composting organics and exploring innovative ways of recycling individual materials. This opportunity will allow us to explore the viability of this micro-hauling solution to reducing and resourcing our waste

and reducing the presence of large trucks on our roads. This initiative will give us an additional model to consider for our waste management as we transition from the old model to the new reality when the Ontario Landfill closes.

Sincerely,
Richard Cox, Co-chair
City of Geneva Green Committee

Clr. Regan added her thanks to the City Managers noting that it was a thrill to get to know them. She said that Mrs. Gerling couldn't have been more gracious, patient or helpful with this new council. Mr. Blowers helped to make sense of a lot for council when it came to numbers, noting that council appreciates them both, and she thanked them for their service.

Clr. Camera read a statement: Tomorrow is the 1st anniversary of the Capital Insurrection of January 6th 2021 and I am going to make a statement about that event. There is not a day that goes by that I don't think about what happened last year. This was a domestic, terrorist, insurrection on the United States of America. The FBI call the Capitol assault "an act of domestic terrorism." And we may reside in our little community far, far away from that event, the actual physical event, but we are not safe from what that event stood for. So I am not going to make believe that we can just go about our business as a minor governmental unit in the hinterland of upstate NY and ignore what happened in our capital. And I don't really feel very comfortable with just acknowledging and dealing with our own challenges as an excuse to just move on with our own business at hand and let that terrible event be taken care of by others at the national level. The fact is, that that event, had it been successful, would have changed every aspect of our daily lives even out here in the middle of the Finger Lakes. There is no escaping this kind of event. We all have to deal with it no matter where we live or what are our political beliefs because this is an American problem. And how do we do that?

Well first, we might start by acknowledging that Jan 6th happened and supporting the work of the House of Representatives **Select Committee to Investigate January 6th – Attack on the United States Capitol** (Select Committee).

Second, we can recommit to making public policy based on verifiable fact sets. This insurrection was built on lies and distortions and then violently implemented on January 6th resulting in the death and injury and trauma of hundreds of U.S. Capitol Police officers. Talk about disrespect of police officers.

There are no other words for what happened except that people in leadership positions and some who are still running for office under the Republican banner would like to redefine this day as "protests/tourist visits/accidental visitations". These were crimes. And the persons who perpetrated them need to be held accountable. Sadly, many people are continuing to project these lies into our media and public dialogue. These are dangerous acts and need to be addressed at every level of our discourse. What can we do about that up here in little old Geneva? First, we have to call these acts by what they are – crimes and treasonous, mean, and unpatriotic acts. If you are a registered Republican, you might consider changing your registration. What if 250 Geneva Republicans changed their registration to Independent or Conservative and dozens of other communities followed suit? Perhaps the Republican National

Committee (RNC) would notice that we don't abide members who attempt a coup. What if 250 Republicans just sent a petition letter to the RNC and said they want the Capitol rioters held accountable? A recent poll (U. of Maryland-Washington Post) found that 34% of Republicans believe that violence against the Federal Gov't is justified "at times." Really? The local Republican Committee members don't count themselves among, this I am sure? So, what is the next thing for the local Republican Committee to do? Please, let us support the Select Committee, and please, let's learn from this horrible disaster and others that happened in 2021 and endeavor to make 2022 a much better year. Thank you for listening. The latest [Post-University of Maryland poll](#) contains troubling news. "The percentage of Americans who say violent action against the government is justified at times stands at 34 percent, which is considerably higher than in past polls by The Post or other major news organizations dating back more than two decades." And even more ready to resort to violence are independents, reminding us that "independent" does not mean moderate. ("The new survey finds 40 percent of Republicans, 41 percent of independents and 23 percent of Democrats saying violence is sometimes justified," The Post reported.)¹ If this doesn't motivate you to make a statement, how about climate change? My understanding is that the Rs are not a partner in passing any legislation to address this challenge.

Clr. Gaglianese thanked Mrs. Gerling and Mr. Blowers for their years of service and moving us forward. He wished them luck in their new endeavors. He told council that the people of Geneva are confused wondering what direction we will move. He said that residents deserve better, and he gives his support to the mayor as he leads us.

Mayor Valentino said that January 17th will be the Martin Luther King Jr. event starting at 9:30am at the Public Safety Building. He said there will be speeches at Bicentennial Park and City Hall. He said the Local Development Corporation had limited activity in 2021 showing a negative balance based on expenses for the Gateway Project, but will be covered at point of sale. He said the nominating committee has reappointed Dave Linger as chair and Mayor Valentino thanked him, Chevy Devaney and Paula Bucklin and all their volunteers for their work on the LDC. He said the LDC approved their goals and policies for 2022, they are working on their annual self-worth evaluation and adopting the conflict of interest and disclosure statements.

Mayor Valentino read a decision from the Board of Ethics: **SUMMARY:** A citizen complaint was submitted on 03 October 2021 referencing a social media comment made by James McCorkle on or about 23 September 2021 and shared by Councilor Salamendra to the "Geneva Believer" Facebook page. The complaint alleges that McCorkle violated the Code of Ethics by making comments detrimental to the GPD while being a sitting member of the Police Budget Committee. This, according to the complainant, would constitute a conflict of interests. The complainant alleges that McCorkle violated Tenets 3, 6, and 16. **EVIDENCE PROVIDED:** The social media post in question was screen grabbed by the complainant and submitted to the Board as evidence. The content of the post suggests that, because of the recent court decision against former GPD Officer Montessanto, the "whole orchard (ie the entire GPD) is poisoned" and the implication is that any tax money spent on the GPD is money spent on "bad cops". Mr. McCorkle also

submitted a statement in which he states that his post was not on his FB page but was "reposted" and that the complainant was engaging in trolling (which McCorkle considers a form of harassment). He also stated that the complaint was also an underhanded attempt to harass the Councilor (Salamendra) who shared his post. **DELIBERATION:** The Board agreed that the post in and of itself constitutes an individual opinion which is protected under the First Amendment. The Board also determined that merely sharing a post (whether by chance or design) is not in itself a violation of the Code of Ethics; thus, the Board concluded that Councilor Salamendra had not violated the Code of Ethics and she was dropped from the investigation. However, anything posted on social media is subject to scrutiny from the general public and potential consequences; since McCorkle is a sitting member of the Police Budget Committee, he is bound by his Oath of Office and subject to the Code of Ethics and is therefore subject to citizen complaint for any alleged violations of the Code of Ethics. **FINDINGS:** The Board of Ethics determined that Tenets 3 and 6 were not violated; Tenet 3 concerns the behavior and deportment of elected and appointed officials, but that did not apply in this case, as Tenet 3 generally concerns behavior in a public setting (ie live, zoom, &c). Additionally, one cannot be in direct violation of Tenet 3 for having their post shared. Tenet 6, which concerns decisions based on merit rather than unrelated considerations, does not apply either as no decision was made (as might be made in a Board or Council meeting). Tenet 16, which concerns maintenance of a positive workplace environment also does not apply, as the post does not affect the GPD in their workplace. However, the Board found that Mr. McCorkle was in violation of Tenets 1 and 13.

TENET 1: ACT IN THE PUBLIC INTEREST

Recognizing that stewardship of the public interest must be their primary concern, Public Officials will work for the common good of the people of Geneva and not for any private or personal interest. They will assure fair and equal treatment of all persons, claims, and transactions appearing before Public Officials.

Whereas Mr. McCorkle is an appointed city official, he is bound to act in the public interest and work for the common good of the people of Geneva and not for any private or personal interest. His post makes clear his position on the GPD, and his stating that the "whole orchard is poisoned" is a personal opinion which may or may not be necessarily shared by the citizens of Geneva; thus, the Board determined he was acting in his personal interest rather than the public interest.

TENET 13: ADVOCACY

Public Officials shall represent the official policies or positions of their body to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Public Officials shall specifically state that they do not represent their body or the City of Geneva, nor will they allow the inference that they do.

As a member of the Police Budget Committee, Mr. McCorkle is bound by the Code of Ethics to specifically state that his opinion does not reflect his official position nor allow the inference that they do. Nowhere in his post does he state that his opinion does not represent the entire Police Budget committee or the City of Geneva, and therefore he is in violation of tenet 13 of the Code of Ethics.

DETERMINATION: The City of Geneva Board of Ethics has determined that Mr. James McCorkle is in violation of Tenets 1 and 13 of the City of Geneva Code of Ethics.

03 January 2022

The City of Geneva Board of Ethics

Next Mayor Valentino thanked Clr. Camera for his work as the liaison to the Industrial Development Agency noting that the mayor would be taking over the liaison position with the IDA, and Clr. Camera would be taking over the liaison positions for the Shadetree Committee and Historic Geneva (formerly the Geneva Historical Society).

9. CITY MANAGER REPORT

City Manager Gerling thanked council for their kind words toward her and Mr. Blowers. She said that she has often commented that she won the lottery when she came to the Finger Lakes as she fell in love with the area along with her husband. She said she has much gratitude to staff and the residents of Geneva, noting that we all have so much to be proud of along with a lot of ground breaking coming in 2022, beginning with the American Legion Property. She said that the Industrial Park is full and the solar home factory is expanding. The property on Exchange and North will be building, and there will be a second building going up at the Tech Farm. She said that Real Eats will be moving to the Town and a new business will be coming in to replace them. The launch of the Geneva Made NY brand will continue. She said that we are close to finishing the zoning update. Mrs. Gerling said we have so much to be proud of as we are committed to the Comprehensive Plan and Triple Bottom Line. She told everyone that she has a weeding plot at the lakefront, and finished by saying that she is so lucky to have worked with the City of Geneva for the past 12 years and is very grateful to everyone.

Clr. Camera added that the Lakefront Railway Committee will be meeting the first Friday in February with Tom Harvey of the Ontario County Planning Department.

10. SECOND READING OF AN ORDINANCE AMENDING SECTION 341 OF THE GENEVA MUNICIPAL CODE – WATER AND SEWERS

Asst. City Manager Blowers presented the following ordinance for second reading:

WHEREAS, the City's Comprehensive Plan charges us with financing necessary infrastructure and service delivery in a fiscally responsible manner; and

WHEREAS, a robust water treatment and distribution system is critical to attracting and retaining residents and industry; and

WHEREAS, in order to maintain the highest level of service possible for the best value, City Council needs to adjust water rates from time to time to reflect changes in costs of treatment and distribution.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does amend Section 341-17 and 341-18 to affect the changes to water rates for residents and non-residents, as is outlined on the schedule below. This change to become effective upon two readings of this Ordinance.

Water Rate Table

Size of Meter in Inches (In)	Water Allowance in Gallons	Minimum Charge	Per Gallon Over Min.
5/8	4,000	\$32.80	\$0.00594
3/4	8,000	\$65.59	\$0.00612
1	15,000	\$123.00	\$0.00630
1.5	34,000	\$278.78	\$0.00649
2	60,000	\$491.96	\$0.00668
3	120,000	\$983.93	\$0.00688
4	184,000	\$1,508.68	\$0.00709
6	371,000	\$3,041.97	\$0.00730
8	634,000	\$5,198.40	\$0.00752

Size of Meter in Inches (Out)	Water Allowance in Gallons	Minimum Charge	Per Gallon Over Min.
5/8	4,000	\$56.99	\$0.00985
3/4	8,000	\$113.97	\$0.00985
1	15,000	\$230.87	\$0.01034
1.5	90,000	\$523.30	\$0.01034
2	105,000	\$923.48	\$0.01086
3	120,000	\$1,846.93	\$0.01086
4	210,000	\$2,410.60	\$0.01086
6	419,000	\$4,860.49	\$0.01086
8	715,000	\$8,306.07	\$0.01086

ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer
MOVED THAT this ordinance be approved for second reading
MOTION CARRIED UNANIMOUSLY (7-1 absent)

11. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 300 – SOLID WASTE

Asst. City Manager Blowers presented the following ordinance for second reading:

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

Subdivision 300-7 is amended by adding a new sub paragraph C as follows:

C. The City of Geneva may issue one additional license with right of first refusal to the operator of the City of Geneva Resource Recovery Park., identified as a “Microhauler License”, authorizing the operator to use vehicles other than a vehicle defined in Section 300-9 (A) of this Code, to collect construction debris, yard debris, recycling, and solid waste, and dispose of same at the City of Geneva Resource Recovery Park in compliance with all local, state, and federal laws regarding solid waste management.

The operator shall comply with all provisions of Section 300-9 of this Code other than provided above.

The holder of said license shall pay a yearly fee of \$350.00

Said Licensee shall retain the right to renew its Microhauler License annually unless the license is revoked by City Council, or the holder discontinues operations in the City for a period greater than 60 days. A Microhauler License issued pursuant to this section shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein.

The current sub paragraph C, of Subdivision 300-7 renumbered as such by Ordinance No 4-2021 shall be re-lettered sub paragraph “D”.

Clr. Camera voiced his concerns that the license is being created but not given to a specific person. Clr. Regan explained that the license is tied to the Resource Recovery Park and whoever is running it. Clr. Camera said he would like to go back and work on the ordinance some more, noting that if Closed Loop is going to provide an expanded service, they should submit a proposal. Clrs. Noone and Gaglianese said that this is a good thing for the city along with opening up the city to new business. Clr. Camera said that he is concerned where the trucks will park noting that he feels the city does not give this much leeway to other businesses. He said there needs to be a basic document to protect the city. Mayor Valentino said that council can always come back to amend the ordinance at a later date if there are issues. When e-Waste was brought up, Clr. Camera told everyone that the Salvation Army takes items at their back door. Clr. Camera said that he hopes Growing Cycle will still be able to drop off their waste collection.

**ACTION TAKEN by Clr. Regan; seconded by Clr. Pealer
MOVED THAT this ordinance be approved for second reading**

ACTION TAKEN by Clr. Regan; seconded by Clr. Pealer
MOVED THAT this ordinance be amended to include solid waste in the list of what is
picked up
MOTION CARRIED UNANIMOUSLY (7-1 absent)

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT this ordinance be amended to remove the 3 vehicle limit
ROLL CALL VOTE: Aye – Mayor Valentino, Clr. Burrall, Clr. Gaglianese, Clr. Noone,
Clr. Pealer, and Clr. Regan
Nay – Clr. Camera
Absent – Clr. Salamendra
MOTION CARRIED

ACTION TAKEN by Clr. Burrall; seconded by Clr. Regan
MOVED THAT this ordinance be amended to include that the operator of the Resource
Recovery Park is given a right of first refusal
MOTION CARRIED UNANIMOUSLY (7-1 absent)

[Roll Call on the original motion as amended]

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

12. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR A LOCAL LAW AMENDING WATER
PENALTIES FOR LATE PAYMENTS

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City has recently raised the water and sewer rates substantially, as well as residential taxes through both assessment and the new tax rate for 2022, and

WHEREAS, the City's high proportion of citizens below the poverty level are further stressed by the pandemic and delays in the postal service, and so they perceive a 15% penalty for being one day late as being hurtful and demoralizing, and

WHEREAS, the City has numerous absentee landlords who have trouble learning of renter's late payments in a timely fashion, yet are responsible for deficits, and

WHEREAS, after application of the City's current singular penalty there is lessened incentive to expedite delayed payment, since the damage has already been applied, and

WHEREAS, a variegated penalty would induce earlier payment, benefiting the City, as well as an improved citizen relationship, and

WHEREAS, the negligible reduction in water bill penalty revenue could be offset and actually enlarged by revising the ineffective penalty schedule for late residential taxes,

WHEREAS, the City Council is considering adopting the attached local law to revise its late payment penalty for water bills to 5%, 10% and 15% respectively for the successive three months of tardiness, capped at the 15% amount. All other terms and conditions of service remain applicable.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing for the attached local law shall be held at the regular City Council meeting on February 2, 2022.

Asst. City Manager Blowers told everyone that a resolution was passed in November, and after legal review, it was determined that it needed to be done by local law. He said that this is the start of that process. He noted that staff has an alternative that is a lot easier to manage with relatively the same impact, and the local law will reflect that.

**ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

13. DISCUSSION – Conover Street Property Sale

Asst. City Manager Blowers told everyone that this is a paper street with no pavement, but it has a highly pressurized, 12" gas line under it for NYSEG. He said that this is being discussed because someone has requested to buy it. He said that Public Works and Code Enforcement staff have concerns with private ownership and any liability, and staff recommends the city retain ownership.

When asked about restriction to the parcel, Mr. Blowers said that any restrictions can be put in the deed as long as both parties agree to them. Mr. Blowers said that he realizes that the property cannot be developed, but staff is still concerned because of the high pressure the line has. Clr. Burrall said that he realizes that selling the parcel is not a way to generate tax revenue, but it could be a way for a resident to gain a layer of privacy to their existing lot.

14. DISCUSSION – Washington Street Public Parking Along Commercial Area South Side, East of Pulteney Street

City Manager Gerling told everyone that there have been some issues with this parking area noting that the property line goes to the building. She said that this is a B1 Zone District and can be treated as a public parking area where the city would maintain like other parking lots and streets. She is looking for consensus from council if this should go to legal for review and formal changes to the current procedures. Mayor Valentino added that the city can limit the parking time like in other lots in the city.

Clr. Burrall said that this parking lot is currently being maintained by the property owners to the point where parking is being blocked from others using it. He said he has been physically threatened when trying to park in this lot noting that it is more an issue of lack of enforcement. City Manager Gerling said that council would first need to collectively agree to maintain this lot. She said that legal can put together what is enforceable in this matter.

15. RESOLUTION CONTINUING THE APPOINTMENT OF MARY BEER AS LOCAL HEALTH OFFICER

City Manager Gerling presented the following resolution:

WHEREAS, in an effort to comply with the Shared Services Initiative, Ontario County and the City of Geneva have identified an opportunity to share and coordinate the services of Mary Beer, RN MPH, the Public Health Director of Ontario County, to act as the Local Health Officer for the City of Geneva; and

WHEREAS, the City of Geneva wishes to continue the appointment of Mary Beer, RN MPH, the Ontario County Public Health Director as the City Local Health Officer; and

WHEREAS, the Ontario County Public Health Director, Mary Beer, RN MPH agrees to act as the Local Health Officer for the City of Geneva, thereby eliminating the need for the City to appoint and pay a local health officer; and

WHEREAS, part BBB of Chapter 59 of the Laws of 2017 specifically authorizes cooperating municipalities to enter into shared services agreements; and

WHEREAS, the parties wish to continue their Shared Services Agreement providing for the appropriate service.

NOW, THEREFORE BE IT RESOLVED, that Mary Beer, RN MPH, in furtherance of this appointment, will investigate complaints of public health nuisances arising with the City and when necessary to resolve said nuisances will present the facts and recommendations to the City Council for their decision and enforcement action and the payment of any costs to abate a public health nuisance shall be a City cost; and

THEREFORE BE IT FURTHER RESOLVED, the duration of appointment will begin January 1, 2022 and will end on December 31, 2025.

ACTION TAKEN by Clr. Camera; seconded by Clr. Noone
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (7-1 absent)

16. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE NYS FUNDING UNDER THE FEDERAL CDBG PROGRAM AND SPECIFICALLY FOR CDBG – ECONOMIC DEVELOPMENT GRANTS FOR ASSURED EDGE SOLUTIONS AND SOLAR HOME FACTORY, INC

City Manager Gerling presented the following resolution:

WHEREAS, the Geneva City Council supports programs and projects that align with the 2016 City of Geneva Comprehensive, and

WHEREAS, the City intends to apply to New York State for funding under the federal Community Development Block Grant Program in 2022; and

WHEREAS, applications include submission on behalf of Solar Home Factory, Inc. for expansion of their manufacturing facility located on 33 Forge Avenue in the City of Geneva; and

WHEREAS, applications include submission on behalf of Assured Edge Solutions (AES) for expansion of their manufacturing facility located in Cornell Agriculture Technology Park (Tech Farm) in the City of Geneva; and

WHEREAS, the City may apply for funding for the following programs and activities: Infrastructure, Community Planning, Microenterprise, Housing, Small Business and Economic Development activities; and

WHEREAS, a public hearing is held as part of the process to solicit public input with respect to potential applications and program activities; and

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council establishes a public hearing for February 2, 2022 to hear public feedback on the intent to apply to New York State for funding under the federal Community Development Block Grant Program in 2022 for Assured Edge Solutions, Solar Home Factory and additional program activities.

ACTION TAKEN by Clr. Noone; seconded by Clr. Regan
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (7-1 absent)

17. RESOLUTION APPOINTING JENNIFER SLYWKA AS ACTING CITY MANAGER

City Manager Gerling presented the following resolution:

WHEREAS, the City's Comprehensive Plan establishes a vision of a beautiful, prosperous, equitable, connected, and sustainable community; and

WHEREAS, the Plan charges us with solving problems creatively through collaboration and partnership; and

WHEREAS, City Council has received notice that Sage Gerling intends to vacate the post of City Manager, effective January 21, 2022; and

WHEREAS, a professional, responsive management framework is necessary for the community to advance towards its vision; and

WHEREAS, Section 4.3, subdivision B, of the Geneva City Charter authorizes the Geneva City Council to appoint an Acting City Manager, to perform the duties of the City Manager if that position becomes vacant; and

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form does appoint Jennifer Slywka to the position of Acting Geneva City Manager; and

BE IT FURTHER RESOLVED that Jennifer Slywka will receive a \$750 per week stipend for additional duties performed under this framework.

BE IT FURTHER RESOLVED that the Mayor is authorized to negotiate and execute an agreement on behalf of the City with Jennifer Slywka setting the details of her appointment as Acting City Manager, a draft of said agreement to be circulated to the members of the City Council prior to execution; and

BE IT FURTHER RESOLVED that the appointment of Jennifer Slywka as Acting City Manager shall become operative upon the effective date of the resignation of the current City Manager: and

BE IT FURTHER RESOLVED that the appointment of Jennifer Slywka as Acting City Manager shall be at the pleasure of City Council, and shall serve until a permanent City Manager takes office, or on July 31, 2022, whichever event occurs first.

BE IT FURTHER RESOLVED that Jennifer Slywka will continue as the Assistant to the City Manager/ Human Resources Director upon a permanent City Manager taking office.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (7-1 absent)

18. RESOLUTION AUTHORIZING A RESPONSE TO ALLERGAN NEW YORK STATEWIDE OPIOID SETTLEMENT AGREEMENT AND FUTURE SETTLEMENT RESPONSES

City Manager Gerling presented the following resolution:

WHEREAS, the City of Geneva is a Plaintiff in an Action filed in the United States District Court for the Western District of New York, Case Number 19-CV-06186, which has been transferred to the national *Multi District Litigation (“MDL”) 2804*, which is known as *In Re National Prescription Opiate Litigation* that is venued in the Northern District of Ohio (“Opioid Litigation”) seeking relief against a class of manufacturers, marketers, sellers, and/or distributors of Opioid Substances, and

WHEREAS, the City of Geneva is represented by the law firms of Brindisi, Murad & Brindisi Pearlman, LLP, Robert F. Julian, P.C., and the Cherundolo Law Firm, PLLC in connection with said Action seeking relief against a class of manufacturers, marketers, sellers, and/or distributors of Opioid Substances, and

WHEREAS, the Allergan New York Statewide Opioid Settlement Agreement (attached) has been presented to the City, and

WHEREAS, the law firms representing the City in said Opioid Litigation, recommend that the City approve participation in the Allergan New York Statewide Opioid Settlement Agreement, and

WHEREAS, additional future settlement agreements arising out of the Opioid Litigation brought on behalf of the City seeking relief against certain manufacturers, marketers, sellers, and/or distributors of Opioid Substances are anticipated and may require approval by the City; and

NOW Therefore it is,

RESOLVED that the City Council authorizes the City Manager or Acting City Manager to authorize their attorneys at the law firms of Brindisi, Murad & Brindisi Pearlman, LLP; Robert F. Julian, P.C., and the Cherundolo Law Firm, PLLC to sign the following necessary documents to enter into the Allergan New York Statewide Opioid Settlement Agreement on behalf of the City of Geneva: (1) New York Subdivision Election and Release Form (Attached as **Exhibit D** to the Allergan New York Statewide Opioid Settlement Agreement); and (2) the Allergan New York Opioid Settlement Sharing Agreement (Attached as **Exhibit E** to the Allergan New York Statewide Opioid Settlement Agreement), and it is further

RESOLVED, that the City Council hereby authorizes the City Manager or Acting City Manager, after consultation with Corporation counsel and notice provided to the City Council, to consent to, execute and/or authorize their attorneys at the law firms of Brindisi, Murad & Brindisi Pearlman, LLP; Robert F. Julian, P.C., and the Cherundolo Law Firm, PLLC to execute any and all necessary documents to participate in future settlement agreements on behalf of the City of Geneva as it relates that to the Opioid Litigation and/or related bankruptcy proceedings upon the recommendation of the law firms representing the City.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (7-1 absent)

19. BOARD/COMMISSION APPOINTMENTS

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Pealer
MOVED THAT Victor Nelson and James Petropoulos be reappointed and Allison
Koczent and Francesca Premo be appointed to the Board of Ethics
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

**ACTION TAKEN by Clr. Camera; seconded by Clr. Pealer
MOVED THAT Chevy Devaney and Paula Bucklin be reappointed to the Local
Development Corporation
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

20. PUBLIC COMMENT

No public comment was offered at this time.

21. ADJOURNMENT

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Noone
MOVED THAT the meeting be adjourned at 9:06pm
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

Lori Guinan

City Clerk