

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### REGULAR COUNCIL MEETING

June 7, 2023 – 7:00 PM

Public Safety Building  
255 Exchange Street  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Salamendra (left at 9:50pm), Clr. Burrall, Clr. Pealer, Clr. Noone, Clr. Brimm, and Clr. Gaglianese

#### 2. EXECUTIVE SESSION

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

**MOVED THAT council move to executive session at 6:01pm to discuss collective negotiations pursuant to Article Fourteen of the Civil Service Law**

**MOTION CARRIED**

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

**MOVED THAT council exit executive session at 6:48pm**

**MOTION CARRIED**

#### 3. PROCLAMATIONS

- Pride Month
- Frank Quartaro, 50 Years of Service

#### 4. RECOGNITION OF VINCENT SCALISE

Mayor Valentino said In November 1964, Vincent Scalise was appointed by council to fill a vacancy as a ward councilor, and remained on council until the end of 1967. He was then elected Councilor-at-Large for the term from January 1968 – December 1971. He was on council from November 1964 thru 1971 and will be missed.

## 5. SUPERVISOR UPDATE

Supervisor Kennedy announced that the interim housing study is out and the Board of Supervisors will continue to review. He said there is a Steering Committee comprised of the Commissioner of Social Services, Director of Planning, County Administrator, and Assistant County Administrator to discuss the housing study who will meet next week, and he will keep council apprised of their discussions. He said he wanted to recognize Tom McClure who was recognized by the county Office for the Aging. He said the Board of Supervisors has been wrestling with an emergency declaration that was tabled last week and has gone back to committees for final resolution to decide if they would like to request the Governor give advance notice or the City of New York requesting counties to take care of asylum seekers in New York. He added that 40 counties have declared a state of emergency and some of the supervisors are questioning whether we actually have an emergency.

## 6. FOUNDRY UPDATE

### **Remedial Design**

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

### **Remedial Construction**

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

7. CONSIDERATION OF MEETING MINUTES

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

**MOVED THAT the minutes of the May 3<sup>rd</sup> Council Meeting be approved**

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

**Abstain – Clr. Salamendra**

**MOTION CARRIED**

8. PUBLIC COMMENT

Mayor Valentino said that with the rather short agenda and large number of public comment speakers, he will be having half of the speakers speak now and the other half will speak during the second public comment listed on the agenda. Clr. Salamendra said she does not agree with this change. Clr. Regan said she does not feel this is fair to those who have planned their day around this saying that it is important that they be heard in a timely way, and she wants to hear them. Clr. Camera said he feels we can put people on their scouts honor to have residents come first and the nonresidents can speak at the end according to the agenda. Mayor Valentino said that the list in front of him does not separate residents from nonresidents.

Catherine Price, Executive Director of the Geneva BID told council that the BID loves food trucks but wants council to vote against them in our downtown seven days a week as they will hurt our businesses. She noted that they do not support the DRI which is supposed to bring people to the downtown to shop and eat. She said council needs to help protect the businesses. She said that the BID recently held a food truck rodeo to show council that it is possible to have special events without allowing the food trucks seven days a week. She said council should leave the organization of these events to the event coordinator. She provided council with information on the 36 businesses offering food in downtown. She said we want to pull the 45,000 tourists who go to the Welcome Center into the downtown to shop, we want to support the brick-and-mortar businesses paying taxes in our city, and make sure we are allowing them to thrive not just survive.

Henry Farro, Co-Founder of Food Justice said he was here to thank the people who have helped him over the past 5 years at the GEDC building noting that they just renewed their lease. He said a prayer and told everyone that Food Justice began in the parking lot at the Mount Olive Missionary Baptist Church. He worked with city staff and members of our city to build partnerships with local farmers. He said that his organization has twenty-seven different locations and reaches out as far as Williamson, and none of what they have accomplished would be possible without the Lord's hand upon Food Justice and the committed hearts of their volunteers.

Penny Hankins said that she is a lesbian and proud member of the LGBTQ+ community, and she is not happy about a councilor's tweets from January 21<sup>st</sup> using the phrase "Love is Love" in a negative way with regard to an alleged LGBTQ+ pedophile ring. She said what "Love is Love" means has a lot to do with

equality or that our love means the same as heterosexual love and should be respected as such. She said she does not know the outcome of the pornography matter, but if they did what the charge says they did, she hopes they suffer the consequences. She said she believes this councilor was saying that the LGBTQ+ community is immoral or sexually depraved. She said she takes issue with this councilor's position, noting that a line was crossed. She said these comments did harm to our residents, and she called for council to censure the ward 2 councilor.

Abbey Hellauer Geiger said that she is speaking out for all of her friends and every child in Geneva noting that she is a queer person, and up until recently, she felt comfortable in Geneva as businesses seemed to support her way of life. She added that councilors are supposed to support all residents equally. She said that the recent rhetoric on twitter from a member of council is unacceptable, and she feels he is not fit to represent members of the LGBTQ+ community. She said that words have meaning and bring about change noting that words on the internet are there forever.

H May said she is a homeowner in ward 2 and feels she is not represented. She is here to call on council to censure the ward 2 councilor for his hateful comments. She said council needs to stand up against this type of behavior, and a proclamation is no substitute for meaningful actions. She said that council has remained silent after his harmful comments were brought to their attention, and she feels this councilor is making members of the LGBTQ+ community scapegoats for actions that are caused by those with political power. She suggested council read the book "Before We Were Trans" by Kit Heyman that celebrates trans survival, joy and power. She said it makes her sad that adults choose to think of trans individuals as corrupt and councilors who will not let themselves experience the liberation and joy that comes from breaking free from what limits all of us to not enjoy life on our own terms. She said there are 556 antitrans and anti-queer bills being proposed and eighty have passed. She said that antitrans rhetoric tries to scare people back into the closet, and rhetoric that goes unchecked lays groundwork like laws in other states to eradicate queer folk from public life. She said that council must act now to censure this councilor and get to work building a Geneva where the LGBTQ+ community can thrive. She said they demand collective liberation, not proclamation.

Emanuel Martinez said that he is a resident of ward 2 and used to work for Google. He said he has been mindful to the voids that people are being sucked into around misinformation and hate speech. They cause conspiracy theories and rabbit holes. He said he tries to shield his children from what they see online, but council members making disgusting comments disturbed him to his core. He said that the councilor's comments put lives in danger. He let council know that trans people are murdered at an alarming rate, and these comments help to further the agenda of extremists. He said he taught his children that pride is about being comfortable in your own skin and to live authentically. He said that people need to be willing to learn as this council is not acting in the best interest of our city. He urged council to reconsider this person's place on council as they are not acting in the best interest of the community.

Melina Ivanchikova said that she and her wife are raising two sons here in Geneva and are grateful for those who have made them feel welcome since 2012. She said that she believes through dialogue, we

can build a strong community. She said she feels called upon to speak out against bigotry whenever she can. She believes the councilor's tweets were misinformation, and she does not want her children to come into contact with people who think like this. She said she has to teach her children how to discern truth from lies. She said that when the LGBTQ+ community is attacked in any way, they will stand together because "Love is Love" is not a sick code. She said that this community has a right to live and improve their lives. She ended by saying that "Love is Love" means equal rights for all each and every day.

Dylan Ivanchikova-Crouse said that he is a senior at Geneva High School and his family was affected by the recent misinformation of a councilor on the internet. He said that a person in a position of consequence has fallen into an old trick that gay people are pedophiles. He said that he is afraid of a future, that is not in this town yet, where gay people are seen as criminals and are silenced.

Maggie Werner said that she is a city resident, tax payer, and homeowner who is a member of the LGBTQ+ community here to respond to the misleading and inflammatory tweet by a city councilor that misuses the phrase "Love is Love." She said the LGBTQ+ community uses it to humanize themselves in the face of violence. She said this councilor twisted the words and endangered the lives of Genevans. She said the comments stoke fears that have no basis, noting that this councilor needs to do his research because government should protect all of its citizens. She said that freedom of speech allows us to speak out against misguided and misinformed information with the Supreme Court agreeing that a government board can censure its members without going against their first amendment rights.

Erin Scherer said that she resided in ward 3 and is heterosexual here to speak about the twitter comments made by a councilor with a background in communications. She noted that this councilor lived in the New York City area, and she would expect him to take a more humane view. She encouraged council to look up a documentary from 1967 called "The Homosexuals" which can be found on YouTube. She said in the documentary, only a handful of gay people identify themselves by their actual names. She said it paints the queer world as a scary place and not one she wants to return to. She said once you watch it you will understand why the LGBTQ+ community spends a month celebrating their existence. She said that the person she has become is because of the LGBTQ+ community.

Emily White said that she is the LGBTQ+ Program Coordinator at Family Counseling Service of the Finger Lakes. She said their program's vision is to provide a safe place for individuals and their families regardless of sexual orientation, gender identity, and expression. She said it warms her heart to see so many people coming out to support the LGBTQ+ community. She said it is crucial to challenge stereotypes that harm our community. Grooming children is a misconception, and being transgender does not make someone more likely to harm children. She said people should be judged as individuals based on their actions because these comments will lead to harm to the LGBTQ+ community. She said that trans people deserve to be treated with respect and dignity, and we do not get to turn our backs on the people in our community who need our support the most.

Ky Kawolics said that she supervises the LGBTQ+ program at Family Counseling Services of the Finger Lakes, and has also been a therapist there for about four years. She said that members of the trans

community disproportionately struggle with mental health challenges such as depression and suicidality. She wanted to provide some context for why and how that occurs. She said that some of her clients have experienced confusion and self-doubt, but as they learn what it means to be transgender, they experience a sense of relief and community belonging. Self-esteem of young people suffers the most when they hear they are different. She said the more they learn, they see that they are not alone, and the counselors at Family Counseling of the Finger Lakes are proud to support the LGBTQ+ community, and they ask that council will also.

Eli O'Connor said she works with the LGBTQ+ program at Family Counseling of the Finger Lakes, and said that they serve people from Albany to Buffalo. She said they also extend services to family members, and offer education in the community including places like this. She said she has experienced moments that make her proud of what she does. She said that affirming moments are essential to her client's lives and give her purpose. She said she wants members of this community to not have to hide who they are. She said that we need people to be educated and there need to be allies to stand with the LGBTQ+ community rather than against.

Tristan Clinger said that councilors are in a position of power that can be used to help, but can also be used to hurt. He said that one of the councilors has been contributing to the statistics and fueling the hate. He is 16 years old, an artist, a photographer, he has two dogs and two cats, he loves school, and he is transgender. He said he should be worried about final exams and out with his friends, but instead he is terrified for himself, his family, and his friends with over 400 bills being debated in the US that will affect his rights. He said his right to exist should not be up for debate. He said he is done being impartial because everyone may know someone tomorrow who is part of this marginalized group, and if you don't speak up today for their rights, there may not be a tomorrow.

Barney Goldstein said that he resides in ward 2 and he feels the recent posts reveal that this councilor has jumped on the national homophobic/transphobic train by vilifying the LGBTQ+ community noting that the councilor back peddled when he was confronted about it in the media. He said there has been a staggering escalation in violence perpetrated against LGBTQ+ members noting that 47% of transgender people are sexually assaulted at some point in their lives, and nearly four times as likely to be victims of violent crime. He said a record number of bills have been introduced in state legislation this year and more than 75 anti LGBTQ have been signed into law in various states. He said the Human Rights Campaign has declared a national state of emergency for the LGBTQ+ residents and travelers. He said the fuel for much of this violence has been demonizing rhetoric by extremist influencers and conservative elected officials. He questioned why this councilor, who is so concerned with the safety of children, is not concerned by the nearly 80% of heterosexual men who assault minors or the history of priests and nuns sexually abusing minors. He said that we all share this councilors concern for the safety of children. He said he is a gay man who was never groomed by anyone, and had no legal protection growing up. He said that until recently he felt safe and welcome in this city. He said he feels council's inaction undermines Geneva's progress in recognizing and accepting the LGBTQ+ community. He said he thinks this councilor should resign or he will do his best to ensure his defeat in November. In the meantime, at the very least, this councilor should be censured by council.

## 9. CITY COMPTROLLER REPORT

Comptroller Newcomb gave a report from the City Manager:

Thank you for the understanding of council and our City of Geneva team as I am unable to attend this evening due to a family obligation. A special thank you to all the staff that are present, in my absence, to assist in guiding council as the elected body makes their legislative decisions this evening. Congratulations and appreciation to Frank Quataro for serving the City of Geneva for the past for 50 years. That is an incredible achievement and we are all fortunate to have benefited from Frank's service.

The City Manager officially reappointed James "Jimmer" McCormack to the Geneva Housing Authority for a five-year term. Mr. McCormack was appointed by the CM last year to complete the term left vacant by the departure of Dom Vedora.

We have still not received the results from the Police Chief exam. Once the exams are received interviews can be set and we can begin the process of reviewing candidates for the Chief.

The City Clerk interviews will be held in the coming weeks. This is a council appointment.

The Director of Planning and Economic Development interviews were held late last month. The City Manager will be making an appointment in the near future. There were many qualified candidates for this position, making this decision a difficult one.

Our Zoning Work Session will be at 5:30 on June 13 and the short-term rental draft legislation will be on the agenda for the July 5th council meeting.

Comptroller Newcomb said in reviewing the 2022 financial information, the City has anticipated overall budget savings from 2022 operations. In the general fund, an increase in sales tax resulted in additional revenue, however additional unanticipated expenses and increase in cost of material and supplies resulted in over budget expenses in some areas. As a result, the general fund is projected to have a \$1.3M budget surplus. The water and sewer funds generally operated at budget within both funds realizing small budget surpluses with a \$572,000 anticipated surplus in water and an anticipated \$130,000 surplus in sewer. The majority of savings were a combination of vacancy savings and delayed maintenance due to supply chain issues.

## 10. TABLED SECOND READING OF AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 225 ENTITLED "LICENSING OF MOBILE FOOD ESTABLISHMENTS AND PUSHCARTS"

Mayor Valentino presented the following ordinance for second reading:

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

Chapter 225

## Article I

### Mobile Food Service Establishments and Pushcarts

#### § 225-1. Definitions

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

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

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

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

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

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

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

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

#### § 225- 2. General Provisions

- A. No mobile food service establishment or push cart shall operate within the public rights-of-way within the city without first having obtained from the City Clerk a valid Mobile Food Service Establishment License as prescribed in this article.
- B. Mobile food trucks shall not be greater than 35 feet in length and shall be registered as a motor vehicle or trailer and able to be operated on the public streets of New York State.
- C. Each mobile food service establishment must at all times carry on the vehicle a fire extinguisher and a measuring device with a measuring capacity of no less than 500 ft as a condition of its licensure. The



failure of any mobile food service establishment to carry such fire extinguisher and a measuring device or abide by the proximity distance restrictions included in this article shall constitute a violation of this article.

D. All mobile food service establishments must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.

E. No mobile food service establishment shall operate within 100 feet of the closest point of any restaurant or sidewalk café seating area approved by the Department of Public Works.

F. No mobile food service establishment shall operate within 500 feet of the boundary of any festival or special event that is permitted or sponsored by the city, except when the vendor has obtained a permit to so operate from the City of Geneva Events Coordinator.

G. No mobile food truck, food trailer or push cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

H. All food trucks and food trailers must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.

I. Vendors are responsible for cleaning up any fluid, such as grease, gas, oil, etc., which leaks from their trucks, trailers or pushcarts.

J. No vendor shall cry out or make loud noises for the purpose of selling any food or merchandise.

K. No vendor shall make, continue, cause, or permit to be made or continued, any excessive noise. It shall be prima facie evidence of a violation of this section if noise emanating from any source, including, but not limited to, regular operation of the mobile food establishment or generator, is audible at a distance of 50 feet from the designated operating space from which it emanates during hours of operation.

L. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, hydrant, sign or post, light pole, telephone pole or other street appurtenance unless otherwise noted in this article.

M. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their food truck, trailer or push cart free and clear of any litter, trash or spillage from the unit.

N. No vendor shall conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, the Development Services Manager or by the local Health Department with respect to vending of food or food products. See § 225- 7 regarding revocation of license.

O. Mobile food trucks, trailers, pushcarts, tables, chairs and trash containers cannot be left overnight nor left unattended and are the responsibility of the owner, and the City of Geneva cannot be held liable for damage or stolen property.

P. Designated areas at the lakefront will be chosen along with the designated space in that area to be occupied by each mobile food establishment or pushcart during the hours of operation.

Q. The City of Geneva reserves the right to relocate mobile food establishments based on city need with 30 days notice.

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

A. Any person desiring to operate a food truck, food trailer or push cart in one of five locations on city property shall make written application for such license to the City Clerk. The application for such license shall be on forms provided by the City Clerk, and shall include the following:

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

#### § 225- 4. Insurance

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

#### § 225- 5. Form and Condition of License

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

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

#### § 225- 6. Fees

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

#### § 225- 7. Revocation of License

- A. The City of Geneva shall have the power to suspend or revoke a license granted or renewed pursuant to this Code for a violation by the vendor licensee, his or her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Geneva relating to the conduct of the business or trade for which the license or permit was issued, for fraud or deceit in such business or trade or for making a material misrepresentation on a license application. The City of Geneva shall also have power to revoke summarily the license or permit of any person who pleads guilty to or is convicted of violating the laws of the State of New York or ordinances of the City of Geneva relating to the business or trade in which the licensee is engaged.
- B. The City of Geneva shall revoke a license in the event that the bond or insurance policy filed at the time of application is canceled or has expired and the holder of the license or permit has failed to file a new bond or policy within 10 days after cancellation or expiration. No part of any license or permit fee shall be refunded in the event that said license is revoked or suspended for cause.
- C. Failure to comply with the terms of a permit as issued by the City Clerk or with this chapter shall result in the denial of future applications for a Mobile Food Establishment License for one year.

#### § 225- 8. Penalties for offenses

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

#### § 225- 9. Severability

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

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

Mayor Valentino said per council's amendment last month, staff found locations at the lakefront as potential options that are not in close proximity to current food and beverage spaces. Staff added no overnight parking, addressed noise concerns, penalties for offenses, etc. We have staff here tonight to discuss the limit of available locations at the lakefront and the potential addition of Bicentennial Park options.

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

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

**MOVED THAT the ordinance be TABLED for council to think about it more**

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

**MOTION CARRIED**

11. RESOLUTION SUPPORTING 2023 URBAN AND COMMUNITY FORESTRY TREE INVENTORY APPLICATION

City Clerk Guinan presented the following resolution:

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

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

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

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

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

City Clerk Guinan told council completing an updated Tree Inventory will allow the city to obtain a more accurate picture of the City's natural assets and better ascertain how to preserve them. Since we have not done one in 8 years, the Director of Public Works is looking to apply to the DEC for a reimbursement project grant under the Urban Forestry Program that will allow us to perform an updated inventory. The city would be reimbursed up to the grant amount which we are currently eligible for up to \$75,000. We will wait until we receive the grant before we agree to a proposal.

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

**MOVED THAT this resolution be approved**

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

**Absent - Clr. Pealer**

**MOTION CARRIED**

12. BOARD/COMMISSION APPOINTMENTS

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

**MOVED THAT this Josh Miller and Kyle Ackart be appointed to the Geneva Local  
Development Corporation**

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

**Absent - Clr. Pealer**

**MOTION CARRIED**

Clr. Salamendra said that Josh Miller does not live in the City of Geneva and he should not be appointed to the Local Development Board.

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

**MOVED THAT Geoffrey Geiger, Tanya Higgins, and Amaris Elliott Engle be appointed to  
the Police Budget Advisory Board and Jeremy Busch be appointed as an alternate**

**MOTION CARRIED UNANIMOUSLY**

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

**MOVED THAT Kevin Reed be appointed to the Planning Board**

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

**Nay – Clr. Salamendra**

**Absent – Clr. Brimm**

**MOTION CARRIED**

13. PUBLIC COMMENT

James McCorkle said that he is a resident of ward 1, for the first time in 40 years the Human Rights Campaign issued an emergency declaration in response to hundreds of anti LGBTQ and antitrans bills being introduced into state legislatures across the US. He said these bills sanction hate from pure ignorance. He said this city council is not immune to this as three years ago one councilor was censured for saying he would shoot people expressing the need for police reform, or the time one councilor was the

victim of femicide, and recently two members of the Police Budget Review Boards' US Constitution rights were violated. He said that trans folks are not pedophiles and should not be purged. He asked council to not be deluded. He said that council should have the ward 2 councilor resign, and if not, he feels councilors support hate speech and violence.

Cynthia Williams said that words and actions matter. Words that threaten or discriminate against others pose real danger to people. She does not agree that trans people are an abomination, and these are terrifying words of a bigot or transphobe or white supremacist who has shown by his words and actions that he values and supports only "our" people, and she is not one of those people.

James Orioli said he is here to talk about the city's internet. He said he owns Community Broadband right here in Geneva, and he said there is an issue that he wants to bring to Council's attention, which is that the lakefront trail does not have internet access. He told everyone that a statistic that many people may not know is that 89% of schoolchildren who do work outside are more effective in school than those who do not. He proposed a meeting with council to discuss what his company can offer to Geneva. He said they are currently doing this in the City of Syracuse, and they would like to advance the City of Geneva.

Hannah Dickinson said the tweets being discussed tonight are bigoted on their face, but said we should discuss the tweets that show their homophobia in a more insidious way. When a councilor says that gender affirming care is a Marxist plot, he is red-baiting. When a mayor says that a lesbian leader of the LGBTQ movement is blindly aligned with a socialist city councilor, that is red-baiting. She said their rhetoric goes back to the late 1940's when thousands of gay employees were forced to resign or fired from the federal workforce because of their sexuality. She said back then, just like today, the bigots got it wrong. She said every day, gay, lesbian and trans individuals continue to lead movements for their own liberation. She said that socialists, like her, will always have their backs. She said there is no Marxist plot, queer people are not puppets, they are standing up for their right to live in a safe and supportive community free of bigoted rhetoric from the very people who are supposed to represent them. She said she hopes tomorrow that the newspaper and all of council tells the truth. Tonight, people who are not activists came out with a lot of support to demand more of their government.

Janette Gayle said she is a heterosexual woman here in full support of her LGBTQ+ friends, and she believes in equity as all of us are human and due respect. She said she is reading for Liza Flum who could not be here tonight. The councilor from Ward 2 is an educator, and I am an educator, too. We have that much in common. But our profession might be the only thing that the councilor and I have in common, because, unlike him, I believe in the dignity and humanity of all the students in my classroom. As an out queer educator in college classrooms, I know I am there to create a space of safety, respect, and support for all my students, in particular the most marginalized ones. I know that, in the classroom, I have extraordinary power to shape the values and behavior of a community in which I am a leader, and I know that I need to use that power to support queer students, trans students, first generation students, students of color, and anyone else who may feel marginalized in the university classroom, on campus, or in our

community. I am appalled that I, as someone who is not a public servant, have more awareness of the power I wield and the responsibilities it gives me than the councilor from Ward 2, who is not just an educator but also a public official. If he has significant power and responsibility in the classroom, how much more does he have as a council member and city employee? I understand that students and other staff at FLCC have concerns about this councilor's ability to fairly conduct his classroom. If they have those concerns, shouldn't we as Genevans have similar, even more urgent concerns about the ways he fails to represent and protect the most vulnerable people in our community? If he isn't fit to teach, how can we have any confidence that he is fit for his leadership role? The city council must protect all Genevans by instituting a nondiscrimination policy that codifies the ways this councilor's words and actions are unacceptable.

A member of the audience read a statement from Sara Wagner and said she is a resident of ward 3, and was shocked to read the recent tweets by a council member. As a queer person, she found Geneva to be warm and welcoming, where her family can be safe and valued. The ward 2 councilor's remarks are offensive, dehumanizing and dangerous as they are at odds with the value of the average Genevans. She said she hopes council can take a strong stance supporting all Genevans. She said this is especially necessary for queer and transgender children and teens who are especially vulnerable when taking public disparagement from authority figures to heart. She said that our children are weighted down enough without being slandered by the adults who lead their communities.

Alexander Long said he is a resident of ward 1 and feels safe here, but the recent online conduct of a city councilor has thrown this into question for him. He referred to the councilor's reference to the phrase "Love is Love" being a secret gay code for sexual deviancy, saying that was a direct attack on the entire LGBTQ community. He said that these false statements cherry pick a boogeyman's story portraying LGBTQ people as dangerous. He said he works in an educational facility and would lay down his life for any one of those children in that school district. He said he is many things, but he is not a deviant or an abuser. He said he is a devout Jew and sexual assault survivor at the hands of a heterosexual woman. He said he loves Geneva, but does not love the phrase "Love is Love" being misused by bigots.

Mario Torres said that he has messages for both sides. He is a parent and he appreciates the expression of frustration here tonight, but he wonders what the execution point is after the message. He said there are a lot of failed messages that have been said in the past for different movements, and we haven't seen any execution on them since. He said we all see each other out shopping, and we need to extend a hand to get each other to come together at events to see both sides. He said that as a parent, he has taken a step back and listened instead of talking. He said that council should listen twice and speak once while being involved in the community and should extend a hand because hate is a very powerful word. He said on the food truck matter, he is in the mentorship with FLX Vegan to establish a brand and get a local vendor out here. He suggested allowing the food truck events to happen at different parks across the city during the month. He noted that being on the lakefront or driving around the city is not advertising to a

food truck person. He said he is willing to be involved in the planning. He even suggested a coop with a community kitchen to help grow businesses and make them a part of the city.

Mia Coles said that she is a Geneva resident and mobile food vendor, and there is a misconception that food vendors would come from outside of Geneva. She said that it is her hope to own a restaurant in Geneva as she was fortunate to enter a mentorship program. She said that she feels allowing mobile food vendors can increase tourism, foot traffic and spending in our city. She said she offers a vegan menu that is not common in our area. She said that her money stays local, and she offers a needed convenience. She would like to build and grow her business alongside other businesses where she lives.

Alla Ivanchicova read a letter from Rev. Emily Keegan saying that she is connected to this community and loves this city. She was devastated to hear a councilor's recent comments and learning how little some councilors know about the people they represent. She said she cannot speak to the experience of trans people, but she is for all being humble and grateful. She said it is a question of morality, and she wants to teach people about the life changing word of God. She said she is interested in encouraging a change of heart regardless of what people believe as she feels good leaders are teachable and kind and have maturity to know what to put on social media.

Rafael Diaz-Diaz said that he is called names in the street and words hurt. He said he works for his church and teaches kids about respect and they love him. He said people love the food he makes, and he would like council to allow food trucks in the city.

Jess Farrell said I'd like to speak to you tonight about being an ally to the LGBTQ+ community. Being an ally is not a performance. It is not enough to sit at a candidates forum and rattle off empty assurances about how much you value our city's diversity or list off how many of your friends or family members identify as LGBTQ, and how wonderful you think they are. Being an ally is not a performance. It's not enough to get up here once a year at the start of June and read a boilerplate proclamation that is full of hollow platitudes. And it's especially not enough to violate the spirit of that proclamation only moments later by making changes to the posted agenda and rules you established to make it more difficult for members of the LGBTQ+ community and their real allies to speak. Being an ally is about standing up, speaking out, and fighting back when you encounter things like homophobic bigotry or transphobic attacks—in short, when you encounter things like the public Tweets made by the Ward 2 city councilor. And that is why I am so disappointed by what I have seen from this council recently. Finger Lakes Justice Partnership, despite feeling attacked and unsafe, summoned the strength and the courage to send you a most generous and compassionate letter where they explained to you what the problem is, why it is a problem, and made specific requests for how you could take steps to make things right. They invited you, and I quote, "to participate in a small-group conversation between you and members of Geneva's LGBTQ+ community" and they offered to provide you with "sensitivity training." And this is the part that I really don't understand. When a community that is known to be frequently marginalized and targeted and attacked and harassed approached you and requested a conversation and some of your time to be educated, you couldn't be bothered. Even if you didn't understand what their concerns were—perhaps especially if you didn't understand—you owed these constituents a meeting. Now this is



particularly interesting if we tie it all back to what we heard when the candidates were asked about their support for LGBTQ+ people at the forum two nights ago. All of the candidates said pretty much the same thing, but I'll give you one specific example. The current Democratic councilor at-large said, and I quote because I wrote it down as he said it: "We must be open to hard conversations. Above all, we need to seek education and training." Well, isn't that surprising. Because you were offered a hard conversation, you were offered education and training, and you didn't even have the decency to respond—let alone go and participate in good faith. So where does this leave us. This leaves us, the people of Geneva, tired of empty campaign promises, tired of words with no action behind them, and tired of lies and liars. If you want to call yourselves allies of the LGBTQ+ community, then we expect you to act like it. We will be here to hold you accountable for what you say.

Scott Bowes said he is on the Geneva Forward Group and is running for the ward 6 council position because he is tired of hateful behavior and childishness and hatefulness when people speak out. He said that Desmond TuTu said "to remain neutral in situations of injustice is to be complicit in that injustice." He said that something has to be done with the injustice of one of our councilors who has been helping to promote anti LGBTQ+ groups online and around the country. He said when he looks at the thriving LGBTQ+ groups in Geneva, he is angered by this councilor speaking out against the rights of this group. He said that some of the current council members are remaining quiet about the recent posts of this councilor. He said that this councilor's behavior does not represent our community as the LGBTQ+ community is in the thousands. He said that if councilors are silent and do not speak against this councilor's words and actions, then he feels they are complacent with him.

#### 14. MAYOR AND COUNCIL REPORTS

Clr. Noone said that there is still being work done on a dedication to rename the ball field at McDonough Park after former Clr. John Salone.

Clr. Burrall thanked everyone who spoke tonight saying he was completely moved. He said he wanted to give a hats off to Family Counseling of the Finger Lakes for their tremendous work. He said it was a joy to hear so many of his friends speak tonight. He said that the next blood drives will be June 9<sup>th</sup> at Jordan Hall from 9-2, June 19<sup>th</sup> at the Hall Fire Department from 1-6, June 22<sup>nd</sup> at the VFW in Waterloo from 1-6 and at the Clifton Springs Fire Department from 12-6, June 27<sup>th</sup> at the Belhurst from 1-7, June 30<sup>th</sup> at Geneva General Hospital from 10-3, July 1<sup>st</sup> at the Hydrant Hose Fire Department from 10-3, and July 3<sup>rd</sup> at Sampson State Park from 9-2. He said he participated in Cruisin Night with a new format of holding a two-day event three weeks earlier than normal. He said that the Garlic Fest will be August 5 and 6. The Linden Street Wine Series is in its second year with the first event having taken place on June 3<sup>rd</sup>. He said the next events will be July 1<sup>st</sup>, July 29<sup>th</sup>, August 26<sup>th</sup>, and September 23<sup>rd</sup>. It has wine tasking and vendors and is to promote businesses, live music and food trucks. He said that he has \$175 from fire wood sales to donate to the tree planting program and the nursery on Doran Ave.

Clr. Pealer said that the Recreation Board met and they recommend pop-up kickball games in the parks this summer. The seniors gold program has 97 seniors involved. This past weekend there was a pop-up frisbee clinic with 25 people in attendance.

Clr. Regan added her thanks to everyone who spoke tonight saying that it means a lot to hear their voices, and she wished there were more forums for this type of dialogue to happen. She said she attended Cruisin Night and enjoyed the meal from the vegan food truck. She said the Green Committee's native plant sale was a success, and there is another in the works for September. Mission Zero at the Recreation Center was a success. She said she knows people are concerned about the weed situation saying that there are a lot of things being offered to the city in terms of consulting on this. She said she has been working with FLCC trying to get an internship or two to work on this issue.

Clr. Camera thanked everyone for coming saying that he has learned something from these meetings when members of the LGBTQ+ community speak. He said that his idea of love is self-sacrificing, kindness, caring for another person, to such an extent that you care about the existence of your partner's life more than your own, and you would do anything for them. He said he is a love is love person all day long, and he would pick an LGBTQ+ community to live in if he had the choice because they say people are people who have the right to express ourselves in non-harmful ways. He said we need to educate and reeducate over and over because lies are not the basis to start a conversation. He said he is going to write a resolution for censure next month. He said he had a statement from Shauna O'Toole who spoke at last month's meeting. She said people know her from the grocery store and some know her as being an activist, public speaker, author, and 51,782 people voted for her during the 2020 election. She is an officer in the Air Force auxiliary. She is a wife, lesbian, trans gender female, and mother. She said we are your neighbors, siblings, employers, employees, doctors, attorneys and farmers. She said we sit with you at the ballgame and church. She said we are who we are and we know this at an early stage. She said no one grooms them, no one recruits them, and all they want to do is live their lives. She said this year alone, republicans have introduced over 450 pieces of legislation to take away our rights. She is afraid to travel to certain states for fear of her life. She said that lawmakers say they are doing this to protect children, but she says that is a lie and feels it is about removing the trans people from society. She said that residents need to vote in candidates that are pro American, pro Humanity, and pro Equality. Clr. Camera said that he has been working for the past 6 months on the Finger Lakes Railroad move, and he was told today that contracts have been signed and a consultant is onboard with meetings starting next week to look at moving the railroad.

Clr. Salamendra said she regrets that council couldn't get to city business with the mayor adjusting the agenda to limit speech of residents. She said to answer the question asked by a speaker tonight; we adjust our priorities, what can we do that's not meaningless lip service in the form of a pride proclamation. We need safe housing, food justice, police accountability, access to medical care and mental health care, access to the internet, and recognition of all kinds of families. She said these are things that this council can do. She thanked everyone who came out to speak tonight. She said that Penny Hankins does not blindly follow her, but its Penny Hankins and the queer community that inspires her and taught her how to fight back for herself and others.

Clr. Brimm thanked everyone for coming out to speak tonight.

Clr. Gaglianese thanked everyone for coming out tonight. He thanked Don Wheeler for his hard work on the Memorial Day Parade. He said he is sick and tired of certain councilors sitting here without accomplishing anything. He said that we go to forums and hear things that we know can't happen and aren't true, yet some councilors still pledge to make them happen.

Mayor Valentino also complimented the Memorial Day Parade organizers, including Don Wheeler and his wife. He complimented the American Legion Post 396 for being a big part of it. He thanked all of the councilors who could make it. He thanked all who came to the meeting tonight saying he thinks the challenge for us as a society is to reduce or eliminate the division. He said when we talk about love and respect, it all comes from looking in the mirror and at your neighbors and trying to apply that same thought process because it is not easy on a daily basis. He said it helps to look at ourselves and ask what we can do to better ourselves.

15. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Camera  
MOVED THAT the meeting be adjourned at 9:52pm  
MOTION CARRIED UNANIMOUSLY (8-1absent)**

*Lori Guinan*

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City Clerk