

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

August 3, 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. Gaglianese, Clr. Pealer, Clr. Salone, Clr. Noone, Clr. Burrall, and Clr. Camera

Absent: Clr. Salamendra

2. PROCLAMATION – Officer Timothy S. Peters

3. PRESENTATION – CERTIFICATES OF RECOGNITION – Castle Street Rescue

4. SUPERVISOR UPDATE

Supervisor Petropoulos said that the county had quite a bit of discussion about possibly cutting the gas tax, but decided against it due to the two service areas on I-90 which is mostly used by people just passing through and not county residents. He said that if there are any residents who are truly suffering, he would be happy to take it up with the board. On August 13th, there will be an Open House at Jordan Hall from 10am to 3pm. He said the county is currently hiring all ages and all skill levels. He said that the Veterans Outreach Center of Rochester offers services and help for veterans and will be holding a stand down on September 16 from 11am to 2pm at the Public Market at 280 Union Street.

5. DRI UPDATE

Thank you, Mayor and City Councilors and good evening. On behalf of the DPW, our consultant Barton & Loguidice (B&L) and our contractor Nardoizzi Construction, we want to please thank all residents, business owners and visitors for their continued patience while the DRI project continues to progress.

WORK COMPLETED TO DATE:

As of the last progress meeting held Thursday July 21, 2022, the contractor has used 82% of the contract time and has completed 60% of the proposed work. The current pay estimate # 10, was dated July 18, 2022 approved the contractor's total dollars completed was \$5.82 M out of \$10.1 M. The current contract substantial completion date is at end of October 2022. The contractor has submitted a request for contract time extension which is being reviewed.

UPCOMING WORK SCHEDULED:

The current Contract 1 or "5&20 Corridor" Phase is in Phase 1B. The contractor is working on the center lane of Rtes. 5&20. Work continues on storm sewer upgrades, underground electrical work and installing median granite curbing. NOTE** Traffic pattern switch to Phase 1C is anticipated for the week August 15th allowing contractors to work in the Westbound lane of Rtes 5&20. Additionally, be advised that nightwork is part of the Phase 1C - Work Zone Traffic Control Plan, and the contractor is expected to install a short-term detour and plan night time asphalt milling and hot mix paving. We currently do not have anticipated schedule for night work.

The current Contract 2 or "Street Scape and 5 Points" is in Phase 2C. Work continues on finalizing all decorative features, landscaping, brick pavers, sidewalk, signage, and green infrastructure along Castle and Exchange. The Buzzuto Center rain water collection system is being constructed. All traffic signal and street light work remains to be completed.

UTILITY WORK:

DPW is seeking quotations for storm sewer repairs to piping under Rte 5&20

CONCERNS:

ELECTRICAL – Subcontractor delays continue.

RAIL ROAD - Norfolk Southern Rail Road (NSRR) – We are still waiting on East Castle Street project plans approval

EVENTS – Coordinating with BID Garlic Fest, Live on Linden St and Hotel schedules

6. FOUNDRY UPDATE

Remedial Design

- NYSDEC's engineering contractor continued to develop the remedial design plans for Genesee Park and coordinated with the City DPW regarding proposed park enhancements to be installed after remediation. Work is now expected to begin in late August with removal of the public sidewalks along Genesee and Lewis Streets (while the sidewalk through the middle of the park remains open). Excavation of the park inside the fence is expected to begin in September, after restoration of the perimeter sidewalks is complete. Design of park enhancements by the City is proceeding concurrently with NYSDEC's work.
- Design activities continue for all other remaining properties south of Lewis Street. The project arborist evaluated trees at properties on Genesee, Geneva, and Tillman Streets. Remaining structural

inspections will be completed this fall. Remediation of these properties is expected to be completed in 2023.

Remedial Construction

- Fencing was installed at properties located south of Middle Street between Exchange Street and Wadsworth Street. Landscaping is anticipated to be completed this summer and fall.
- At properties located on Exchange, Wadsworth, and Middle Streets, north of Middle Street:
 - Excavation is complete and restoration is substantially complete at most of the 15 properties from 113 Exchange Street south to Middle Street. Remaining restoration items will be completed this summer and fall.
 - Remedial construction activities began on seven properties in the northern part of this block, just north of 113 Exchange Street as far north as 77 Exchange Street and 54 Wadsworth Street. Excavation is expected to be completed by mid-August, with most property features restored by early fall. Replacement plants and trees will be installed this fall or next spring.
- As noted above, remedial construction work at Genesee Park is expected to begin near the end of August and restoration is anticipated to be completed in early November 2022. Other work south of Lewis Street will be performed concurrently with work at Genesee Park.

7. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the July 6th Council Meeting be approved

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

Abstain – Clr. Gaglianese and Clr. Burrall

Absent - Clr. Salamendra

MOTION CARRIED

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

MOVED THAT the minutes of the July 11th Council Meeting be approved

ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Clr. Burrall, Clr. Noone, and Clr. Salone

Abstain – Clr. Gaglianese, Mayor Valentino and Clr. Pealer

Absent - Clr. Salamendra

MOTION CARRIED

8. PUBLIC COMMENT

Joe Wukitsch told council that he spoke at the December meeting, and it was his understanding after that meeting that council was going to form a committee to address his concerns about trees in the city right-of-way that are damaging sidewalks. He said he sold his property at 35 Columbia Street, and he notified the city that the tree in the right-of-way was causing the sidewalk to heave, but was told it could not be removed. He said that his concern is that there is a unilateral inspection with no process to appeal the decision. He said that forcing owners to repair their sidewalks is a fine and an exit tax. He said he was under the impression the city was going to move forward possibly using the model used by the City of Ithaca. He said he was told that the city does not take trees down, but he believes that to be incorrect, and he would like someone from the city to get back to him with a timetable.

Paul Peters thanked the city for the proclamation honoring his brother tonight. He also thanked the police department for their outpouring of love and support. He said he was met at the hospital by the police chief when his brother passed, along with other officers who escorted Tim's body to the funeral home and honor guards were posted at the funeral. He said his family can never repay the love they have received from this group of amazing people. He told council that our police officers are not the violent demons some councilors make them out to be. He also thanked the fire chief and fire department members who attended the funeral. He thanked Jennifer Slywka for helping his family with paperwork that needed to be done. He thanked Clr. Gaglianese for the moment of silence at last month's meeting, but he was upset when two council members did not acknowledge the moment of silence. He said he felt his brother deserved better in that 10 seconds, and he said it was disrespectful to Tim and to his entire family. He said that one of these council members has demeaned and vilified law enforcement since her election, posted on social media to defund the police, and support of violence against law enforcement officers. He said the other council member has supported her this whole time. He said it is time for this behavior to stop, and for these two council members to be held accountable.

Charles King said mental health is...

Alexander Kelly said that he is a business owner and is having trouble starting and maintaining a business in the city because of city regulations. He said he has been in business for ten years in different states, and he has done his due diligence, yet there are too many parameters for him to follow in the City of Geneva. He said that 10 years ago, food trucks were discussed, and he believed City Manager Matt Horn said they were only allowed under a street and sidewalk ordinance immediately adjacent to an existing business, but he cannot get clarity where he can do business. He said he has a mobile food truck and a business downtown, but after seven years he has not been given clarity where he can and cannot operate. When asked about his business, he said that it is a mobile food business at this point and he has a restaurant in the City of Geneva.

9. MAYOR AND COUNCIL REPORTS

Clr. Burrall thanked the speakers tonight for taking part in democracy. He announced there will be blood drives August 11th at Geneva General Hospital from 10-4, August 16th at the Seneca County Office Building from 11-4, August 18th at the Hall Fire Department from 2-6:30, and August 23rd at Belhurst from

1-7pm. He encouraged everyone to donate. He said that the Business Improvement District held a meeting on July 28th and hired their new Executive Director, Katherine Price and they invite people to come and visit the BID. He reported that Cruisin' Night was a success, and they are getting ready for the Garlic Festival this weekend with a soft kick off concert Friday night from 5-10pm. The festival will be Saturday and Sunday from 11am to 5pm at the Lakefront. Clr. Burrall announced that on August 13th, they will be holding the third event in a series of six in the Linden Street Wine Series from 6-8pm. He said it will include Rieslings, local merchants, microbreweries, and distilleries, and will be coordinated with the Live on Linden. He said that the building where the Red Dove was located sold and they anticipate a new restaurant opening September 30th. The B & D Deli will be closing at the end of the week noting that they had a special in honor of Officer Tim Peters. He said that Officer Peters was popular in his neighborhood as he was in charge of keeping the 18-wheelers on the truck route and out of downtown. Clr. Burrall said that he and Jim Norwalk collected \$665 for firewood this month, and after deducting expenses, he had \$605 for the Shadetree Committee fund.

Clr. Pealer said that he grew up in the restaurant business and remembers the strict laws in the city that his family had to follow. He said that he would like to see the city expand and modernize our mobile vending policies to encourage competition, but without stepping on toes. He said the Recreation Board met two times appointing a chair, Joan Barnard and vice-chair, Wes Greco. The city will be holding the Touch-a-Truck Day on October 10th and the Hildreth Hill Pumpkin Roll will be October 15th. He said there will be storefront painting and lamppost decorating for Halloween with information coming soon. He said there will be popup kickball program starting August 13th in the city parks. He said there will be an "It's My Party" music event at the lakefront on August 10th. The board decided to hold meetings the third Tuesday of the month. Clr. Pealer finished by saying that the board discussed and would like to see our website include an interactive map, WiFi in certain parks, improvements to the Brook Street tennis courts and restoration of Musical Porches.

Clr. Regan said she has been talking to Director of Public Works, Joe Venuti and has asked council about holding a work session to discuss sidewalks. Mayor Valentino said that with the council retreat this month, he would like council to check their calendars to see if September 12 or 19th would work. Clr. Regan said she attended the BOA Open House in July at the Crystal Street Gardens saying that the gardens are beautiful and the event was eye opening. She announced that on August 20th there will be a dedication of a plaque at the Visitor's Center for the AppleKnockers who played for over 50 years in the City of Geneva and throughout the state. She thanked Tim Higgins from the DPW and Massa Construction for being helpful with this event. With regard to the weed torch, she spoke to someone who has one noting that this person is willing to test it for us to see what our public works department thinks. She said that the Green Committee met in July to talk about the goals of the transfer station and what they have been in the past. She said that the Presbyterian Church does a Fifth Sunday Project, and they helped with weeding. She also said that 41 Lakefront Hotel will be hiring two gardeners to take care of the weeds at the lakefront. She said that the Blueprint Geneva Summer Youth Program has been working with the Green Committee, and Geneva Community Projects has donated \$1000 to purchase new plants for the lakefront. She said the Summer Reads Program has been working to identify plants for four sites they chose. Clr. Regan noted that these are all volunteers doing this work.

Clr. Camera said that he was contacted by the Ontario County Soil and Water Conservation District about a \$10,000 grant available to the city if we will bundle some money with it to do repairs to the Castle Creek area near the Brook Street tennis courts. He said it will require a supplement of about \$6,000 (\$3,000 in funding and \$3,000 in in-kind services). Clr. Gaglianese said he would like to see something done to help residents whose houses are affected by Castle Creek as well. Clr. Camera said that the Shadetree Committee is doing a lot of cool work, and Mark Perry is now working part-time for the city and has been assigned to the committee. He said the committee is looking to reforest Lafayette Avenue, and have noted that the urban forest trees at the transfer station are almost ready to be moved to replanting. The committee discussed the need for an Arborist and will be looking to see what other small cities are doing.

Clr. Salone said the Geneva Housing Authority is working on the upgrades to the Lyceum Street buildings, and they have a current waiting list for affordable housing of 970 people. He said he felt that Cruisin' Night was a success, but he wished that people did not bring their dogs. He did a walk-through at 36 Middle Street and discussed with Dave Linger about the planned units. He said that the Sons and Daughters of Italy will be holding festival weekends with August 19th cookie sales and a band playing. August 20th will be a pig roast along with live music.

Clr. Gaglianese said that the Planning Board did not meet. The Budget Advisory Board is hard at work and compiling questions for the police chief. He said that after hearing public comment, he feels we need to do whatever it takes to get businesses to come to Geneva, adding that we need revenue creation. He said he believes council needs to meet to discuss the marina situation. He said he feels the DRI project is beautiful now that the barricades are gone. He asked people to give it a chance. He thanked Paul Peters for speaking tonight saying that the proclamation was well-deserved, and he again said he is sorry to the family.

Mayor Valentino said that he noticed a woman coming out of 29 Linden Street Saturday night, and he said he is concerned at how easy it is for people to walk in, and he would like staff to continue to push for the building to be completed. He announced that Waters Edge will be breaking ground later this month on the former American Legion property. He thanked exiting President Jacobson for her tenure at Hobart and William Smith Colleges and said he is looking forward to Mark Gearan's return.

10. CITY MANAGER REPORT

City Manager Hendrix welcomed the new Comptroller, Stefanie Newcomb noting that Stefanie has a wealth of knowledge she has already put to work in her first 8 days on board.

2023 Budget: Together Stefanie and I will be diving into the 2023 Budget process in the coming weeks with a presentation to Council on September 21. Council will be meeting on August 24 in a retreat session to discuss a variety of things including Council priorities in the future. In my conversations with each member of council I have found many similarities across council priorities including investing in our people to make sure our resources are well trained and focused on meeting community needs, that the lakefront

remains a clean, safe, and friendly space for our community and visitors alike, that our downtown is maintained and sustained, and that we continue to be stewards of public resources. These cross-cutting themes will likely make an appearance within our budget discussions and decisions.

Director of Planning and Economic Development Search: The City of Geneva will begin our search for the next Director of Planning and Economic Development within the next week. This position will report directly to the City Manager and provide oversight to a team of two. The position is empowered to provide planning and management oversight on all matters related to economic development and planning for the City of Geneva, such as issues related to business development, zoning, housing, tourism, community engagement, energy, and community sustainability. As a management position, this is an unclassified position. The posting will soon be live on the city website.

Code Enforcement: On Monday we will welcome our newest Code Enforcement Officer and have a complete Code Enforcement team.

Lakefront: Our lakefront provides many opportunities for our citizens and visitors. There will be many people on our lakefront this weekend for the Glorious Garlic Festival. For safety and flow purposes, the Farmer's Market has been cancelled and many Farmer's Market vendors are participating in the festival, the boat launch will be closed from 2am on August 6th – 7pm on August 7th, and the disc golf course will also be unavailable during the event.

As events return to the lakefront our event planning team is working to further coordinate the City and partner resources. This team is charged with maintaining the safety for all that attend and support our lakefront and will be convening this fall to ensure that we can fully enjoy all the lake has to offer, from our boat launch, disc golf course, running trails, farmer's market, events and additional functions such as a marina.

As far as Marina, I am currently reviewing the amount of funding that has been anticipated for the funding this project through current grant awards and bonds. We are currently awaiting on the permitting processes through the Army Corps of Engineers and DEC of the designs provided in 2020 to allow us to move forward with this project. Once I have fully reviewed this analysis I will provide this overview to council with our options and expenses moving forward.

City Staff Triple Bottom Line Day: We will be hosting a Triple Bottom Line Day on August 31st for all day staff training. Triple Bottom Line days are ways that City staff learn and give back to the community, on August 31 we will close our offices to provide an in-staff training during this event.

Gratitude: I appreciate the work of our teams as they continue to come together to meet the needs of the city. You may find many of our team members taking well deserved vacations in the coming weeks, and while you may get an out of office email, please know that the work continues through other team members, as our employees take time to recharge.

11. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 300 ENTITLED "SOLID WASTE"

City Manager Hendrix presented the following ordinance for first reading:

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

Section 300-1 is amended to read as follows:

§ 300-1 Purpose.

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

Section 300-2 is amended as follows:

1. The following definitions are added in alphabetical order

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

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

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

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

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

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

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

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

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

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

Subdivision A (1) of Section 300-3 shall be amended to read as follows:

- (1) The owner of residential and multifamily premises within the City of Geneva, or individual places of business within the City of Geneva, shall contract with a solid waste collector licensed by the City of Geneva, and be financially responsible for continuous and regular disposal service for each residence for the trash/recyclables and food waste that may accumulate or be used on said premises.

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

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

The title of Article III shall be amended to read as follows:

ARTICLE III

LICENSING OF SOLID WASTE COLLECTING

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

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

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

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

Section 300-7 shall be amended as follows:

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

A. The City Clerk may issue up to six (6) licenses for collection of residential solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31st of the license period. Said Licenses shall be subject to revocation as provided herein. A person or entity licensed to collect residential solid waste, shall pay an annual fee to be determined by City Council Resolution

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

B. The City Clerk may issue up to six (6) licenses for collection of commercial solid waste in the City. Licenses issued pursuant to this chapter shall be for a period of two calendar years or less, to expire on December 31st of the license period. Said Licenses shall be subject to revocation as provided herein. A person or entity licensed to collect commercial solid waste, shall pay an annual fee to be determined by City Council resolution.

3. The current subdivision B of Section 300-7 shall be re-lettered as subdivision C and shall be amended to read as follows:

C. The City Clerk may issue one additional license to the operator of the Geneva Resource Recovery Park authorizing the operator to operate a transfer facility that accepts no more than 20 cubic yards of waste per day, excluding mercury-containing products, at the Geneva Resource Recovery Park as defined and governed as an exempt facility by NYSDEC Chapter IV – Quality Services Subchapter B: Solid Wastes, Subpart 362-3 Transfer Facilities. Hazardous household items such as, but not limited to, petroleum products, tires, appliances, are only allowed during special events, with written permission from the City of Geneva Director of Public Works. The license issued pursuant to this subsection shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein. The operator of the Geneva Resource Recovery Park shall pay an annual fee for this license no later than January 31 of each year in an amount to be determined by City Council Resolution. The operator of Geneva Resource Recovery Park shall retain the right to renew said license annually unless the license is revoked by City Council, the New York State Department of Environmental Conservation registration is not in effect, or the licensee discontinues operating the Geneva Resource Recovery Park.

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

D. Unless a license for collection of residential or commercial solid waste is revoked by the authority having jurisdiction, or the collecting person or entity discontinues operations in the City for a period greater than 60 days, the licensee shall apply to the City Clerk for renewal of its license for collection of residential or commercial solid waste no later than 60 days prior to the expiration of its current license. A licensee shall have no vested right in renewal of its license, except that in the event the maximum number of licenses described in Subdivisions A or B have been issued, current license holders in good standing will have the option to renew prior to a license being issued to a previously unlicensed collector.

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

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

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

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

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

E. Any person or entity collecting construction and demolition debris related to a building permit and any person or entity using a "roll off" or other device to collect residential or commercial solid waste or construction or demolition debris, whether or not such activity is associated with a building permit, shall pay a fee to the City Clerk in an amount to be determined by City Council resolution.

Section 300-9 shall be amended as follows:

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

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

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

3. Section 300-10 shall be amended to read as follows:

300-10 Disposal In The Ontario County Landfill Site

All solid waste generated in the City of Geneva, shall be delivered for disposal to the Ontario County Landfill in the Town of Seneca.

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

Clr. Camera said he feels staff did a great job and all of the bases are covered. He is definitely in favor of only allowing six licenses in the city. He said he is still concerned with the labeling of totes issue noting that labels help people to recycle. He said that the County has \$5,000 available to help cover the cost of the labels, and it can be as easy as sending an email to the solid waste department at the county.

Clr. Noone said he agrees with the advisement of staff that there should be no limit to the number of haulers we allow, and he believes in free market which will promote competition and increase accountability. He said he would like to offer an amendment to section 300-7 1(a) and 2(b) to include the words "any number of" licenses.

Clr. Gaglianese said he agrees, saying that it should drive the prices down and he would like to take recommendations from staff as well.

Clr. Regan said she appreciates the argument behind this, but she is frightened by the idea of having no limit and is not in favor of this amendment. Clr. Burrall said that the origin of the ordinance was concern about having an unlimited number of 55,000 gross vehicle weight packers on our streets at any one time along with the health component to it. He said we currently have the right number of licensees, but we are not vetting them in the proper way. He said the city should be looking for companies to do both commercial and residential pick up five days a week noting that we do not have a need for residential haulers, but we do for commercial ones.

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

MOVED THAT this ordinance be amended in section 300-7 1(a) and 2(b) to replace the wording "up to six (6)" with "any number of"

ROLL CALL VOTE: Aye – Clr. Gaglianese, Mayor Valentino, Clr. Noone, Clr. Pealer, and Clr. Salone

Abstain – Clr. Camera, Clr. Regan, and Clr. Burrall

Absent - Clr. Salamendra

MOTION CARRIED

{Roll Call on the ordinance as amended above}

ROLL CALL VOTE: Aye – Clr. Gaglianese Mayor Valentino, Clr. Noone, Clr. Pealer, and Clr. Salone

Abstain – Clr. Camera, Clr. Regan, and Clr. Burrall

Absent - Clr. Salamendra

MOTION CARRIED

12. RESOLUTION OF SUPPORT AND AUTHORIZATION FOR CLEAN WATER GRANT APPLICATION

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva (City) supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) and New York State Intermunicipal Water Infrastructure Grant application, on behalf of the City, for upgrades to the Marsh Creek Wastewater Treatment Plant (WWTP), hereinafter referred to as the “Project”; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water quality infrastructure projects that protect public health and improve water quality; and

WHEREAS, an Engineering Report, entitled “*Engineering Report for the Marsh Creek Wastewater Treatment Plant, Expansion of the ATAD Sludge Digestion System and Upgrades to the Marsh Creek Pump Station*”, dated July 2021 (updated September 2021), and the July 2022 Supplement recommends implementing the Project to help improve water quality and protect public health; and

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council identifies the City Manager as the authorized representative of the City to submit the WIIA /IMG application on behalf of the City and execute all associated documents relative to and as required for the WIIA/IMG application, including the funding agreement and financial application, as applicable; and

BE IT FURTHER RESOLVED, that the City shall provide local matching funds totaling at least 75% of the Project Costs in the form of in-kind services or cash contributions appropriated and obligated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the Geneva City Council supports the Project and submission of the 2022 WIIA/IMG grant application on behalf of the City to improve water quality and protect public health.

City Manager Hendrix said this resolution would increase our wastewater infrastructure and provide grant funding to do so. When asked for clarity, City Manager Hendrix said that council will be seeing a bond resolution at the September 7th meeting related to this grant, and this will increase our capacity for economic development.

ACTION TAKEN by Clr. Camera; seconded by Clr. Salone
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1absent)

13. RESOLUTION DECLARING SURPLUS PROPERTY

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva no longer has use for the following bicycles that were found but the owner of each could not be located:

Status	CR #	Brand	Size
Found Property	2020-34910	Kulana 2-seater	26"
Found Property	2020-22661	Hyper	26"
Found Property	2021-22767	BCA	20"
Found Property	2021-19796	Giant	26"
Found Property	2021-20504	Genesis	20"
Found Property	2021-21323	Next	26"
Found Property	2021-15963	Mongoose	26"
Found Property	2021-24913	Kent	16"
Found Property	2021-24913	Huffy	10"
Found Property	2021-15963	Mongoose	26"
Found Property	2020-22636	Mongoose	26"
Found Property	2020-33013	Roadmaster	26"
Found Property	2020-25258	Thruster	20"
Found Property	2020-23931	Trek	26"
Found Property	2020-29828	Huffy	26"
Found Property	2020-25780	Kent	18"
Found Property	2020-20467	GS	26"
Found Property	2020-19409	GT	26"
Found Property	2020-33013	Next	20"
Found Property	2020-29941	Genesis	20"
Found Property	2020-33013	Inspire	20"
Found Property	2020-29762	Huffy	16"
Found Property	2021-2912	Next	20"
Found Property	2021-9711	Giant	26"
Found Property	2021-14136	GT	26"
Found Property	2021-15124	Hyper	26"
Found Property	2021-15310	Mongoose	26"
Found Property	2021-17937	Huffy	24"
Found Property	2021-17851	Roadmaster	24"
Found Property	2021-16734	Next	26"
Found Property	2021-15533	Next	26"
Found Property	2021-18716	Huffy	16"
Found Property	2021-29828	Huffy	26"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York, that the above equipment be declared surplus property, and

FURTHER BE IT RESOLVED the police department is authorized to donate the bicycles to local charities around the City of Geneva.

ACTION TAKEN by Clr. Salone; seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1absent)

14. RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN INTENT TO APPLY FOR THE 2022 RESTORE NY COMMUNITIES INITIATIVE

City Manager Hendrix presented the following resolution:

WHEREAS, Empire State Development has announced another round of Restore New York Communities Initiative ("Restore NY") which provides municipalities with financial assistance for the revitalization of commercial and residential properties; and

WHEREAS, the program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS, the Restore NY Community Initiative aligns with at least one proposed redevelopment project which is located at 36 Middle Street ("project"); and

WHEREAS, after decades of service as a grain elevator, the building was used as a warehouse for a Waterloo moving company and when acquired by the current owner, it was vacant and in danger of demolition by neglect; and

WHEREAS, one of the biggest hurdles is the economic viability of the project due to the size of the building and extent of the deterioration due to years of neglect resulting in the anticipated construction costs far exceeding what can be borne by the anticipated rents from the 9 apartments that are proposed, and

WHEREAS, if the City were to apply and receive the Restore NY funding it will allow this project to come to fruition providing nine housing units to be created from a vacant property of which four will be affordable housing, and

NOW THEREFORE BE IT RESOLVED, that the City Manager is authorized to submit an intent to apply for the 2022 Restore NY funding in anticipation of supporting the project on 36 Middle Street.

David Linger came to the podium and told everyone that this project will include nine apartments, one with two bedrooms, the rest with one. It will have four affordable housing units and be available for a diverse group of people. The apartments will be from approximately 600 sq ft to 1300 sq ft. He said the footprint of the building will stay, and if awarded the grant, they will work with SHIPO to meet their standards.

When Clr. Pealer asked why this resolution came before council, City Manager Hendrix clarified that the City of Geneva is actually applying for the grant, and it requires council approval to do that.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Salone
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1absent)**

15. RESOLUTION AUTHORIZING AGREEMENT WITH HWS FOR USE OF MCDONOUGH PARK

City Manager Hendrix presented the following resolution:

WHEREAS, the City is the owner of certain lands known as the Joseph E. McDonough Park located at 180 Lyceum Street in Geneva, New York (the “Park”); and

WHEREAS, the City has entered into an Agreement of Lease with Geneva Baseball through its President, Fenton R. Ohmann dated April 1, 2021, which Lease Agreement spells out the rights and responsibilities as to the City and Geneva Baseball; and

WHEREAS, Hobart and William Smith Colleges (the “Colleges) have re-constituted their NCAA Division III baseball program (the “Program”); and

WHEREAS, the City and Geneva Baseball desire to allow the Program to use the Park for practice, games, and other activities spelled out in an Agreement to be crafted in collaboration with the City Manager, Legal Counsel, and the Parties (City, Geneva Baseball Inc., and the Colleges); and

WHEREAS, the Parties desire to work together cooperatively and collaboratively in their collective use of the Park for the good of each of the Parties as spelled out in a shared Agreement; and

WHEREAS, timeliness of creating a shared agreement is of the utmost importance to ensure improvements to the facilities can be undertaken and the Colleges have agreed to undertake certain specified maintenance tasks related to the system as specified by NCAA Division III regulations;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute a Memorandum of Agreement with the Colleges and Geneva Baseball, Inc.

Clr. Gaglianese said he would like Bob Ohmann to be part of the negotiations, and City Manager Hendrix said he has been from the beginning. She said that any delays are due to making sure we have all of the liabilities and legalities covered. Clr. Salone said that he let the College know that they would not be able to install artificial turf in the historic park. City Manager Hendrix said that all improvements required by the NCAA will be taken care of by the College while any future improvements should be covered in the agreement or discussed as needed.

**ACTION TAKEN by Clr. Salone; seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1absent)**

16. PUBLIC COMMENT

No public comment was offered at this time.

17. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT the meeting be adjourned at 9:10pm
MOTION CARRIED UNANIMOUSLY**

Lori Guinan

City Clerk