

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

October 6, 2021 – 7:00 PM

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

Presiding – Clr. Pealer, Deputy Mayor

1. ROLL CALL

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

Excused: Mayor Valentino

2. PUBLIC HEARING – Jay Street Property Sale

Deputy Mayor Pealer opened the public hearing at 7:16pm and with no one appearing, he closed the public hearing at 7:17pm

3. PUBLIC HEARING – 2022 Budget

Deputy Mayor Pealer opened the public hearing at 7:18pm and with no one appearing, he closed the public hearing at 7:19pm

4. FOUNDRY UPDATE

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

Remedial Design

- Inventories of plants and trees were prepared for properties located south of Lewis Street along Genesee Street, Geneva Street, and Tillman Street. Additional soil samples will be collected from some of these properties in mid-October, and structural inspections will be

conducted at some of these properties in late October or early November. The Department anticipates these properties will be remediated in 2022 and 2023.

- The project team met with the owners of six properties located along the east side of Exchange Street and south side of Middle Street between Exchange Street and Wadsworth Street. The Department expects remediation of these properties to begin in spring 2022.
- Project staff and the project landscaper met with the City Manager and Director of Public Works to discuss options related to the restoration of plants, trees, and sidewalks during the proposed remediation of Genesee Park in fall 2022.

Remedial Construction

- Excavation, backfilling, and restoration activities were conducted within the block of eleven properties located in the area bounded by Genesee Street, State Street and Clinton Street. Substantial restoration of these properties will be completed this month.
- Restoration activities continued on the block of properties west of Genesee Park that includes addresses on Goodelle Terrace, Genesee Street, and Lewis Street. Replacement plants and trees will be installed this fall and during spring 2022.
- Additional plants and trees were installed at properties on Lewis Street that were remediated in 2020. Additional plantings will be installed this month at properties along Lewis Street.

II. City

Genesee Park Remediation

- A group of residents with City staff have been working and creating a restoration plan for Genesee Park, which will be presented to Council at the November Council meeting and would be used if the State remediates the park starting next Fall 2022.

Resident outreach – City of Geneva

- FoodLink Curbside's mobile market's voucher program for fresh vegetables and fruits is operating with strict COVID-19 guidelines. The Friday schedule for the mobile truck is as follows: Salvation Army from 11:15 AM to 12:15 PM, Lyceum Heights Apartments 1:15 PM to 2:00 PM, Elmcrest Apartments 2:30 PM to 3:30 PM. Please check the schedule for market day updates by googling "FoodLink + Curbside Schedule" or going to [Curbside Market - Foodlink Inc \(foodlinkny.org\)](https://www.foodlinkny.org). If you have not used your voucher in some time, please contact Liz Toner at 315-828-6585 to sign up again.
- Residents waiting remediation can also use their vouchers at the Saturday Farmers Market at the Finger Lakes Welcome Center. They can visit the SNAP booth at the front of the market to pick up their vouchers. The market runs on Saturdays from 8am-1:30pm through this weekend, Oct. 9th.
- The voucher program for the Dog Park is available with sign-ups in the City Clerk's office at City Hall. All voucher programs are available for residents waiting for remediation.
- The City's liaison for the Foundry work is Liz Toner. etoner@genev.ny.us or 315-828-6585. Residents with questions on the NYSDEC's remedial design or construction activities can email Bob Gibson from the State's consultant team from Ecology and Environment, Inc. at rgibson@ene.com.

5. CONSIDERATION OF MEETING MINUTES

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

**MOVED THAT the minutes of the September 1 Regular Council Meeting be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

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

**MOVED THAT the minutes of the September 15 Council Work Session be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

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

MOVED THAT the minutes of the September 22 Special Council Meeting be approved

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

Abstain – Clr. Pealer and Clr. Salamendra

Absent - Mayor Valentino

MOTION CARRIED

6. PUBLIC COMMENT

Tom Millington told council that he is the Executive Director of Abroadia. He said that they are trying to raise money for the School of Leadership-Afghanistan (SOLA) through Go Fund Me. He asked council to please spread the word to help them reach their goal. He also asked if the city was interested in entering an international sister relationship with a city abroad.

Jessica Farrell said on February 20th, CET and the NAACP hosted an event titled “Anti-Racist Resolutions: Building Belonging.” In welcoming our audience—which included some of you—I explained that “we decided that the subtitle for [the day’s] event should be ‘Building Belonging’ so that we could discuss the everyday operations of white supremacy and racial exclusion and commit to taking concrete actions to build a Geneva where we all belong.” Some have said that the proclamation to declare Indigenous Peoples’ Day a holiday in Geneva would divide our city. I would like to ask that you listen with an open mind while I explain why instead I see what CET did as being part of the work of building belonging, and particularly the work of promoting racial inclusion. Columbus Day is a commemoration of the landing of Christopher Columbus in the Western Hemisphere on October 12, 1492. That is why it is the second Monday in October. A direct result of Columbus’s arrival was that the official European policy of the “Doctrine of Discovery” was extended to this side of the Atlantic. This idea basically said that any place that didn’t have Christianity could be “discovered” by Europeans and become their territory. In this way, non-Christians did not count as people, and they had no rights to the land they lived on. Their land was considered *terra nullius*, which translates to “land belonging to no one.” This is how the idea of “discovery” worked: by dismissing Indigenous people as non-humans, their land could be “discovered” by Europeans

as the first humans there. Now, you might be saying, ok Jess, but that was 500 years ago, is it really necessary for us to do something about that to build belonging in our community today? And my answer to you is yes. In yesterday's Finger Lakes Times, we saw how the doctrine of discovery is still relevant. The president of the local chapter of the Order Sons and Daughters of Italy in America referenced—and even added extra intentional emphasis to—the word discovery. He spoke of Columbus Day as a day when we celebrate—and I quote—“all the tremendous contributions of Italians and Italian-Americans throughout history in the areas of art, science, music, mathematics, and yes, discovery.” By retaining and reinforcing this notion of discovery, and by actively celebrating it with Columbus Day, we continue to reinforce the notion that the Indigenous people of this hemisphere do not count as people. That is the direct meaning of saying that this land was discovered. There are plenty of other words that could be used instead if one did not want to negate the personhood of Indigenous people—for example, exploration. But that is the problem, by celebrating Columbus Day intentionally on the day that Columbus arrived in the Western Hemisphere, we reinforce this narrative of discovery which was used to allow and justify not only the intentional destruction of communities and cultures, but the attempted annihilation of entire nations of people—in other words, genocide. Because of all of these connotations with Columbus Day, it is important that we do something to counteract those associations and make sure that members of our community don't feel that we are ok with this denial of their humanity. And that is why I support the proclamation to recognize Indigenous Peoples' Day on October 11th in Geneva. Now you will notice that I did not say anything there about cancelling Columbus Day and only recognizing Indigenous Peoples' Day. In fact, despite beliefs to the contrary, the proclamation does not in any way cancel or stand in the way of the recognition of Columbus Day. All over the country, there are communities that are observing both holidays simultaneously. This is not a new idea. And this is laid out directly in the proclamation. The way it is written it says BECAUSE we have Columbus Day as a holiday on October 11th, we should also have Indigenous Peoples' Day that day, too. And yet, many people, and I suspect that includes many of you, read it to mean the cancellation of the one for the other. I would encourage you to ask yourselves why you would read it that way and what that means about your way of thinking about our community. Why would you think that the recognition of Indigenous history—yes, including the violence perpetrated against Indigenous people—and a celebration that they are continuing to thrive as communities today in spite of the attempt to eradicate them, would in some way inhibit your ability to celebrate Columbus Day? If you are truly celebrating the broad scope of Italian and Italian-American contributions—and I agree, there is a lot to celebrate!—then this proclamation does nothing to stop you. If you are celebrating “discovery,” and the associated denial of Indigenous humanity, then yes, this proclamation might put a bit of a damper on your celebration. Personally, I think that it is worthwhile to say to our Indigenous population—in which I include not only the Seneca on whose ancestral lands we now stand, but also the wealth of immigrants from other parts of the Western Hemisphere who have moved to this area with the dream of making a life here and being part of our community—that we recognize that your history is all of our history. That the history of the “Americas” is incomplete without your stories. I want to say to them that we recognize the importance of your contributions to our society. And yes, I want to say to them that on Columbus Day, we will no longer be celebrating “discovery” because we recognize the psychological and physical damage that that can continue to cause. If we really do embrace the diversity of our community and if we are really

looking to build belonging, then we should accept that that diversity is premised on people having had different historical experiences. And we shouldn't celebrate one in a way that harms another.

Michelle Neary told council that in 2019 they were elected to represent private citizens of Geneva and not to push their own agendas. She said that there are issues such as COVID 19 and Black Lives Matter happening that council did not have the ability to address during their campaigns. She said that residents did not have a chance to see how their candidates would address these issues. She mentioned municipalities who have defunded their police departments only to find the crime in their cities rise. These same municipalities are now increasing their departments a year later. She said we have seen that they can't do with reducing funding for the police departments. She said that Geneva needs a fully staffed and supported police department. She said that this was a chance to learn from the mistakes of others. She referred to council's discussion of hiring a firm to look at our police department and said it is too much money, and she is opposed to it. She asked members of council to think about why, specifically, they want to defund the police department, what evidence they have that it will benefit the city in terms of public safety, what statistics they have to support defunding, and what evidence they have that they are representing their constituents.

Carmie Simeone said that she is a member of One Geneva which is a group of residents who feel the majority of council does not support their citizens as nothing has been done for the betterment of Geneva, but rather most of council's time has been spent on bringing down the police department. She asked why they haven't focused on more important things like recruiting and keeping businesses in Geneva and reducing taxes without budget cuts. She asked why council does not like the Geneva Police Department, and they have given no data to support their decisions. She questioned how they all became experts on the issues they are discussing. She said that she does not feel they are reaching out to their constituents, and along with One Geneva, she would like to bring Geneva back to what it was.

Tony DiCostanzo said that he is the President of the Geneva Lodge 2397, Sons and Daughters of Italy in America which has been chartered since 1977 noting that some of their members are here tonight. He referred to the proclamation presented to council with regard to Indigenous Peoples' Day and asked why this is being proposed while the city is still divided and when everyone knows this topic is causing division in other parts of the country. He said that it is clear that this is an opening to eradicate Columbus Day in the City of Geneva, and once the door is open, revisionists will come back again and again. He told council that Italians were mistreated when they came to America because they had darker skin and did not speak the language. He also noted that 11 Italian-Americans were lynched in New Orleans after being exonerated at trial. He said that a year later, President Benjamin Harrison set the date for Columbus Day because he saw Italian-Americans struggling against religious and ethnic discrimination. Columbus Day became a federal holiday in 1931. He said that much of the negative information about Columbus came from a book "Peoples History in the United States" published in 1980, and since written, many prominent scholars have debunked much of the information in the book as half-truths, falsehoods and outright lies. He said that the movement against Columbus is a movement against every other European immigrant group who came here after 1492. He said that condemning Columbus is condemning every other

historical figure, and after Columbus is done being the target, revisionists will move on to the next target, perhaps George Washington or Abraham Lincoln. He told council that Italian-Americans do not oppose Indigenous Peoples' Day here in Geneva, but they do oppose any attempt at elimination of Columbus Day now or in the future. They also oppose sharing the holiday with any other ethnic group. He said that saying that Indigenous People are linked to Columbus Day is another falsehood. He said that the Indigenous People of that time were not without sin, and they recognize that they were people of their time and not our time, just as Columbus was a man of his time operating under the accepted ways of his time. He suggested picking the birthday of one of the many Indigenous People who were great leaders to celebrate this group. He said that Italian Americans stand for inclusion and adding to American History and not rewriting it. He said they respectfully request council reject this proclamation and future versions of it that would designate the second Monday in October as Indigenous Peoples' Day.

Jacob Fox, CEO of Closed Loop Systems, reminded council that they had a good discussion last month to allow him to run the transfer station. He said he is eager to provide a beneficial waste service in Geneva and to provide a cost savings for residents. He said they have had a lot of success with organic collection and would like to offer the complete solution. He thanked council for their support so far.

7. MAYOR AND COUNCIL REPORTS

Clr. Noone said that since the last city council meeting, the Police Review Board has had 1 monthly meeting of the full board, 7 committee meetings (3 each for the Complaint Process and Review Process Committees and 1 for the External Communications Committee), and 2 trainings. The Complaint Process Committee has been hard at work developing the materials necessary to intake complaints, including the complaint form, the standard response letter to a complainant, and the coversheet that will accompany a complaint as it moves through the system to keep track of the necessary data points for annual reporting, etc. The Review Process Committee has been busy developing a disciplinary matrix. This involves a close reading of all of the GPD General Orders. The External Communications Committee has been preparing a strategy for introducing the PRB to the public when they are ready to accept complaints, including producing an informational brochure and developing a presentation which can be presented at local organizations and community groups. The two trainings that the PRB had were on interviewing and investigative techniques and on Adverse Childhood Experiences. The PRB has its monthly meeting tomorrow at the Geneva Housing Authority at 6:30pm in Conference Room B.

Clr. Burrall thanked the people who came to the podium tonight to speak. He told everyone that they can also phone or email council as well. He said that there is an emergency blood shortage, and encouraged everyone to give blood. He said there are blood drives Monday October 11th at Geneva General Hospital from 9-2pm, October 18th at the Presbyterian Church from 1-6:30pm, and October 21st at the Hall Fire Department from 2-6:30pm. He gave a shout out and thank you to Lt. Matt Valenti and his team at the Geneva Police Department who stopped a burglary at a home occupied by William Smith students. He

said that new banners went up in downtown, and he thanked Joe Venuti and the Department of Public Works staff who installed them at 4am to not disrupt downtown activity. He said the Business Improvement District is promoting a "Fall in Love with Geneva" Halloween Decoration Contest along with a coloring contest and scarecrow decorating and construction contest around light poles. He said the Recreation Department is bringing back Halloween window painting, and 35+ businesses have donated their windows. He gave a shout out to Anne Brown, Trisha Noel and Ellie Lewis-Mollina for coordinating with Dave Sharman at the Recreation Department. He said the Jingle Week activities will be the week of November 27 thru December 4 to draw visitors and shoppers downtown. This will include "Shop Small" promotions, school and adult choirs and bands, Smith Opera House showing holiday movies, window decorating and more coloring contests for the younger population as well as street vendors in downtown. He said that the BID is searching for a communications manager which, hopefully, will be a shared position with the City of Geneva next year. He said Live from Linden has been extended through October, noting that the Bank of the Finger Lakes has supported this from the beginning, and this is the first year with a full six months of operation. He also noted that in October, there will be live music every Friday night. Lastly, he said that the Historic Districts Commission and the College Livability Task Force did not meet this month.

Clr. Regan also thanked the speakers tonight and the Sons and Daughters of Italy for the fried dough on the way in. She said that she was happy to work with Petr Premyslovsky and the IT Department on the new website noting that it is up and running to help improve communications with citizens. Clr. Regan said that she and Neil Sjoblom contributed photos to the site. She said that there is information on the website about the Heritage Trail getting underway with QR codes going up on buildings, noting that this is being managed by Historic Geneva (formerly the Historical Society). Clr. Regan said that the Green Committee had various meetings along with a native plant sale focused on education and an opportunity to adopt a flower bed along the lakefront. She gave a shout out to DPW for their support, tools and mulch to the flower bed project. Lastly, she said that there has been a lot of collaboration with the Town Sustainability Committee, and the city was able to work with Roctricity and Joule to manage our community choice aggregation program to bring sustainable energy sources to the City of Geneva.

Clr. Camera told council that the landlord registration resolution is getting legal review and will be on next month's agenda, noting that this will be a way to set up good communication with landlords. He said he would like to set a date tonight for the budget work session that was cancelled Monday. He said that council needs to deal with the tax rate in the city and get the Legion project started. He said he knows that the downtown construction is disruptive and businesses have been suffering for a while, but he does not feel the city can provide assistance to downtown businesses, noting that the end product will be nice, and we will all benefit from it.

Clr. Salamendra said that the Human Rights Commission will have a table at the farmer's market on Saturday from 9am to noon and office hours the second Saturday of the month from 9 to 12 at the library through May of 2022. She asked that anyone with ideas reach out to Erica Collins at ecollins@geneva.ny.us. Next, she referred to a proclamation submission from Community Education for

Transformation hoping to promote a more inclusive community in which everyone's stories are provided with equal weight. She said this proclamation was proposed in an attempt to address the indisputable historical realities of the violence perpetrated by European settlers against Native Americans that has been documented. She said that they wanted to eradicate the Native Americans, and to pretend it did not happen is worse. She said that the proclamation recognizes Native American communities that have survived and continue to thrive along with their many contributions to the United States and Geneva. She said that the importance of celebrating these two holidays on the same day as the arrival of Columbus is a means of acknowledging with the Native Americans that the arrival of Columbus inaugurated the violence. Clr. Salamendra said that 17 states and over 130 cities celebrate Indigenous Peoples' Day in place of, or in addition to, Columbus Day. Clr. Salamendra read the proclamation submitted by CET: WHEREAS, the second Monday in October is the federal holiday of Columbus Day in remembrance of the arrival of Christopher Columbus in the Americas in 1492; and WHEREAS, the City of Geneva recognizes that this event initiated centuries of violence, exploitation, enslavement, acts of genocide, and displacement of Indigenous people across the Americas and specifically within the land that today constitutes the United States of America; and WHEREAS, the City of Geneva acknowledges that part of that bloody history happened here on the land where our city stands, particularly when troops from the Continental Army invaded the area, destroying homes, orchards, and fields as part of the Sullivan Campaign of 1779; and WHEREAS, the City of Geneva recognizes that for too long the history of the United States has been told in a way that suppresses and misrepresents the stories of the Indigenous peoples of the Americas; and WHEREAS, the City of Geneva acknowledges the United States' indebtedness to the continent's Indigenous people for the lessons in democracy and governance that they shared with the country's founders, particularly through the Haudenosaunee Great Law of Peace; and WHEREAS, the City of Geneva would like to celebrate and express its appreciation for the vibrant and civically engaged Indigenous communities that continue to make vital contributions to our country and our city today; NOW, THEREFORE BE IT RESOLVED that October 11, 2021 is officially Indigenous Peoples' Day in the City of Geneva.

Clr. Pruettt said that from now thru November, Historic Geneva (formerly the Geneva Historical Society) is doing a "My Geneva is" project where people send in pictures of their homes where they grew up in Geneva. He said they are open Monday thru Saturday from 9:30am to 4:30pm. He announced that Karen Osburn, the city historian, had kitchen gardens focused on the Historic Geneva Walk, and Historic Geneva is also auctioning off handmade quilts. He reminded everyone that they have a bed and breakfast out near Rose Hill Mansion. Next, Clr. Pruettt asked council to respond to Asst. City Manager Blowers' email about free WIFI in the city to benefit everyone. He gave a shoutout and thanks to Katie Labbe and Kerry Lippincott for their work on the Heritage Trail. He said the Shadetree Committee did an analysis of trees in the city and he gave a shout out to the people taking care of the saplings they are growing. Clr. Pruettt said that he would like to see Clr. Regan take over as liaison to the Public Art Committee as he is stepping down December 31st unless someone steps up sooner. He said the Castle Creek Greenway is a group of individuals who have their own money invested in clearing the trail. He questioned why there was no money in the budget for the Heritage Trail and Greenway this coming year. He asked that the city get some sort of insurance rider on their city policy for liability insurance, and Friends of the Greenway can pick up the charge, so they can move forward on the bridge over Doran Avenue. He said it would be nice if council could have a meeting where they can interact with the public, noting it could be done by a committee or in some format that is educational. He said that with regard to Doran Avenue, he is not opposed to the initiative of a transfer station, but he wondered why we cannot combine with the Town of Geneva. He said his concern is the place for it, as Doran Avenue is not meant for truck traffic with no sidewalks or curbs. He said trucks should use the Industrial Park entrance.

Clr. Gaglianese asked for a moment of silence in remembrance of former Fire Chief Bruce Moore who passed away recently. Next, he said he wanted to make it clear that what Clr. Salamendra read was a statement and not a proclamation, and he 100% does not support it. He said that Columbus Day's meaning goes beyond just Columbus. He said our nation did not establish Columbus Day to commemorate oppression, but to overcome it. He said that many of the people we admire from centuries ago have their own failings, but we admire them for the great things they have done rather than their negative ones. He said that Indigenous People already have days on the calendar, so a different day should be picked. He said that the proposed proclamation puts the blame on Italians and Europeans. Clr. Gaglianese said that this past Monday the Planning Board approved the American Legion site plan which is a win/win for the city. He thanked the residents of Lochland Road for being engaged, noting that the Lakefront Development Group listened and adapted their plan to resident needs and wants. Lastly, Clr. Gaglianese thanked the City Manager, Assistant City Manager and department heads and staff for putting together a responsible and solid budget that reflects council's direction.

Clr. Salamendra said that she is glad Clr. Gaglianese asked questions about the proposed proclamation noting that Jessica Farrell sent an email to council clarifying a lot of information. Clr. Salamendra noted that council has a habit of not listening to answers. She said that she is uncomfortable with the amount of time council had to address the budget, and she would like to request a budget work session and executive session to discuss staffing.

Deputy Mayor Pealer said that the Recreation Board did not meet, but he did meet with Dave Sharman to complete the questionnaire to go out, noting that he was sad it could not go out before the budget. He told council that he has Housing Authority questions in to the Director, Andy Tyman. He thanked his mother, Anne Brown and others for organizing the downtown Halloween painting project. He said with regard to the proposed proclamation, he feels a discussion is in order because he feels it is spiritually inappropriate to have a counter-holiday along with an established holiday. He said he would love to see a holiday to focus on, and celebrate, Indigenous People.

8. CITY MANAGER REPORT

City Manager Gerling asked council to give any questions to her and Mr. Blowers as soon as they can so they can provide clarification before the budget work sessions. She announced that she appointed Keith Polanski to the Shadetree Committee. She announced that staff has done a soft launch of the city website, and the notification system is changing so residents will need to sign up again for the information they would like to receive. She encouraged residents to download the Instant Input app to receive updates on the DRI project. She said a parks and trails branding survey is out, and there will be a community workshop at Gulvin Park Saturday at 10am. Lastly, Mrs. Gerling said that trick or treat will be on Halloween, October 31st from 6-8pm with the Halloween parade being October 30th pending any COVID updates.

9. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 300 OF THE CITY CODE

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

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

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

B. The City 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, tires, appliances, lead paint, and electronic waste are only allowed during special events and with written permission from the City of Geneva Director of Public Works. The license issued pursuant to this sub paragraph 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 31st of each year in amount to be determined in the yearly City Budget. 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

The current sub paragraph B of Subdivision 300-7 shall be re-lettered sub paragraph "C".

Asst. City Manager Blowers told everyone that this ordinance is providing a dedicated operator of the Resource Recovery Park, and they will accept no more than 20 cubic yards of waste per day, excluding hazardous materials.

Clr. Pruettt said that he would prefer to see ingress and egress of trucks with 10 wheels or more off N. Exchange Street or PreEmption Street rather than Doran Avenue. After some discussion, council decided that a resolution will need to be presented at a future meeting concerning allowable truck traffic on Doran Avenue.

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

MOVED THAT this ordinance be approved for second reading

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

Nay – Clr. Pruettt

Absent - Mayor Valentino

MOTION CARRIED

10. MARIJUANA DISCUSSION AND DIRECTION

Asst. City Manager Blowers told council that there are two parts to the legalization that they will need to decide on. He noted that council already did an informal vote to allow the sale of marijuana in the city, but the other portion is on-site consumption establishments. He said that this is similar to the sales option in that council needs to opt out by the end of the year if they choose. He told council that there are State regulations in place saying where these establishments can be located, but the State is still working on other regulations. He noted that the city will have the option to set our own regulations as well, including updating the new zoning laws once we decide how we want to regulate.

Clr. Salamendra said she is in favor of on-site consumption places, noting that it will bring in more people to our city. Clr. Burrall said he is in favor of retail sales, but he is hesitant with this and would like to consult the business community first, noting that he is not running after tax dollars on this. Clr. Salamendra said that these café's will be beneficial to travelers who cannot otherwise smoke in their hotel room or Air BnB. Clr. Regan said that she believes the Town of Geneva has opted in, and we have to trust the regulations needed will be in place.

After a straw vote was called, it was agreed that the city would allow on-site consumption establishments.

11. RESOLUTION AUTHORIZING THE SALE OF JAY STREET PROPERTY (119.7-1-51)

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva owns real property located on Jay St, tax map # 119.7-1-51; and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold through a sealed bid process; and

WHEREAS, a public hearing was held on the potential sale of this property on October 6, 2021; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property tax map # 119.7-1-51 located on Jay St.

Mr. Blowers said that this was done by a sealed bid process, noting that it is a buildable lot with a creek running through it that could possibly affect the building process. Clr. Salamendra said that she does not approve of this sale since the \$10,000 bid is so much less than the assessed value of \$30,000.

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

MOVED THAT this resolution be approved

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

Nay – Clr. Salamendra

Absent - Mayor Valentino

MOTION CARRIED UNANIMOUSLY

12. RESOLUTION AUTHORIZING THE SALE OF 38 JACKSON STREET PROPERTY

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva owns real property located at 38 Jackson St, tax map # 104.8-1-47; and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold through a sealed bid process; and

WHEREAS, a public hearing was held on the potential sale of this property on August 4, 2021; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property at 38 Jackson St, tax map # 104.8-1-47.

Mr. Blowers said that this property is located in the Foundry area, and the city could not sell it until it was cleaned up. He said there were three bids for this lot which is assessed for \$6,000, and the winning bid was \$2,000. He noted that it is a buildable lot based on the current zoning, and the buyer is interested in building a home on the property.

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

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY (8-1 absent)

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

City Manager Gerling presented the following resolution:

WHEREAS, the City of Geneva (City) supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) 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), recommends implementing the Project to help improve water quality and protect public health; and

WHEREAS, the Geneva City Council passed a bond resolution (the “Bond Resolution”) on August 4, 2021, authorizing the borrowing of up to \$7,000,000 for implementation of the Project.

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 application on behalf of the City and execute all associated documents relative to and as required for the WIIA 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 2021 WIIA grant application on behalf of the City to improve water quality and protect public health.

City Manager Gerling told council that this is for the upgrades to the Marsh Creek Wastewater Treatment Plant including the construction of the autothermal thermophilic aerobic digester (ATAD) System and the Marsh Creek Pump Station. She said this resolution is authorizing her to submit an application for \$7 million, which has been bonded for, with 25% of the funding coming from the grant. She explained that this is a critical step for the city’s growth including the American Legion property and the Ag Tech’s expansion since we are already at 96% of our capacity. She said this will allow us to expand our customer base.

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

14. RESOLUTION APPROVING THE AMERICAN RESCUE PROTECTION ACT (ARPA) FUNDS PLAN

City Manager Gerling presented the following resolution:

WHEREAS, On March 11th, President Biden signed into law the American Rescue Plan Act of 2021 to help communities cope with the economic impacts of COVID-19; and

WHEREAS, the City of Geneva has been allocated a total of \$1,295,483.30 in ARPA funding, split evenly between 2021 and 2022; and

WHEREAS, the Treasury Department dictates how these funds may be spent; and

WHEREAS, the project plan must be submitted by October 31, 2021,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, approves the project plan for the American Rescue Plan Act funds for 2021 and 2022.

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

15. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva, Ontario County, New York (hereinafter, the "City") has outstanding (A) \$340,000 of Public Improvement (Serial) Bonds, 2011 dated May 15, 2011 originally issued in aggregate principal amount of \$1,190,000 and maturing or matured on May 15th annually through 2025 pursuant to various bond resolutions (the "Series 2011 Bonds"); (B) \$7,180,000 of Public Improvement (Serial) Bonds, 2014 dated February 6, 2014 originally issued in aggregate principal amount of \$13,328,000 and maturing or matured on February 1 annually through 2042 pursuant to various bond resolutions (the "Series 2014 Bonds" and, together with the Series 2011 Bonds, the "Refunded Bonds");

WHEREAS, the Refunded Bonds carry interest rates that are higher than interest rates available in the current capital markets; and

WHEREAS, it is now desired to authorize the City Comptroller, as chief fiscal officer of the City (the "City Comptroller"), to refund and refinance the Refunded Bonds in order to achieve lower interest rates and present value debt service savings.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GENEVA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. As a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA") (New York Environmental Conservation Law Section 8-0101, *et seq.*), and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), the City Council, having reviewed the classifications of actions contained in the Regulations, hereby determines that issuance of refunding bonds to refund the Refunded Bonds constitutes a "Type II Action" under the Regulations and is not subject to review under SEQRA.

SECTION 2. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds (or such portion thereof as the Chief Fiscal Officer shall determine to be in the best interests of the City), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation, the development of the Refunding Financial Plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$7,900,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 or 90.10 of the Local Finance Law, it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$7,015,000, as provided in Section 7 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Comptroller pursuant to Section 3 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at private sale at a discount in the manner authorized by Section 90.00 or 90.10, as appropriate, of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 13 hereof relating to approval by the State Comptroller, if required.

SECTION 3. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Comptroller as Fiscal Agent as hereinafter provided). In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Comptroller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Comptroller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The City Comptroller, as chief fiscal officer of the City, is hereby authorized and directed to seek a qualified underwriter through competitive or negotiated procurement in accordance with the General Municipal Law to purchase the Refunding Bonds, and to enter into an agreement or agreements containing such terms and conditions as he shall deem proper, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Comptroller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

SECTION 4. The City Comptroller is hereby further delegated all powers of this City Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 5. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, if applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

SECTION 6. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law, if applicable;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in the bond determinations certificates relating thereto which are incorporated herein by reference;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said/respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Respective Series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 7 hereof.

SECTION 7. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$7,520,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This City Council recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan

will also most probably be different from that attached hereto as Exhibit A. The City Comptroller is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, if applicable. The City Comptroller shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 8. The City Comptroller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Comptroller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law, if applicable.

SECTION 9. The faith and credit of said City of Geneva, Ontario County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

SECTION 10. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the first interest payment date thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, if applicable, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

SECTION 11. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of

the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, if applicable, the City hereby elects to call in and redeem each Respective Series of Refunded Bonds which the City Comptroller shall determine to be refunded in accordance with the provisions of Section 3 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

SECTION 13. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the City Comptroller (the "Underwriter") for such purchase price as shall be determined by the City Comptroller, plus accrued interest, if any, from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law (if applicable), the City Comptroller, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

SECTION 14. The City Comptroller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Comptroller and all powers in connection thereof are hereby delegated to the City Comptroller.

SECTION 16. The validity of the Refunding Bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 17. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECTION 18. The law firm of Hancock Estabrook, LLP is appointed bond counsel for the Refunding Bonds, Municipal Solutions, Inc. is appointed Financial Advisor for the refunding.

Asst. City Manager Blowers explained that his office put out an RFP to get lower interest rates on several of our current bonds in order to save approximately \$1.4 million in all three funds over the next 20 years.

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

16. RESOLUTION ESTABLISHING A LAKEFRONT RAILWAY INTEGRATION COMMITTEE

Clr. Camera presented the following resolution:

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

Given the increasing impact of Geneva's railroads – Finger Lakes Railroad (FLRR) and Norfolk and Southern (N&S) operations – on the City in general and more specifically on the City's main gateway, the lakefront, it makes sense to examine the costs and benefits of this activity on the long-term future of the City.

The current list of volunteers to the Committee include: Greg Bendzlowicz, Gary Baxter, John Pruet, Dan Belliveau, Laura Salamendra, Robert Camera, and Hanna Dickinson and may be expanded or diminished based on need and personal schedules.

Whereas the FLRR has been a significant and growing presence in the City's 6th Ward for approximately 30 years and has an agreement for operation with the County IDA that ends in 2025.

Whereas the FLRR PILOT agreement through the Ontario County IDA provides an annual payment of less than \$4K/year to the City which is inadequate to compensate for the level of FLRR activity.

Whereas there are numerous impacts on the City that need to be assessed and reconsidered by CC including:

- 6th Ward access to the Seneca Lake waterfront park via City's legal rights-of-way at Evans St. and East Pre-emption St. Ext. – FLRR

- Railroad and maintenance operations and storage via Railroad Place and track siding along the lakefront – FLRR
- Herbicide spraying along rights of way and within proximity of Seneca Lake – FLRR and N&S
- Impacts on Middle St's. future development prospects – FLRR
- Inconsistent and low assessment valuations of land used for railroad rights of way – N&S and FLRR – with accompanying low tax payments.

Whereas, being composed of City resident volunteers, this committee will periodically need some modest Staff assistance to compile information for its analysis.

Therefore be it resolved, the City of Geneva and its residents deserve an accounting of the impacts of the FLRR and N&S RR on the quality of life in Geneva from multiple perspectives – 6th Ward-wide, City-wide, and County-wide.

Be it also resolved that tax-paying residents of the City of Geneva, have a right to know the history and legal basis for RR tax payments to the City and the Geneva Central School District.

And finally, be it resolved, that the City Council of the City of Geneva shall constitute the standing committee known as **The Lakefront Railway Integration Committee** whose purpose shall be to do research and compile the above discussed information and periodically report said information to City Council.

Clr. Camera said that this committee is interested in helping the city adjust its relationship to the railroad. He said that the city currently receives approximately \$4400 per year from the railroad. The committee would like to look at access for the 6th ward to the lakefront. He said the committee was established to meet periodically and report to council to ask for initiatives and resolutions to make adjustments in the relationship.

Clr. Burrall said he feels this is potential lakefront development view, and the more volunteers we have, the better. He encouraged Clr. Camera to get more volunteers. Clr. Salamendra said she appreciates Clr. Camera for setting up this committee. Clr. Pruett said he asked to be on the committee because he believes in it, and stated that they are not looking to negotiate with the railroad. They will just gather facts to bring back to council. When asked, the City Manager said she sees this as a more informal committee that will bring resolutions forward for council to approve, noting that it was not officially established by the charter or city code.

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

17. RESOLUTION APPROVING THE SALE OF AN EASEMENT ON INDUSTRIAL PARK PROPERTY

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva is a member of a joint partnership with Ontario County Industrial Development Agency and the City of Geneva Industrial Development Agency; and

WHEREAS, the joint partnership owns two properties located in the industrial park, tax maps # 90.12-3-1.113 and 90.12-3-3; and

WHEREAS, there is a lease for a cellular tower on these properties with the company, American Tower; and

WHEREAS, American Tower has submitted an offer to purchase an easement on these properties to continue use of the cellular tower,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does exercise its voting privilege in support of the sale of easements for parcels in the Geneva Industrial Park, tax maps # 90.12-3-1.113 and 90.12-3-3 from the Geneva Industrial Development Agency to American Tower Asset Sub II, LLC for \$620,000 with approximately 15% of the sale price remaining in the Industrial Park bank account for operating expenses.

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

18. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 335 OF THE CITY CODE ENTITLED "VEHICLES AND TRAFFIC"

Clr. Burrall presented the following ordinance for first reading:

BE IT ORDAINED by the City Council of the City of Geneva, New York that Chapter 335, entitled "Vehicles & Traffic" of the City of Geneva Municipal Code be amended as follows:

WHEREAS, the Director of Public Works recommends eliminating the current prohibited parking of vehicles for a period of longer than two hours, from 8:00 a.m. to 6:00 p.m. except Sundays and holidays on the west side of South Main Street between William Street and Park Place, and

That Section 335-23. entitled "Parking Time Limits on Highways", Amended 3-1-2006 by Ord. No. 2-2006, Paragraph B. (12), is hereby amended to read as follows:

(12) Main Street, South: On the east side from the north curb line of Seymour Alley to a point 180 feet north.

Clr. Burrall said that he was approached by several people on S. Main Street to look into changing the time limit for parking spaces in this area due to the reduced number of businesses. He said they are looking to remove the 2-hour parking signs on the west side of the street for nine spaces since there are no businesses located there. He said there are four businesses on the east side of the street, and when he contacted them, three said the change would not affect their business, and the fourth asked to keep the parking spaces on the east side at 2-hour parking.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Camera
MOVED THAT this ordinance be approved for first reading
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

19. DISCUSSION REGARDING ESTABLISHING A TRAIN QUIET ZONE IN THE CITY OF GENEVA

City Manager Gerling said staff received a request from a resident since people are home more and the railroad says they have more traffic in the city. She said that this is a quality-of-life issue, and the federal process takes time and money. She did make council aware that there are safety risks of a train quiet zone.

Mrs. Gerling said that Katie Labbe looked at the Town of Camillus who paid \$200,000 for a crossing. She said that we do not have infrastructure in place, and there are a range of costs.

Clr. Regan and Clr. Gaglianese said they would like to defer this to the Railroad Committee to move the train tracks. City Manager Gerling told council that this is not the first time this issue has come up. Clr. Salamendra said she does not feel it is an economically responsible decision.

20. PUBLIC COMMENT

No public comment was offered at this time.

21. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Salamendra
MOVED THAT the meeting be adjourned at 10:29pm
MOTION CARRIED UNANIMOUSLY (8-1 absent)**

Lori Guinan

City Clerk