

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

FEBRUARY 2, 2011 – 5:30 PM

Presiding - Stu Einstein, Mayor
Present - Matt Horn, City Manager
David Lee Foster, City Attorney

1. EXECUTIVE SESSION

ACTION TAKEN by Clr. O'Malley; seconded by Clr. Alcock

MOVED THAT Council adjourn to executive session to discuss personnel matters

ROLL CALL - Aye: Clr. D'Amico, Clr. O'Malley, Clr. Hagerman, Clr. Greco, Clr. Valentino
Clr. Alcock, and Clr. Cosentino

Absent: Clr. Augustine

MOTION CARRIED

ACTION TAKEN by Clr. Hagerman; seconded by Clr. D'Amico

MOVED THAT Council return to the regularly scheduled Council meeting

ROLL CALL - Aye: Clr. D'Amico, Clr. O'Malley, Clr. Hagerman, Clr. Greco, Clr. Valentino
Clr. Alcock, and Clr. Cosentino

Absent: Clr. Augustine

MOTION CARRIED

2. PROCLAMATION – Mayor Einstein presented a “Hobart and William Smith Day”

Proclamation. President Mark Gearan thanked the Mayor and Council for the great partnership they have with the City. He said that we are all in this together and they will continue to work with the City in this partnership.

3. ROLL CALL

Present: Clr. Valentino, Clr. D'Amico, Clr. Augustine, Clr. Hagerman,
Clr. O'Malley, Clr. Cosentino, Clr. Greco and Clr. Alcock

NOTE - Mayor Einstein announced that under new business staff has asked that the discussion item regarding a lease with Tompkins-Madia, LLC be withdrawn from the agenda. Also the presentation from our auditors will be postponed since they cannot make to Geneva in the bad weather. Lastly, under new business, an item will be added to authorize the City Comptroller to release a tax lien.

4. APPROVED MINUTES OF JANUARY 5, 2011 MEETING

ACTION TAKEN by Clr. O'Malley; seconded by Clr. D'Amico
MOVED THAT the minutes of the January 5, 2011 Council meeting be approved

ACTION TAKEN by Clr. D'Amico; seconded by Clr. Valentino
MOVED THAT the minutes of the January 5, 2011 reflect the changes as given to Council by the City Clerk
MOTION CARRIED UNANIMOUSLY (9)

5. CLAIMS/CORRESPONDENCE

The City Clerk reported there was one claim filed against the City during the month of January 2011:

On January 20, 2011 a notice of claim was filed by Bob Hurley of 21 Catherine Street. The claim alleges police officers broke the window at 408 Exchange Street while attempting to arrest an individual.

6. PUBLIC COMMENT

Michelle Pollino of 382 William Street told Council about an incident November 13, 2010 outside of the Family Dollar where she witnessed police using excessive force with a woman, Aiesha McCoy and her child. She said she tried filing a complaint at the Geneva Police Department but felt officers were not taking her seriously. She gave a copy of the complaint to the City Manager and asked Council to help her.

Jay Coleman of Jeanette Street said he felt the City Manager was unprepared for the recent sewer meeting and asked him to be better prepared in the future. He referred to the editorial in the Sunday newspaper about the water bill issue and said that we should not be held hostage by the sewer tax increase of 34%. He voiced his concern for seniors, the disabled, and other members of the community with the problems of today and the water bill increase. He asked Council to take a deeper look. Next, Mr. Coleman spoke about his attempt to get a handicapped accessible picnic table at the lakefront and how he was forced to seek funding for it. He told Council that the Aid to Handicapped Committee received no funding from the City for 2011. Lastly, he asked Council to allow him to be on the Police Chief Screening Committee and not extend the City Manager's contract.

Cynthia Hsu of 4 Elmwood Place referred to the recent sewer meeting where she heard the City Manager say that the people who had come to the podium with concerns about leachate had not brought proof that the effluent that was leaving the treatment plant now was any worse than before we limited the amount of leachate we were accepting. She said that a long series of data is needed to prove that there is or isn't a difference in the water quality. Next she said that she is not aware of a decision by Council to accept less money for leachate. She figured, based on figures from the City, that we are charging about one cent per gallon. She said she is also not aware of a formal agreement where

we charge less for leachate in return for better tipping fees. She cautioned that accepting less sewer revenue to offset a cost in the general fund is an internal financial issue, and should include documentation.

Denise and Jessie Parks of 48 Brook Street said that their basement still floods even with the new sewer system. The new water rate is too high for them on a fixed income.

Douglas Knipple of 109 Maxwell Avenue spoke as the president of the Finger Lakes Zero Waste Coalition about the water/sewer rates. He felt it should be made clear that it is not the absence of revenue from Casella that is a cause of the increase in the sewer bill, but the debt service from upgrades to the facility. He said that his organization disagrees with the claim that there are no changes to water quality since the City stopped taking leachate. His organization also believes that a sewer line from the Town of Seneca is not good because once it is built, it cannot be shut off. They believe that Casella's expansion will increase the number of toxic materials that could come into our City.

Sandra McGovern of 27 Columbia Street said that her water bill increased substantially; which she cannot afford. She cautioned that the increase is unreasonable and not in the best interest of the people.

John Eades, who has a business on N. Genesee Street, said he would like to turn the 305 Main Street property into green space after the building is torn down. He asked that the columns be saved for him to refinish and put back on the property.

Paul Dykeman spoke as an investor in the City and said that the increase in water bills affects what renters can afford. He said it is hard enough to find renters, and the City needs to make cuts rather than pass the cost on to residents.

Jeff Henderson said that he and Clr. Augustine are working on a new race to take place here in Geneva in late April called the Seneca Seven. It will be a 77.7 mile running relay around Seneca Lake with teams of 7 runners. It will showcase the City with low impact to the City and no disruption of traffic. He said it could extend the tourist season. Next he said that he was asked about bringing the Musselman Triathlon to downtown. He told Council that other communities have tried it, but decided it wasn't a good idea. He would be happy to consider it if Council would like it. He announced that they have about 950 people registered already and hope to have over 2000. Lastly, he asked about the egg coop saying that he had responded to the concerns of the City and would like to move ahead at the OEO site.

Michael Bencovich of 17 Burrall Avenue asked Council and the City Manager to cut spending and find a way to address the issue of the high water bills.

Mark Claxton of 2274 Lyons Road told Council that the sewer bills are driving business out and hurting everyone. He added that he is also against accepting leachate.

Charles Arthur said that he has owned 30 properties in the past few years and has now stopped purchasing in the City because it is too expensive to do business here. He said that it is time to get Hobart College to pay their fair share. He also said that the Human Rights Commission either needs more money in her budget to operate and help people or we need to change something. He feels the office isn't getting enough funding, so they are forced to fend for themselves at the cost of good people in Geneva, and something needs to be looked into.

7. RESOLUTION APPROVING THE ISSUANCE OF A SEQRA NEGATIVE DECLARATION FOR ACTION REGARDING THE PROPOSED FINGER LAKES BOATING MUSEUM/VISITORS CENTER

City Manager Horn presented the following resolution:

WHEREAS, the Finger Lakes Boating Museum/Visitors Center wishes to construct a new facility in place of the existing building currently housing the Geneva Area Chamber of Commerce at 35 Lakefront Drive in the City of Geneva, Ontario County, New York; and

WHEREAS, it appears to be in the best interests of the City of Geneva and its citizens to support the project in order to enhance economic development opportunities, particularly in the areas of tourism and visitor-related activities; and

WHEREAS, based upon the information provided, the City Council has: a) determined that the Project qualifies as a Type I action as defined in SEQRA; b) conducted a coordinated review of the Project pursuant to SEQRA; c) identified the Dormitory Authority of the State of New York as another potentially involved agency under SEQRA, and provided them with the EAF, Part 1, and notification of the 30-day period within which Lead Agency must be agreed upon; d) received confirmation from the other involved agency agreeing to the establishment of the City Council as Lead Agency; e) performed a "hard look" review of potential environmental impacts arising from the Project based upon all information received; and f) determined that the Project will not cause, or result in, any significant adverse environmental impacts which qualifies it for issuance of a Negative Declaration from the Lead Agency;

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. The City Council classified the Project as a Type 1 Action pursuant to SEQRA.
2. The City Council acknowledged and consented to its designation as Lead Agency for the coordinated SEQRA review of the Project.
3. The City Council approves and adopts the Negative Declaration attached hereto consistent with its determination that the Project will not have a significant impact upon the environment, thus concluding the Agency's SEQRA review of the Project.
4. The City Council authorizes the Mayor or the Mayor's designated appointee to prepare, execute, and file as necessary all documents in support of the above-referenced Negative Declaration issued in connection with the Project.
5. This resolution shall take effect immediately.

Clr. Augustine asked if we were required to submit preliminary sketches. City Manager Horn said that we intend to submit the drafts that were utilized to select the architects.

ACTION TAKEN by Clr. Valentino; seconded by Clr. O'Malley
MOVED THAT this resolution be adopted
MOTION CARRIED UNANIMOUSLY (9)

8. DISCUSSION – Conservation Licenses

City Clerk, Lori Guinan, told Council that license sales have steadily decreased in the past several years. Hunters are now able to purchase licenses over the internet and at places like Wal-mart and Roy's Marina that carry hunting/fishing supplies and are open in the evening and on weekends.

9. APPOINTMENT OF LOCAL DEVELOPMENT CORPORATION INAUGURAL BOARD OF DIRECTORS

Clr. Augustine named the nine individuals recommended by the Neighborhood Revitalization Committee to be appointed to the Geneva Local Development Corporation Board of Directors: Charles Buki, Menzo Case, Dick Conoyor, Martha Davis, Steve Davoli, Michael Hoepp, Robert Koczent, David Linger, and Lawrence "Bo" Wright.

Clr. Cosentino said that he has a problem with Charles Buki being on the board because he is contracted with the City. City Manager Horn said that we are privileged to harness that talent. Clr. Augustine said that the board's charge is different than what we are under contract with his firm for. The board will have the same kind of code of ethics as the City so potential conflicts would be cause for recusal.

Clr. Greco voiced his concern of why a qualified person was not chosen. He thought more city residents would be on the board. Clr. Augustine said that initially it was thought that the IDA and LDC would combine, but that kind of bonding capacity is only a small portion of what the LDC would be doing.

City Manager Horn said that early on a concern was that we didn't want a high concentration of the people from the same groups and we wanted at least 2 city residents with no other affiliation.

Clr. Valentino asked for clarification saying that he understands this to mean that the Board is immediately in place and Council is now relieved of their responsibility with regard to the LDC Board of Directors. There was some discussion about alternating the terms so they don't all expire at the same time while maintaining a good balance at turnover time.

Clr. Augustine said she appreciated the assistance of the City Manager, Eric Ameigh, and staff, as well as Clr. D'Amico.

ACTION TAKEN by Clr. D'Amico; seconded by Clr. O'Malley
MOVED THAT these nine individuals be appointed to the Geneva Local
Development Corporation Inaugural Board of Directors
ROLL CALL – MOTION CARRIED UNANIMOUSLY (9)

10. AUTHORIZING EXTENSION OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT

Mayor Einstein presented the following resolution:

WHEREAS, the City Manager's employment agreement calls for an annual performance evaluation to provide constructive feedback as to management of City operations; and

WHEREAS, the employment agreement provides for performance incentives when expectations are met or exceeded; and

WHEREAS, the City Council has conducted a review of the City Manager's performance for the operating year 2010; and

WHEREAS, the City Manager's performance has been deemed to meet the performance objectives necessary to receive a performance incentive; and

WHEREAS, the City Manager has requested that the performance incentive be provided in the form of a 12-month extension to the remainder of the employment agreement; and

WHEREAS, the current agreement provides for a term concluding on December 31, 2012.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does authorize the Mayor and City Attorney to amend the current employment agreement with the City Manager to reflect an extension to the term, now effective through December 31, 2013. All other tenets of the agreement shall remain in effect, as adopted.

Clr. Cosentino said he would be voting "no" based on reading the charter that says that the City Manager works an indefinite term. Clr. Greco said he also would be voting "no."

Clr. Hagerman said that extending the term does not bind future councils and only extends the evaluation as stated.

Mayor Einstein said that Council did complete evaluations, and they were combined to show a range of ratings. Since the City Manager declined to request a salary increase, Mayor Einstein feels the extension is a two way demonstration of commitment.

ACTION TAKEN by Mayor Einstein; seconded by Clr. O'Malley
MOVED THAT this resolution be adopted
ROLL CALL - Aye: Clr. O'Malley, Clr. Hagerman, Clr. Alcock, Clr. Valentino,
Clr. D'Amico, Clr. Augustine, Mayor Einstein
Nay: Clr. Cosentino and Clr. Greco
MOTION CARRIED

11. ESTABLISHING A PUBLIC HEARING FOR THE SALE OF CITY-OWNED PROPERTY

City Manager Horn presented the following resolution:

WHEREAS, the City of Geneva owns real property located at 41 Lake Street in the City of Geneva; and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold to a private party; and

WHEREAS, a request for proposals for reuse of the property was advertised and released in with a resultant two responses; and

WHEREAS, staff is reviewing the responses to determine which proposal delivers the highest and best reuse opportunity for this property; and

WHEREAS, if a proposal is determined to be in the best interest of Geneva residents, City Council anticipates a sale of the property.

NOW, THEREFORE BE IT RESOLVED, that a public hearing for the sale of 41 Lake Street will be held at the regular City Council meeting on March 2, 2011.

ACTION TAKEN by Clr. O'Malley; seconded by Clr. Augustine
MOVED THAT this resolution be adopted
MOTION CARRIED UNANIMOUSLY (9)

12. AUTHORIZING CITY COMPTROLLER TO RELEASE TAX LIENS

City Manager Horn presented the following resolution:

WHEREAS, the City Comptroller has provided a list of properties in which there are certain accounts for grass cutting, and in accordance with the City Charter has directed that a lien be placed upon this property in order to allow the City to collect this bill in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York, that the lien placed on parcel 104.18 -3- 16 be removed from the 2010 city tax bill due to the misidentification of the parcel, and its ownership.

Clr. O'Malley asked about any attempts to collect the lien from the former owner, and City Manager Horn said that the matter will be pursued in court.

ACTION TAKEN by Clr. Valentino; seconded by Clr. Greco
MOVED THAT this resolution be adopted
MOTION CARRIED UNANIMOUSLY (9)

13. MAYOR AND COUNCIL REPORTS

Mayor Einstein reminded Council about the sample citizen survey they have to review and any customized questions need to be given to the City Manager by Friday.

Clr. Augustine said she is in favor of John Eades' proposal of preserving the columns at 305 Main Street. City Manager Horn said that there would be no cost to the City, and Mr. Eades was told to work with Sage at the GNRC to put together an upright view for Council. City Manager Horn said that the targeted demolition date is February 14th. Clr. D'Amico asked if there was any liability to the City for transporting, and Mr. Horn said there was not.

Clr. Cosentino said that he would like more information on water rates in other communities. City Manager Horn said he would get the information to Council.

Clr. Hagerman said that the Green Committee put tips on the City website to help residents curb water usage. He also asked what we can find on leachate data to help us move forward.

Clr. Cosentino said that he had a call about two neighbors having the same water bill and asked if we were testing the GPS operation. City Manager Horn said that the meters are coded with a serial number, so if the same serial number is picked up twice when reading, it will show an error. Mr. Horn also said that the meter readings are rounded down to the nearest 500 gallons, so it is possible for two bills to be the same. When Clr. Cosentino asked about doing random tests, Mr. Horn said that was a great idea.

When Clr. D'Amico asked about testing meters, City Manager Horn explained that if meters are taken out to be tested and are found to be accurate, the homeowner is charged a \$25 fee, but if there is a problem with the meter, the homeowner will not be charged. Next Clr. D'Amico asked about the upcoming CDBG grant application, and Mr. Horn said that the one in play right now is for neighborhoods and public facilities associated with neighborhoods.

Clr. Augustine said she would like to see follow up on the issue of offset for construction debris for leachate handling. She would also like to see what funds the money comes out of for prior to the auditors' visit.

Clr. Hagerman said that BID is continuing their plans on the downtown walkway to the lakefront. He added that they are looking at two new murals. He announced that John Eades' company will be distributing their sandals through Super Casuals and online. BID

has established a merchant's association and is currently exploring other ways to maintain the kiosk at Eastview Mall.

14. CITY MANAGER REPORT

City Manager Horn began by announcing that Gordon Eddington's 36 year career with the City ended last Friday. Rather than filling the Deputy Director position, Mr. Eddington will be contracted with to clear out projects and assist the new Director, Paul Cosentino. Mr. Eddington will be paid \$25 per hour on an as needed basis. Mr. Horn offered his thanks to Mr. Eddington.

Mr. Horn said that staff is getting ready to execute a contract with Camoin Associates to perform a market analysis.

He announced that residents will start seeing a survey in the mail in March and can put in writing how they feel we are doing. He added that there will be a Spanish Language Supplement.

The City Manager will be at the GNRC this weekend from 9am to noon.

The police chief search deadline was last week giving us 4 applications. If eligible, they will be interviewed by the community panel set back in November including; representatives of the sheriff's office, District Attorney, Hobart and William Smith, and City staff. Interviews will be the last week of February and the test will be March 5th.

City Manager Horn said that Council had asked staff to pursue a policy matters with labor relations. Staff developed an acceptable use of technology policy and received feedback. Information was put out to the unions, who were very receptive, and stepped forward without further negotiations to engage in the policy.

Clr. Augustine told Council that several HWS students are doing community based research projects and asked if it would be appropriate for the students to come to meetings, make presentations, and get feedback from Council. Mayor Einstein said that this was a good idea, so Clr. Augustine said she would contact the City Manager or City Clerk with information.

Clr. Hagerman asked about direction for the egg coop. City Manager Horn said that Council has to authorize him to execute a variance agreement. The City must do the application for a variance because we own the property. It was discussed and decided that the City Manager would get information together to put on the March agenda for Council to make a decision.

Clr. D'Amico referred to Mr. Coleman's comments earlier in the meeting saying that Mr. Coleman had contacted Clrs. Alcock and D'Amico. Clr. D'Amico researched the process and found there was a press release and process in place in November, but he wasn't sure where the City was with it at that point.

15. ADJOURNMENT

ACTION TAKEN by Clr. O'Malley; seconded by Clr. Valentino
MOVED THAT Council adjourn the meeting at 9:05 PM
MOTION CARRIED UNANIMOUSLY (9)

City Clerk