

RESOLUTION #17 – 2017

ADDRESSING PUBLIC CONCERNS RELATED TO THE FORMER GENEVA FOUNDRY SITE

WHEREAS, the Geneva City Council has advanced the protection of our ecological environment among its core values, as identified in the City’s comprehensive plan; and

WHEREAS, City Council has received numerous inquiries from residents relative to the former Geneva Foundry property; and

WHEREAS, City Council desires to provide information and respond to the inquiries, to the extent it can, given the pending Notices of Claims filed by over one hundred residents (“Claimants”), alleging damages related to the former Geneva Foundry property; and

WHEREAS, City Council timely responded to numerous Freedom of Information Law (“FOIL”) requests to provide its documents related to the former Geneva Foundry property, and understands those are widely distributed to the public; and

WHEREAS, City Council encourages the residents to review all of the records to fully understand the history of the City’s involvement with the former Geneva Foundry property; and

WHEREAS, in 1998, the City of Geneva took title to the former Geneva Foundry property after its operations had ceased, in order to allow the property to be investigated and remediated pursuant to the New York State’s Environmental Restoration Program (“ERP”); and

WHEREAS, the City of Geneva entered into a State Assistant Contract (“SAC”) with the New York State Department of Environmental Conservation (“NYSDEC”) as part of the State’s ERP, which obligated the City to gather the data to *“provide a sufficient basis for the NYSDEC to prepare a Proposed Remedial Action Plan (“PRAP”) and present it to the public”*; and

WHEREAS, the City, and its staff, completed all investigation required by NYSDEC, and provided all on-site and off-site sample results to NYSDEC upon receipt; and

WHEREAS, the NYSDEC failed to prepare the PRAP upon receipt of the data collected by the City; and

WHEREAS, the City, and its staff, complied in all respects with the ERP and the SAC, as documented by NYSDEC in its letter dated February 17, 2017; and

WHEREAS, after years of delay, NYSDEC began gathering additional samples in the properties adjacent to the former Geneva Foundry in 2015 in order to prepare the PRAP; and

WHEREAS, the NYSDEC finally issued the PRAP for the former Foundry Site and the Neighborhoods Adjacent to the Site in October 2016; and

WHEREAS, the NYSDEC provided the PRAP and underlying investigation results to the public in October 2016; and

WHEREAS, City Council remains committed to remediating the former Geneva Foundry property, as required by the Brownfield Cleanup Agreement it entered into with New York State Department of Environmental Conservation (NYSDEC) in March 2017; and

WHEREAS, City Council entered into the Brownfield Cleanup Agreement in order to facilitate the NYSDEC's remediation of the neighborhood using State funds; and

WHEREAS, City Council remains committed to continued encouragement to NYSDEC to complete the remediation of the neighborhood as quickly as practicable; and

WHEREAS, while the City has an obligation to respond to the Notices of Claim and defend itself in the event litigation against the City is commenced by Claimants alleging damages related to the former Geneva Foundry, it understands the residents' frustration with the remediation of the neighborhood; and

WHEREAS, City Council understands that many residents are unhappy with the NYSDEC's progress to remediate the neighborhood properties in a timely manner; and

WHEREAS, City Council understands that many residents have indicated that they would have liked to receive the results of the data collected on their property when it was sent to NYSDEC as required by the SAC; and

WHEREAS, City Council is aware that many residents have sought to assign blame to specific individuals of the City staff related to the former Geneva Foundry property; and

WHEREAS, City Council has heard the concerns of the residents and desires to allow residents to continue to voice concerns directly to City Council as the remediation of the Foundry and associated neighborhood continues in the upcoming years; and

WHEREAS, City Council remains committed to assisting NYSDEC in any way to allow the remediation of the neighborhood to be completed by NYSDEC as quickly as practicable; and

WHEREAS, to the extent the residents have concerns about the handling of former Geneva Foundry site, such concerns should be directed at City Council, and not specific Council Members and/or City Staff, as required by the Rules and Procedures for Geneva City Council.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, will place the former Geneva Foundry as the first agenda item on each Council agenda, which will involve an update on the progress of the remediation of the former Geneva Foundry site and the neighborhood; and

BE IT FURTHER RESOLVED, the City of Geneva will provide the option to property owners to receive testing results if and when the City of Geneva conducts any future sampling of any properties in the City, which will be incorporated into the Access Agreement with the property owner; and

BE IT FURTHER RESOLVED, the City of Geneva encourages residents that allow other agencies to conduct sampling of their property to require that they be provided with the results of the sampling; and

BE IT FURTHER RESOLVED, the Rules and Procedures for Geneva City Council will be available for the public at each meeting, and the relevant portions will be summarized prior to opening the public comment period by the Presiding Officer to ensure the public is aware of the process; and

BE IT FURTHER RESOLVED, the Rules and Procedures for Geneva City Council limit the time for each speaker to be three minutes, and a mechanism will be placed to ensure the speaker is aware of the time with appropriate reminders to the speaker so he or she is aware when the time limit is expiring; and

BE IT FURTHER RESOLVED, the Rules and Procedures for Geneva City Council allow a member of the public to request an exemption to the three minute time limitation, and the Presiding Officer will in his discretion provide for a longer time limit if requested in writing 24 hours before the meeting; and

BE IT FURTHER RESOLVED, the Presiding Officer will remind the public that the Rules and Procedures for Geneva City Council require that all remarks are to be addressed to the City Council as a whole and not to any individual member thereof, and the Presiding Officer will not allow the public to state personal attacks on any City Council or staff; and

BE IT FURTHER RESOLVED, the City will continue to cooperate with NYSDEC and advocate for residents and property owners to advance clean-up efforts on neighborhoods adjacent to the former Geneva Foundry and provide support through the GNRC.

RESOLVED this 3rd day of May, 2017.