

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### REGULAR COUNCIL MEETING

APRIL 3, 2019 – 7:00 PM

Presiding – Ronald Alcock, Mayor

#### 1. ROLL CALL

Present: Clr. Hagerman, Clr. Camera, Clr. Marino, Clr. Valentino, Clr. D'Amico, and Clr. Eddington

Absent: Clr. Gramling

#### 2. EXECUTIVE SESSION

**ACTION TAKEN by Clr. Hagerman: seconded by Clr. Camera**

**MOVED THAT Council adjourn to executive session at 6:30pm for an attorney/client meeting then to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

**ACTION TAKEN by Clr. Hagerman: seconded by Clr. Marino**

**MOVED THAT Council adjourn the executive session at 6:55pm and return to the regular meeting**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

#### 3. FOUNDRY UPDATE

##### **I. NYSDEC Neighborhood Remediation Update**

##### **Remedial Design Update**

- Continued to develop remedial design plans for two properties on the east side of Clinton Street and the south side of Middle Street from Wadsworth Street east to D'Amico Plumbing, including meetings with property owners.
- Met with the landscape architect for the project to convert the St. Francis de Sales Church school building to senior housing. Contractors for the two projects will meet in early April to coordinate

activities in an effort to expedite completion of both projects and to avoid needing to excavate and restore any areas twice.

### **Remedial Construction Update**

- Factsheets announcing plans for the 2019 remedial construction season were distributed via DEC's listserv and mailed in March to owners and residents of properties in and near the remedial boundary, as well as elected officials, media, and City staff.
- Representatives from DEC and the engineering contractor, Ecology and Environment, met with Sage Gerling, Mark Perry, and Jessica Avila in late March to discuss plans for the new season including work to be done at City-owned properties.
- The construction contractor, LaBella Associates, is commencing setup activities for the new season at the project staging areas this week.
- In the first half of April, LaBella will begin addressing items remaining from last year's properties, and the remaining excavation work will be completed at the Geneva Peeps properties.
- On the block bounded by Lafayette Avenue, Genesee Street, and John Street, preliminary work such as removal of trees will begin as early as the week of April 8, with excavation likely beginning in the second half of April.

## **II. Foundry Remediation**

Foundry remediation and restoration is complete. The City will monitor the grass and tree growth.

### **Resident outreach – City of Geneva**

Residents waiting for remediation continue to utilize the Friday FoodLink Curbside voucher program for weekly fresh vegetables and fruits. Residents with dogs waiting for remediation can use the Dog Park voucher program by registering at the City Clerk's office at City Hall.

Jessica Avila is available to residents and encourages anyone with concerns or ideas to contact her at City Hall on the first floor, at [gnrc@geneva.ny.us](mailto:gnrc@geneva.ny.us) or 315-759-7354.

## **4. PROCLAMATION FOR CLR. JOHN GRECO**

Mayor Alcock read a proclamation proclaiming April 3, 2019 as "John Greco Day" in the City of Geneva.

## **5. PROCLAMATION FOR FAIR HOUSING MONTH**

Mayor Alcock read a proclamation proclaiming April "Fair Housing Month" in the City of Geneva.

## **6. PORT 100 PRESENTATION**

Dana Laurent of 104 N. Main Street told council that she and her coworkers are very grateful to be here. She is originally from Seattle, and 3 ½ years ago, she and her husband decided they wanted to open a business, buy a house, and move closer to her husband's family here in Geneva. They read the 2016 Comprehensive Plan and knew they had found the right place. They were impressed with Geneva's support of small businesses and venues like Port 100. They arrived in Geneva in 2017 and

opened a business at 89 Castle Street. She works at Port 100 because it is a community of people coming together as a coworking space and part of the economic development of Geneva. She said that the benefits of coworking are that it creates shared economies that increase small business growth, local talent stays local, economic growth in the surrounding community, and an increase in national and global workforce. Ms. Laurent said that local businesses are benefiting from Port 100, and the space provides an important place for the community to gather and network. It also attracts people to live and work in Geneva.

Maureen Ballatori of 29 Design told council that her business would not be if not for Port 100. They are currently hiring more staff, and she volunteers at Hobart and William Smith. They are doing design work for Real Eats and other small businesses. She said that Port 100 has rethought their membership levels and increased membership rates. They now offer three levels of memberships; Full-time Community, Virtual, and Supporter, and they are now on the path to sustainability. They are investigating other options such as Non-Profit 5019(c)3, sponsorships, and networking with other Coworks. They are looking for investment from the City. She referred to the \$17,000 in support in 2019, and said that they are looking for additional support in 2020 and 2021 of no more than \$9,000 per year.

Ms. Laurent said that Port 100 provides space for innovation and an invaluable resource in Geneva. If they were to close, it would be a loss to many businesses and future economic development in the city. They respectfully ask the city to sign the lease through 2021 with support of \$9,000 per year.

When asked by council, Ms. Laurent and Ballatori said that they have the capacity for 12 full time people. They currently have 7 full time and 3 flex members. They will be having an open house April 19<sup>th</sup> from 9 to 4.

## 7. APPROVED MINUTES OF MARCH 6, 2019 MEETINGS

**ACTION TAKEN by Clr. Eddington; seconded by Clr. Valentino**

**MOVED THAT the minutes of the March 6, 2019 Council meeting be approved**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

## 8. CLAIMS/CORRESPONDENCE

The City Clerk reported there were three claims filed against the City during the month of March 2019.

- On March 4, 2019 a Notice of Claim was filed by Bonnie Havens of Lyons National Bank. The claim alleges that Ms. Havens slipped on ice in the covered walkway next to Trotta's Bar.
- On March 18, 2019 a Notice of Claim was filed by PMA Companies on behalf of Stephanie Newcomb. The claim alleges that Ms. Newcomb fell in the crosswalk on Seneca Street due to icy conditions.

- On March 29, 2019 a Notice of Claim was filed by Joan Gilbert of 46 N. Brook Street, Geneva. The claim alleges that Mrs. Gilbert fell and hit her head while trying to use the ramp on the side of city hall.

## 9. PUBLIC COMMENT

Mayor Alcock opened the public comment portion of the meeting

Michael Mirras told council that in 2005 his family shared a vision with city staff for increased activity along the lakefront, and his family continues to share that vision. Four generations of his family have been providing service in the City of Geneva. Long Pier has persevered, and if council authorizes, they look forward to many more years to come.

David Linger spoke about the closure of Linden Street, asking council to again consider extending the opportunity of a pedestrian friendly downtown on Friday and Saturday evenings and Sundays, as requested, to Columbus Day weekend. He said that they did well with the 10pm deadline for music and the phone hotline. He also asked council to consider having future year closings decided by staff. Next, he spoke as the owner of Castle Street Redevelopment and owner of the Port 100 building and asked council to consider their request for funding. He noted that two years was not sufficient time to get this project up and running. He noted that Attorney Jeff Kowalski outgrew his space and is moving down the street, and he applauds the vision of the Port 100 people.

## 10. RESOLUTION CLASSIFYING CAPITAL IMPROVEMENT PROJECTS IN 2019 AS TYPE II ACTIONS UNDER SEQRA AND DETERMINING NO REVIEW REQUIRED

City Manager Gerling presented the following resolution:

**WHEREAS**, the City of Geneva intends to bond for multiple 2019 capital improvement projects, and;

**WHEREAS**, the City Council of the City of Geneva has expressed its interest and intention to undertake an environmental assessment of the proposed adoption under the auspices of the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the City Council will make a determination on the following projects:

1. Construction or reconstruction of sidewalk improvements throughout the City;
2. Reconstruction and replacement of sewer lines (including sanitary and surface drainage) throughout the City;
3. Reconstruction and repaving of streets in and for the City, including the reconstruction and repaving of North Main Street between the intersections Castle Street and Lafayette Avenue
4. Construction and installation of water main improvements in connection therewith on North Main Street at Castle Street and Lafayette Avenue;

5. Reconstruction and replacements of certain sidewalks, and the purchase of certain items of equipment in and for the City, including the reconstruction of sidewalks on Exchange and Castle Street and Main Street between the intersections Castle Street and Lafayette Avenue;
6. Improvements to the ice rink and other recreational facilities owned by the City;
7. Acquisition and installation of a new pump at the City's waste water treatment plant commonly known as the Gulvin Park Treatment Plant; and
8. Construction or reconstruction of sewer systems within the City, including the demolition and reconstruction of a structure within the wastewater treatment facility commonly known as the Marsh Creek Wastewater Treatment Plant located on Doran Avenue in the City.

**WHEREAS**, the City Council has determined that the proposed projects can be defined under the following examples for a Type II Action in the State of New York, Title 6. Department of Environmental Conservation, Chapter VI. General Regulations, Part 617. State Environmental Quality Review (6 CRR-NY 617.5 NY-CRR): maintenance or repair involving no substantial changes in an existing structure or facility (617.5(c)(1)); replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part (617.5(c)(2)); re-paving of existing highways not involving the addition of new travel lanes (617.5(c)(4)); and street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities (617.5(c)(5)).

**WHEREAS**, the City Council has determined that the proposed projects qualify as Type II Actions under SEQRA as defined in 6 CRR-NY 617.5 NY-CRR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York that the proposed projects are classified as Type II Actions pursuant to SEQRA and need no review.

**ACTION TAKEN by Clr. Eddington: seconded by Clr. Valentino  
MOVED THAT this resolution be approved as presented  
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

11. RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,894,200 IN BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

City Comptroller Blowers presented the following resolution:

WHEREAS, the City Council of the City of Geneva (the "City Council") proposes to authorize the issuance of \$4,894,200 in bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

WHEREAS, all conditions precedent to the financing of each of the objects or purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act

(collectively, "**SEQRA**"), have been performed and therefore no further action need be taken by the City Council under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the City Council now wishes to appropriate funds for the various public improvements and purposes and to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance said appropriation.

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. The City is hereby authorized to issue \$120,000 principal amount of bonds pursuant to the provisions of the Local Finance Law constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "**Law**") to finance the estimated cost of construction or reconstruction of sidewalk improvements throughout the City, consisting of sidewalks, curbs, gutters, landscaping and incidental improvements and expenses. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$120,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$120,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is ten (10) years, pursuant to subdivision 24. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$50,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction and replacement of sewer lines (including sanitary and surface drainage), including repairs to, reconstruction and replacement of a certain storm water catch basins throughout the City, and ancillary, related and incidental improvements and expenses required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$50,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$50,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$550,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction and repaving of streets in and for the City, including the reconstruction and repaving of North Main Street between the intersections Castle Street and Lafayette Street, and including all curbs, sidewalks, gutters, landscaping, grading, appurtenances, ancillary, related and incidental improvements and expenses required in

connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$550,000 said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan of financing thereof shall consist of (i) the issuance of \$550,000 in serial bonds of the City authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is fifteen (15) years pursuant to subdivision 20(c). of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$400,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of construction and installation of water main improvements in and for the City, including the reconstruction and replacement of water mains, service laterals, fire hydrants, and any equipment, furnishings, machinery, apparatuses, appurtenances, ancillary, related and incidental improvements and expenses required in connection therewith on North Main Street at Castle and Lafayette Streets. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$400,000, (i) the issuance of the \$400,000 in bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years pursuant to subdivision 1. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$1,300,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction and replacements of certain sidewalks, and the purchase of certain items of equipment in and for the City, including the reconstruction of sidewalks on Exchange and Castle Street Main Street between the intersections Castle Street and Lafayette Street, including all curbs, gutters, landscaping, grading, appurtenances, ancillary, related and incidental improvements and expenses required in connection therewith, and the purchase of and installation of benches, planters, lighting, trash cans, and other items of equipment. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$3,150,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor and the plan of financing thereof shall consist of (i) the application of \$1,850,000 expect to be received by the City pursuant to the New York State Downtown Revitalization Initiative (ii) the issuance of \$1,300,000 in serial bonds of the City authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (iii) the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned classes of objects or purposes is five (5) years pursuant to subdivision 89. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$175,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost of improvements or embellishments of parks, playgrounds, and recreational areas in and for the City, including improvements to Ridgewood Park,

Jefferson Park, Nieder Park and Richards Park, ice skating rink and other recreational facilities owned by the City, and including incidental improvements and expenses in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$175,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$175,000 in bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is twenty (20) years pursuant to subdivision 19(b). of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$225,000 principal amount of bonds pursuant to the provisions of the Law to finance the estimated cost to acquire and install a new pump at the City's wastewater treatment facility commonly known as the Gulvin Park Treatment Plant, including incidental improvements and expenses in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$225,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$225,000 in bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific of objects or purposes is thirty (30) years pursuant to subdivision 4. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$2,074,200 principal amount of bonds pursuant to the provisions of the Law to finance the estimated costs of construction or reconstruction of sewer systems within the City, including the demolition and reconstruction of the wastewater treatment facility commonly known as the Marsh Creek Wastewater Treatment Plant located on Doran Avenue in the City, and including any equipment, furnishings, fixtures, machinery, apparatuses, ancillary, related, or incidental improvements and expenses in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purpose is \$2,074,200, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$2,074,200 in bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years pursuant to subdivision 4. of Section 11.00 of the Law.

SECTION 9. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of

the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 10. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 11. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Comptroller, the chief fiscal officer of the City (the "**City Comptroller**"). Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Sections 2, 4, 7, and 8 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the City Comptroller. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with or without bonds to be issued for one or more objects or purposes authorized other resolutions of the City Council, then the power of the City Council to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Comptroller, as the chief fiscal officer of the City.

SECTION 12. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Sections 2, 4, 7, and 8 hereof, or a portion thereof, by a serial bond, a statutory installment

bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 13. The City Comptroller is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 14. The City Comptroller is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 15. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to affect the issuance of the aforesaid bonds or bond anticipation notes without resorting to further action of this City Council.

SECTION 16. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 17. This resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

**ACTION TAKEN by Clr. Eddington: seconded by Clr. Valentino  
MOVED THAT this resolution be approved as presented  
MOTION CARRIED UNANIMOUSLY (7-1 absent)**

12. RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS AND DIRECTING DISPOSAL

City Comptroller Blowers presented the following resolution:

**WHEREAS**, the City of Geneva maintains an inventory of equipment and supplies for the provision of certain municipal services; and

**WHEREAS**, the following schedule of items and supplies no longer contributes value to the City's operations; and

<u>ITEM</u>	<u>QUANTITY</u>
2014 Dodge Charger, VIN# 2C3CDXAG4EH233313	1
Revolver Grenade Kit	1
CS gas shells	17
#14 CN gas 37mm grenades	6
#21S white smoke 37mm grenades	4
#14P white smoke 37mm grenade	1
#21 CN gas 37mm grenades	2
#12 CN gas 37mm grenades	2
#19 CN gas 37mm grenade	1
#19 CS gas 37mm grenade	1
12 Gauge grenade launching shells	43
12 Gauge CN gas shells	10
12 Gauge short grenade launching shells	25
CS grenades large bore	5
TruFlite CS gas grenade	6
CS grenades 37mm long range	3
37mm Goliath tear gas grenades	3
Oleoresin capsicum spray	120
Manodock PR batons - straight	24
ABA ballistic vest s/n 06159347	1
PACA ballistic vest s/n RC048659	1
PACA ballistic vest s/n RC020507	1
20 round M4 magazine	1
30 round M4 magazine	4
Trijicon night sights	4
Gould and Goodrich Radio case	1
Uncle Mikes Leg Holsters	3
Safariland leather holster	1
Blackhawk SERPA holster	1
Blackhawk SERPA paddle (no holster)	1
Springfield .22 rifle	1
Excelsior 12 Gauge shotgun	1
20 Gauge shotgun spring	1
Blackhawk SERPA holster	8

**WHEREAS**, the equipment and supplies in the mentioned schedule may either be destroyed, donated, sold, traded or auctioned to derive any final value to the City.

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager to dispose of the equipment in the mentioned schedule; the proceeds of any sale shall be applied to the Equipment Amortization Fund.

**ACTION TAKEN by Clr. Eddington: seconded by Clr. Valentino**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

### 13. RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE OF LINDEN STREET

City Manager Gerling presented the following resolution:

**WHEREAS**, the Geneva City Council has identified "Economic Development" and "Talent Capitalization" among its Strategic Imperatives for Success; and

**WHEREAS**, City staff has worked with stakeholders including current and prospective downtown merchants and property owners to evaluate the closing of Linden Street to vehicular traffic on limited occasions to provide for outdoor dining and entertainment options; and

**WHEREAS**, the stakeholders have developed guidelines pertaining to the duration of the hours and operations; and

**WHEREAS**, this is viewed as an opportunity to showcase downtown and Linden Street as a venue for unique outdoor dining and entertainment options, while mitigating the impacts on traffic circulation and on residents and adjacent businesses.

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to affect the temporary, seasonal closure of Linden Street, to commence May 10, 2019 and conclude no later than October 6, 2019 in accordance with the following operating guidelines:

- Temporary street closure on weekends from May 10th until October 6th;
- No parking on Friday and Saturday starting at 4pm to allow for setup
- Closure of drive lane Friday 5 pm until 3 am on Saturday;
- Closure of drive lane Saturday 5 pm until 3 am Sunday morning;
- Closed on Sunday until 1 AM Monday morning for events only with advance notice;
- Live or recorded music allowed until 10 pm; and
- Continued use of a cell phone 'hot line' so we can receive and address any issues as they arise.
- The group will continue utilizing a part time seasonal event coordinator. This should help with the breadth of our offerings, promotion and coordination and respond to any concerns that arise during the closure time.
- The group will continue to work collaboratively with the City and outside groups about adding their events to the summer calendar. Scheduling for some events are under way.
- The group also asks that this decision be delegated to City staff.

**BE IT FURTHER RESOLVED** that the closure of Linden Street shall be a City staff decision in subsequent years.

Clr. D'Amico asked about changing the closure time to 6:00pm to allow stores to receive deliveries. Mayor Alcock said that he would like to see staff work with the business to come up with a solution that works for everyone.

**ACTION TAKEN by Clr. Eddington: seconded by Clr. Valentino**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

14. RESOLUTION APPOINTING A FAIR HOUSING OFFICER IN COMPLIANCE WITH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

City Manager Gerling presented the following resolution:

**WHEREAS**, the Office of Fair Housing and Equal Opportunity administers federal laws and established national policies to assure that all Americans have equal access to the housing of their choice, and;

**WHEREAS**, the City of Geneva wishes to have an officer who will implement and enforce the Fair Housing Act, and;

**WHEREAS**, the City Council of the City of Geneva, New York recommends the appointment of the Geneva Human Rights Commission Staff Liaison as the Fair Housing Officer for the City of Geneva.

**NOW, THEREFORE, BE IT RESOLVED** that the Geneva Human Rights Commission Staff Liaison be assigned to oversee that fair housing regulations are followed and act as the primary point of contact for all fair housing related issues.

Clr. Valentino complimented the Human Rights Commission because they no longer have a full-time staff person who handles these fair housing issues, and this commission is an all-volunteer board that has taken on a lot of roles and responsibilities while being dedicated to the values of the Human Rights Commission.

**ACTION TAKEN by Clr. Valentino: seconded by Clr. Eddington**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

15. RESOLUTION TO AMEND BUDGET FOR SANITARY SEWER AND WASTEWATER TREATMENT CAPACITY ANALYSIS

City Manager Gerling presented the following resolution:

**WHEREAS**, the City and Town of Geneva are working together to determine sanitary sewer and wastewater treatment plant capacity needs for potential future growth in both municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the Geneva City Council, hereby, and in due form, does amend the 2019 Sewer Fund Budget as follows:

**REVENUES:**

*Add*

SEWER FUND BALANCE:	\$12,300
---------------------	----------

**EXPENSES:**

*Add*

8110.4038	\$12,300
-----------	----------

When asked for clarification, City Manager Gerling said that we are splitting the cost 50/50 with the Town of Geneva. Clr. Camera said that he is not thrilled about accommodating the Town's water and sewer needs. He would support spending \$12,000 to find out why basements are flooding in the city, and wants the Town to come up with more money for this study.

Clr. D'Amico said that he keeps hearing that we are competing with the Town, but he does not agree, and he is okay with splitting the cost with the Town. He asked where we stand on capacity for our facility and if the city would be able to take on more projects. City Manager Gerling said that this is the goal of the study.

Clr. Eddington said it would be nice if the Town paid more, but he said this study will look at how to get the flow from point A to point B, and he is in favor. Clr. Valentino noted that prior developments were not required to control their own runoff and a lot of changes have been made over the years. This study will help if we want more development to come.

**ACTION TAKEN by Clr. Valentino: seconded by Clr. Eddington**

**MOVED THAT this resolution be approved**

**ROLL CALL VOTE: Aye – Clr. Hagerman, Clr. Valentino, Clr. Marino, Clr. D'Amico,  
Clr. Eddington, and Mayor Alcock**

**Nay - Clr. Camera**

**Absent - Clr. Gramling**

**MOTION CARRIED**

16. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE FOR LAKEFRONT SERVICES

City Manager Gerling presented the following resolution:

**WHEREAS**, the City of Geneva owns a facility on the lakefront to be used for lakefront services; and

**WHEREAS**, City staff identified lakefront services including concessions and rentals as a need for the lakefront and sent out a request for proposals for lakefront services; and

**WHEREAS**, City staff received three proposals for services and determined that the most advantageous proposal was received from Long Pier Ice Cream & Rentals; and

**WHEREAS**, the lease will be for one year with the option to renew for up to three years total; and

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute a lease with Long Pier Ice Cream & Rentals for lakefront concessions and rentals for a one-year term with an option for renewal at the conclusion of the first year.

**ACTION TAKEN by Clr. Eddington: seconded by Clr. Valentino**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

17. RESOLUTION – CITIZENS AND GOVERNMENTAL VISION FOR THE CLOSURE OF MEGA LANDFILLS

Clr. Camera presented the following resolution:

**Whereas**, the Northern Finger Lakes and Monroe County have hosted the three largest landfills in New York State for over 20 years - Seneca Meadows (SMI), High Acres (HA) and the Ontario County Landfill (OCL). These "Mega" landfills represent both an environmental and social injustice scourge on our Region.

**And Whereas**, SMI is scheduled to close via the Town of Seneca Falls Local Law #3 in 2025, and OCL is scheduled to close under the current Ontario County solid waste plan in 2028.

**And Whereas**, given the circumstances of the situation, there is already pressure by some entities to have Seneca Falls rescind its local Law #3 and extend the life of the SMI operation. As a County-owned entity, OCL may be more securely under community control. Regardless of the ownership model, the millions of dollars paid annually to the host communities and politicians provide an incentive to extend the life of these enterprises in the heart of the Finger Lakes.

**And Whereas**, local solutions will emphasize recycling and aerobic organic waste composting, vastly decreasing the volume of waste being transported to these mega-facilities on a daily basis, and thereby reduce wear and tear on roads, the greenhouse emissions of hundreds of trucks, and the

greenhouse gas emissions of organic waste decaying in the anaerobic interior of landfills. Local solutions will change the mindset which allows communities to ship their wastes elsewhere and ignore the consequences of poor waste-management practices.

**Now, Therefore, Be it Resolved**, that the Geneva City government with citizen support, take whatever action is needed to encourage and engage in this effort to insure that the current closure plans are adhered to, and that sensible, post-closure strategies for the Finger Lakes landfills (SMI and OCL) and local waste management are developed and implemented.

**Be it Further Resolved**, in particular, the City of Geneva will endeavor to implement sensible recycling and composting practices that will not only address our own community needs, but will be a model of good practice that other communities across New York State and beyond can adopt for the benefit and preservation of our natural environment for future generations.

Clr. Camera said that if this resolution passes, council is empowering staff to become advocates wherever they go. He would like to see the landfills closed and composting starting. A grass roots curbside pickup of organic waste has begun. He noted that they have \$118,000 of landfill money that they are applying to the composting system, and they need another \$150,000 which they have applied for through the DEC. This is for a full build-out for a vermiculture composting system and resource recovery center. They asked the County for a letter in support of their DEC application, but have not received it yet.

**ACTION TAKEN by Clr. Camera: seconded by Clr. Valentino**  
**MOVED THAT this resolution be approved**  
**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

18. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 327 ENTITLED TREES OF THE GENEVA CITY CODE

City Manager Gerling presented the following ordinance for first reading:

**BE IT ORDAINED** by the City Council of the City of Geneva, New York that Chapter 327, entitled "Trees" of the City of Geneva Municipal Code be amended as follows:

That Section 327-7, entitled "Species Selection" is hereby amended to read as follows:

The Shade Tree Committee and the Director of Public Works will maintain lists of desirable and undesirable trees for planting on city property. Efforts will be made to assure a wide diversity of tree species, with no one species constituting more than 10% of the total urban forest.

That Section 327-8, entitled "Spacing of Street Trees" is hereby amended to read as follows:

The spacing of street trees will be based on tree sizes as follows: small trees – 15 feet; medium trees – 25 feet; large trees – 35 feet. Exceptions may be special plantings approved by the Committee. Tree lawns (the grassy area between curb and sidewalk) must be at least four feet wide for small tree planting, and at least six feet for medium and large trees.

That Section 327-11, entitled "Tree Topping" is hereby amended to read as follows:

It shall be unlawful as a normal practice for any person, firm or city department to top any tree on public property. "Topping" is defined as the severe cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified expert may be substituted, as appropriate. [Trees severely damaged by storms or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this rule as the determination of the Director of Public Works with consultation with the City Arborist.]

That Section 327-12, entitled "Pruning and corner clearance" is hereby amended to read as follows:

Every owner of any tree overhanging any street or right-of-way within the City of Geneva shall prune the branches so that such branches shall not severely obstruct the light from street lamps or obstruct the view of any intersection, and so that the lowest branches are at least 13 feet above the street surface and at least eight feet above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to public safety. The city shall have the right to prune any tree on private property which interferes with the proper illumination by street lamps, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage lines shall be maintained clear of such conductors by the electric utility in compliance with applicable franchise agreements. The utility tree pruning policy must be reviewed by the utility and the Director of Public Works prior to any pruning by the utility.

That Section 327-17.1, entitled "Standard of tree care" is hereby added as follows:

The standard of tree care, as adopted by the Shade Tree Committee, shall be the most recent version of the American National Standard for Tree Care Operations, ANSI A300 – Part 1

That 327 Attachment 1, Appendix A "Recommended Trees for Geneva, NY" is hereby removed, and a list will be placed in the office of the Director of Public Works.

Clr. Camera asked if we were spending more money on pruning rather than cutting down trees. City Manager Gerling said we were, but there was grant money to help. He suggested trying to take the weight off trees to withstand high winds. Clr. Eddington said he feels the utility companies butchered our trees near their lines. City Manager Gerling said that there was a communication issue this year, and we will work with them in the future.

**ACTION TAKEN by Clr. Camera: seconded by Clr. Eddington**

**MOVED THAT this ordinance be approved for the first reading**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

## 19. LINEAR SPEED LIMIT DISCUSSION

City Manager Gerling said that we have received numerous complaints due to the perception of speeding on large and small streets. She noted that we are not seeing the number of cars speeding that is perceived. She said that if Council decides to implement linear speed limits, there would need to be signs either on every street or on certain streets in a systematic way. The police department monitored speeds of around 20,000 vehicles from August to October with the data not showing any clear issues. She said that staff recommends continuing to monitor. Mayor Alcock said that he agrees with staff recommendation and feels this is more of a perception issue with residents.

Clr. Hagerman said that some streets do need reduced limits because 35mph could still be too fast. He knows residents on Washington Street who are discouraged that cars use their street rather than 5 & 20. There is occasional damage to parked vehicles on this street. Clr. D'Amico said that cars on Jefferson Avenue sound a lot faster than the reports show. He asked if the speed limit could be reduced to 15mph near the park entrance. Attorney Emil Bove said that he believes that 15mph limits can only be set in school zones.

City Manager Gerling said that if council is interested in pursuing linear speed limits, staff recommends doing a robust community engagement process to gain further input and to develop a systematic approach for designating streets and streets near parks.

Clr. Valentino noted the cost and number of signs needed to make the changes to the speed, and he said that the expense and sign littering does not benefit the results, and he is in favor of the staff recommendation.

## 20. BOARDS/COMMISSIONS APPOINTMENTS

**ACTION TAKEN by Clr. D'Amico: seconded by Clr. Eddington**

**MOVED THAT Karen Goulet, Mark Lathy, and Remington (Chad) Freeman be appointed to the Geneva Human Rights Commission**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

**ACTION TAKEN by Clr. D'Amico: seconded by Clr. Valentino**

**MOVED THAT Joe Commesso, Andrew F. Williams, and Robert Meyer be reappointed to the Zoning Board of Appeals**

**ROLL CALL VOTE: Aye – Clr. Hagerman, Clr. Valentino, Clr. Marino, Clr. D'Amico,  
Clr. Eddington, and Mayor Alcock**

**Abstain - Clr. Camera**

**Absent - Clr. Gramling**

**MOTION CARRIED**

**ACTION TAKEN by Clr. D'Amico: seconded by Clr. Eddington**

**MOVED THAT Joe Commesso be appointed as the Zoning Board of Appeals Chair**

**ROLL CALL VOTE: Aye – Clr. Hagerman, Clr. Camera, Clr. Marino, Clr. D'Amico,  
Clr. Eddington, and Mayor Alcock**

**Nay - Clr. Valentino**

**Absent - Clr. Gramling**

**MOTION CARRIED**

## 21. PUBLIC COMMENT

Jackie Augustine of 263 Washington Street spoke about Blueprint Geneva saying their projects are moving at a faster pace than expected. A curbside composting program has begun with a survey being sent out. They received a grant from the DEC in October. She said there are three components: greenhouse operations, public gardens, and do organic waste diversion from the landfills. They are picking up biodegradable waste in wards 5 & 6 on a weekly basis at no charge, and other parts of the city are asking for pickup, and those will be done for a fee. She said they are an all-volunteer, non-profit group. She encourages residents to take the survey that is out and for people in wards 5 & 6 to sign up. The grant they received is aimed at environmental justice, and she will be back to tell council about the public gardens when they are up and running.

Jeff Henderson of 399 S. Main Street told everyone that he is often awakened in the early morning by a truck with the words "clean and quiet" on the side, noting that those words are a deception. He is not happy with the smells and chemicals used to cover up smells at the landfills. He said that there is a countywide frustration with the landfill issues, and he and Jackie have tried to come up with a way to quantify the odors. They purchased "itstinks.org," and he told everyone that people can log their complaints as a counterpoint to the Casella tool. He said that users will put a pin on the map where they smell the landfill and the computer will record the date and time. Comments and contact information can be entered also. An email is then generated and sent to landfill officials and the DEC. He then told everyone that the Seneca 7 will be April 28th, and it will highlight Geneva with lakefront park being the finish. He said that this is their 9<sup>th</sup> year and he appreciates the city's support. Lastly, in reference to the 25 mph speed limits, he said that this is an excellent time to try out road diets with planter boxes to narrow the roads and speed bumps being options.

Larry Campbell told council that he moved to Castle Street and parks a vehicle on the street which he had to move from one side of the street to another in cold weather. He said that the text messages were helpful, and he said that the city should not deny the groups of people with the means to receive notifications from the city by doing away with this service. Next, he spoke about winter sidewalk snow removal saying that he and his wife walk all over the city and they see large numbers of sidewalks not cleared when there is snow. He said that this is dangerous for the public and he feels the city code needs to be rewritten to include enforcement of this.

Paul Passavant of 453 S. Main Street referred to the analyzing of the growth of the wastewater treatment plant and asked where the city was in terms of capacity. He noted that Clr. Eddington told everyone that the infrastructure is a problem, and he asked if the infrastructure was going to be part of this study. City Manager Gerling clarified that it was.

## 22. MAYOR AND COUNCIL REPORTS

Clr. Marino said that the Planning Board approved a project for Twisted Rail, and she noted that there is one opening on the board at this time. Founder's Square is doing musical porches June 15<sup>th</sup> from 7-9pm and they are looking for porches and musicians. The Shadetree Committee is doing their Arbor Day Celebration April 26<sup>th</sup> on the corner of Lafayette and Maple Streets at 10:00am. The committee is also looking for people interested in street trees for their property to contact Sage Gerling or Mark Perry. The Livability Task Force discussed the improved process of providing information to off-campus students, and they learned it was successful. City-wide kickball tournament will be May 21<sup>st</sup>, the Citizen's Fire Academy deadline is April 10<sup>th</sup>, and there are many more events coming up.

Clr. D'Amico asked a procedural question about council members abstaining from voting saying that he thought they need to give a valid reason when they abstain. City Manager Gerling said she would look into it and advise council.

Clr. Valentino said that the Geneva Human Rights Commission will be at the YMCA this Saturday from 12-2pm, and his compliments for the improvements being done at Ridgewood Park. Lastly, he said his team is ready for the kickball tournament.

Clr. Hagerman asked the City Manager for an update on 21-29 Linden Street, which she said will be in her report tonight.

Clr. Camera noted that the Ontario County Humane Society issue has not been resolved and he feels the county is struggling with it since they had some resignations. He said that he regrets that some councilors thought we should send an apology letter. He feels we should have waited for an investigation before proceeding. He questioned the Mayor going on record with the Daily Messenger saying we found inaccuracies in the letter we sent, but that information has been supported. He feels council responded to pressure from members of the board at the Humane Society. He said that they had no data and were reacting to criticism. He would like council to reinstate the letter and retract any funding in 2020 until a full financial audit is done. He said that they misrepresented themselves and it is very possible that they are not an SPCA. He said it is possible that they have ethics violations at the board level. Clr. Camera suggested we save our money and take over dog control and rabies vaccinations. He noted that other organizations have to do audits yearly. He said that the data in the matrix came from three solid sources; IRS 990 forms, intake and disposition forms sent to the State of New York, and information from their own websites. Next, he said that some of us were given a link and number to call about incinerator legislation at the state level. He talked to the Finger Lakes area staff for the Governor's office and they received many calls and the Governor is listening. He said he

feels the Finger Lakes Ambulance talks were good, and he saw that Medicaid/Medicare funding cuts were reinstated so that is good for them financially.

Mayor Alcock told Clr. Camera that he stands by his statement to the newspaper and will not support restating the letter. He said that council addressed this issue to the best of their knowledge.

## 23. CITY MANAGER REPORTS

City Manager Gerling said that the Linden Street project was underway with rehab and restoration of the building when a structural issue came up, so staff is working with the owner for next month to come up with an action plan. The deadline is April 15<sup>th</sup>.

She told everyone that the next DRI streetscape public meeting will be April 9<sup>th</sup> at 6:00pm at the Geneva Housing Authority. There will be a presentation and they are looking for feedback from council and the community.

Lastly, she gave several reminders:

- Boat trailer permits are now available for city residents at the Clerk's Office at City Hall
- City Hall will be hosting Curbside Market on Friday's from 12:30 to 1:45pm
- The Historic North Easter Egg Hunt will be Saturday in Genesee Park
- Historic North will meet this Thursday at 6:00pm at the Housing Authority

## 24. ADJOURNMENT

**ACTION TAKEN by Clr. D'Amico: seconded by Clr. Valentino**

**MOVED THAT the meeting be adjourned at 9:13pm**

**MOTION CARRIED UNANIMOUSLY (7-1 absent)**

*Lori Guinan* \_\_\_\_\_

City Clerk