

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

March 22, 2023 – 5:30 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Camera, Clr. Brimm, Clr. Noone, and
Clr. Burrall (arrived at 5:33pm)
Absent: Clr. Pealer and Clr. Salamendra

2. EXECUTIVE SESSION

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

**MOVED THAT council move to executive session at 5:33pm to discuss the Community
Choice Aggregation Contract
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

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

**MOVED THAT council adjourn executive session to return to regular session at 6:24pm
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

3. RESOLUTION TO URGE STATE AND FEDERAL PARTNERS TO ENACT POLICIES TO PREVENT
FURTHER ACCIDENTS LIKE TRAIN DERAILMENTS OCCURRING ACROSS THE NATION SINCE THE
BEGINNING OF 2023

City Manager Hendrix presented the following resolution:

WHEREAS, on February 3, 2023, a Norfolk Southern Railway Company train derailed in East Palestine, Ohio, spilling hazardous chemicals. Approximately 50 cars were involved. The spill killed wildlife, prompted hundreds of people to evacuate their homes, and caused many residents to complain about rashes, sore throats, and headaches; and

WHEREAS, on February 16, 2023, a Norfolk Southern Railway Company train derailed in Van Buren Township near a residential area 30 miles west of downtown Detroit. Approximately 30 cars were involved in the derailment, including one containing liquid chlorine. While no immediate environmental repercussions from this incident have been reported, this disaster could have been just as devastating as the derailment in Ohio; and

WHEREAS, on February 28, 2023, a Seminole Gulf Railway train derailed near Sarasota-Bradenton International Airport in Florida. Six boxcars tipped over, including one carrying 30,000 gallons of propane. While the train was reported as being minimally staffed and carrying even more propane, the incident was luckily not as disastrous as it could have been; and

WHEREAS, every day the Norfolk Southern trail line passes through our City carrying a variety of materials which if derailed may cause harm to the Geneva community; and

WHEREAS, currently there is no process in place that allows for the provision of information to our local community regarding the content of the containers, even if hazardous materials are contained within the railway; and

WHEREAS, the Federal Railroad Administration, Federal and State Partners need to enact policies to improve railroad safety and prevent further derailments from occurring. These policies should entail mandating two-person crews on each train, shortening maximum train lengths, ensuring better communication with local emergency management officials and first responders whenever transporting hazardous waste through communities, reducing the frequency of blocked crossings, reducing the length of time that railroad crossings are blocked by passing or standing trains, giving local governments the authority to identify emergency routes that cannot be blocked by passing trains, regulating defect detectors and trains, and requiring Class 1 rails to implement the Confidential Close Call Reporting System. Congress should also amend the United States Code to remove provisions preempting state laws that could enhance railroad safety; now, therefore, be it

RESOLVED BY THE GENEVA CITY COUNCIL, that we urge the Federal Railroad Administration, our Federal and State Partners to enact policies and practices to prevent accidents like train derailments occurring across the nation since the beginning of this year and empower the City Manager to directly communicate with these parties regarding these matters; and be it further

FURTHER RESOLVED, that we urge these bodies to enact policies and processes which require the railway to inform and coordinate with the local governments regarding the contents of the materials being transported through their municipality and become active participants in hazard mitigation and response plans; and be it further

FURTHER RESOLVED, that copies of this resolution be transmitted to the Administrator of the Federal Railroad Administration, Senator Schumer, Senator Gillibrand, Congressperson Tenney, Governor Hochul, Norfolk Southern Railway, Inc., Senator Helming, and Assemblymember Gallahan.

Clr. Camera said that he would like the railroads to acknowledge they are going through our city in case something happens. He said we are asking Norfolk Southern to work with our people as fast as possible if anything happens.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Noone
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

4. RESOLUTION APPROVING THE ANNUAL EXTERNAL AUDIT REPORT AND AUDITED FINANCIAL STATEMENTS FOR THE CITY OF GENEVA FISCAL YEAR 2021

City Comptroller Newcomb presented the following resolution:

WHEREAS, an independent audit of the accounting and financial records of the City of Geneva for the City's fiscal year ending on December 31, 2021 was conducted by the public accounting firm of Mengel, Metzger, Barr and

WHEREAS, said audit resulted in no significant or adverse findings and an unqualified (clean) audit opinion from Mengel, Metzger, Barr of the City. Said results being verbally presented to the Geneva City Council by the City Comptroller on March 22, 2023; and

WHEREAS, it is necessary for the Geneva City Council to approve the results of said audit and audited financial statements to facilitate the filing of the audit and other related reports with appropriate State and federal agencies; and

WHEREAS, the Comptroller and the City Manager have each reviewed, acknowledged and formally concur with the results of the audit; and

WHEREAS, the City Council has concluded that said audit report is acceptable and reflects an accurate statement of the fiscal status of the City of Geneva.

NOW THEREFORE BE IT RESOLVED that the Geneva City Council hereby approves the results of the independent audit of the financial statements of the City of Geneva for the fiscal year ending December 31, 2021.

BE IT FURTHER RESOLVED that the City Council directs its Comptroller and Clerk to file the appropriate reports of said audit findings and other reports with the various agencies and departments of New York State and the Federal Government.

Comptroller Newcomb told council that the 2021 audit was done late since we were without a comptroller for a while, but overall, it went very well. She said there were no significant findings. She said overall the fiscal year 2021 showed signs of recovery for city operations after a slight financial backslide in 2020 with

the general fund revenue growing by 6.9% and spending was reduced by 2.5%. The auditors noted three deficiencies of internal control which are areas we can strengthen our procedures. She said that the first one was to establish board policies for the areas of online banking and investments in capitalization, and corrective action is already taking place. She said that she and her team are working through documenting their policies and procedures within their department and sharing with other departments in the city as well as working with Lyons National Bank to implement more steps in online banking and investment. She said we also need to continue efforts regarding compliance with General Municipal Law on competitive bidding, which we have already implemented additional changes for. In addition, her department is continuing their communication with regard to the procurement policy and documentation on vendors. She said the last item was vendor change/renew where any changes are made to a vendor within our operating system. She said a monthly report is run, and she reviews and signs off on it. Comptroller Newcomb told council that findings can be significant or minor, and they are not necessarily bad, but they allow us to adjust operations. When asked about needing three bids, she said that if we can't get three bids, we can retain documentation that we tried, but three were not available. When asked about verbal bids, she told council that when a verbal bid is taken over the phone, we then follow up with an email or document, and we keep the written document even though we are not required to.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Brimm
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

5. ADJOURNMENT

**ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese
MOVED THAT the meeting be adjourned at 6:35pm
MOTION CARRIED UNANIMOUSLY**

Lori Guinan

City Clerk