

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

August 2, 2023 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Salamendra (arrived at 7:05pm and left at 9:08pm), Clr. Burrall, Clr. Pealer, Clr. Gaglianese, and Clr. Brimm
Excused: Clr. Noone

2. PUBLIC HEARING – Local Law to Reduce the Planning Board Membership

Mayor Valentino opened the public hearing at 7:06pm.

Charles King said I am a member of the Planning Board. You all campaigned on transparency. Let me paint a picture for you. The Planning Board's liaison hasn't attended a Planning Board meeting since October of 2021, two years ago. This February, the Planning Board's liaison gave a city council report where he spoke optimistically of the possible merger of the three odd-shaped OEO lots on Exchange Street and said there were a large number of developers interested. Not disclosed was the fact that this council member's employer, Massa Construction, owns the adjacent, isolated building at 607 Exchange Street, which will certainly benefit from a higher property value if the unoccupied stretch of Exchange is developed. That is a clear conflict of interest, and in keeping with Tenet 15 of your Ethics Code, that council member should not have talked up the proposed action. In March, we couldn't come up with a quorum and when asked why the City was pursuing the merger of the lots, staff told us that there was *a* developer (singular) that had expressed interest in putting up a 4-story apartment building. At our April meeting we had a bare quorum, but the public hadn't had access to a complete or correct document set for the project—the city's application to its own Planning Board had an error on it stating that the Comprehensive Plan did not apply, further, the agenda center was missing the site plan map—in addition to these oversights, the public had only been given 11 hours, 8am to 7pm on a Monday to review materials before a public hearing. And yet members of the Republican majority on the Board (Republicans have had a 6 vote super-majority on the Planning Board until very recently) argued that it didn't matter, that a

complete and correct packet wasn't necessary, and that we should just hold the hearing, with no one in attendance. A vocal Planning Board member in that debate, we later learned, had moved out of the city somewhere between 6 and 12 months prior, and was serving invalidly on a board that has a Residency requirement. I was the one NO vote on opening the public hearing and with a bare quorum and with only 4 yes votes, that put it off until May. This experience makes me worry that the suggestion to shrink this board is more of a "squelch dissent" maneuver than a government efficiency maneuver. The then-three democrats on the Planning Board requested that staff notify the OEO property's neighbors in a wide enough radius to include any properties whose views of the lake would be blocked by a 4-story building, and staff simply told us, no, they didn't have to, but that we could reach out to those property owners if we wanted to, which shows a basic lack of understanding about how quasi-judicial boards like the ZBA, PB, Assessment Review, etc., are supposed to work; we're not supposed to have ex parte (meaning third party) one-on-one conversations with interested players outside of our meetings. You may have seen my letter to the editor after that, an attempt to notify the public of the bare bones facts of what was going on; the paper did a cursory follow-up where staff advanced a "gaping hole" narrative, again a Tenet 15 problem, which undercut the informative bare minimum strategy I'd been attempting to follow. That's a one-sided argument; OEO site is not a "gaping hole" to those city residents who have views of the lake over the property. I'm not saying don't develop the OEO site, I'm saying don't do it in secrecy without at least bringing potentially affected neighbors into the conversation from the start. Staff "guaranteed" to us at one point that a 4-story development on the OEO site would not affect anyone's view of the lake, which is easily demonstrated to be false using photographs and comparing adjacent buildings. The city's repeated contention that there are "a large number," or 3-5, or 5-7 developers interested in the property is perhaps undercut by the fact that if you do a FLTimes search on "OEO", there's only one developer's name that comes up time and time again over the decades as expressing serious interest, and that's Massa Construction, again, our council liaison's employer. In May, the subdivision action passed 5-1, with me as the dissenting vote; I proposed that the odd-shaped three lots be divided into two sensibly-shaped lots instead, a half-acre lot and a third of an acre lot. Most lots on Exchange Street are one tenth of an acre. No one else on Exchange Street has as much as 100 linear feet of road frontage. We now have a single lot that is over 320 feet wide, almost an entire city block as one lot. A person who is in the minority party, like me, is likely to lose contentious votes; I understand this. But it also puts me in a position to be a bit of a whistle-blower, and I hope that I have not overstepped my bounds in bringing this example to your attention. I could paint you a similar picture for Lochland Road or Trinity Church, problematic proceedings which ended in Board members effectively resigning. We generally handle small projects well but wilt before large developers. I feel that the Planning Board has been under supported by both staff and Council, especially on larger projects.

I've given you a list of six requests to bolster this Board and Boards generally. These deal with training, transparency, and having voting alternates. Thank you.

Planning Board Specific

1. Allowing for at least two voting alternates who can step in where there is an absence (common) or a conflict of interest (uncommon but significant).

2. Allowing Planning Board to be filmed and saved on Youtube; so they aren't operating basically behind closed doors.

All Boards • TRAINING

3. Staff and legal to help boards, commissions and committees understand what personal conflicts of interest are.
4. Provide training on the city's simplified version of Robert's Rules, including "point of order" declarations for when it is and is not appropriate to interrupt one another.
5. Access to appropriate online NYCOM seminars, through their paywall (potentially board-specific access or municipality-specific access and not individual private paying subscriptions if at all possible).
6. Training on the Comprehensive Plan (particularly for the Planning Board on what social equity and "mid-range" goals are).

There being no one else appearing to speak, the mayor closed the public comment at 7:11pm.

3. PUBLIC HEARING – Renewal of the Cable Franchise Agreement between Spectrum Northeast LLC and the City of Geneva

Mayor Valentino opened the public hearing for the Cable Franchise Agreement at 7:12pm, with no comment offered at this time he closed public hearing at 7:12pm.

4. SUPERVISOR UPDATE

Supervisor Kennedy said that at the last government operations committee he brought up his interest in a renewed discussion about the Geneva offices the county operates, which he spoke more about later. He said that Jessica Mitchell, the director of Mental Health, provided him with information, in response to questions he asked about mental health and wanted to share in case council wasn't aware of these things. He was told that there is a monthly meeting with local police departments, which Sgt. Bucklin from GPD attends, regarding individuals in the community who might be at risk. Jessica also said there is police outreach to consult with specific individuals, regularly and as needed in between the monthly meetings. The Supervisor was also informed that Ontario County is the leading rural county using NYS MAP (mobile access program) which is accessed by a link on a laptop that goes to a Comprehensive Psychiatric Emergency Program at Clifton Springs Hospital. Director Mitchell said they've had ongoing discussion with the county administrator about a mobile crisis team but right now there is currently no funding or space available. Supervisor Kennedy asked Jessica about the Mental Health Office here, which is closed, and hopes next month there will be more discussion about the totality of the offices. Supervisor Kennedy stated he attended a session of FLCC Geneva sponsored by the Planning Department to discuss a Parks and Recreation Master Plan for the county. He asked council if anyone else attended this meeting, reminding them that there is currently no county park in the eastern end of the county, or in Geneva, and that he has and will continue to make an appeal for one. Another question he presented to council was, in regards to the merger with URMC and Finger Lakes Health, if they have thought about the opportunities for URMC to house some offices here in Geneva as he feels it could compliment downtown businesses if there is additional staff deployed here.

Supervisor Kennedy then opened the floor to council to ask him any questions about his report. Clr. Salamendra asked for him to clarify if there wasn't physical space for the mobile crisis response, to which Supervisor Kennedy said by not enough space he meant capacity for it at the moment with the telehealth services provided post-pandemic. Clr. Salamendra also requested the supervisor stress in meetings that the county is struggling with mental health and she feels that its not an acceptable answer, as she has heard a large demand from the community for mobile mental health responses.

5. DRI UPDATE

Joseph Venuti provided a DRI update, which was read by the clerk, and started by saying thank you, Mayor and City Councilors and good evening. A meeting with contractor's attorneys was held on July 14, 2023 to discuss their disputed work and potential legal claims. As a result, a revised project punch list has been submitted to the contactor on July 20, 2023. No significant work has been completed to date. The project remains at substantial completion as was prepared and submitted to Nardozzi on February 8, 2023. The contract sum paid to date remains at \$9.23 Million.

6. FOUNDRY UPDATE

Michael Murphy provided the Foundry update, read by the clerk, which said the following: Remedial design plans are nearly complete for the last remaining block of residential properties, which includes ten properties located south of St. Peter's Church along Genesee and Geneva Streets. Designs will be issued in early August and meetings will be held with remaining property owners.

Remedial Construction:

- Additional property restoration items, including sod, fencing, concrete, and asphalt, were completed in the block of nine properties located along the south side of Lewis Street, east side of Geneva Street, and north of Tillman Street. Replacement plants and tree are anticipated to be planted during fall 2023.
- Sod was installed and watered in Genesee Park. The project is coordinating with the City DPW to reopen the park on or around August 7th.
- Excavation commenced in the block of eight properties located along the east side of Geneva Street south of Tillman Street, and along the south side of Tillman Street. Completion of excavation and substantial restoration is expected by Labor Day.
- Remediation of the last remaining block of residential properties, located along Genesee and Geneva Streets just south of St. Peter's Church, is expected to begin around Labor Day, with restoration substantially complete by the end of the calendar year.
- Excavation and substantial restoration of two additional parcels, located at 44 Tillman Street and 49 Clinton Street, is also anticipated to be completed this fall.

Remediation of the State Street staging area, located on the parcel just east of the railroad, is anticipated to be completed in early 2024. Demobilization from the additional project staging area on Lehigh Street will also be completed in 2024

7. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of the July 5th Council Meeting be approved

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Mayor Valentino, Clr. Pealer, Clr. Burrall,
Clr. Salamendra and Clr. Brimm**

Abstain - Clr. Gaglianese

Absent - Clr. Noone

MOTION CARRIED

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

MOVED THAT the minutes of the July 10th Council Meeting be approved

MOTION CARRIED UNANIMOUSLY (8-1absent)

8. PUBLIC COMMENT

Mayor Valentino opened up the floor for public comment at 7:25.

Charles King said that looking at your plans to downsize boards and commissions, I'd like to point out that you do not have the authority to disband the Community Compact, an agreement brokered by the Federal Department of Justice after the death of Corey Jackson in 2011 which the police department entered into with various under-served groups in the community. There is a stipulation in the Compact that stakeholders can contact the DoJ if they want to refresh the compact, broaden the stakeholder groups, etc.

It's ironic to me that, during the past several years while many of you have used "police buy-in" as a litmus test for community-police relations, the Community Compact has had extensive police buy-in from the start, it just doesn't have leadership or organizational support from this Council.

We have a new police chief and people who are desperate to get a mental health component into the GPD's General Orders and training. Last November, the NY Department of Justice's report on data supplied by the GPD cited a 75% increase in police service calls between 2014 and 2020; the GPD attributed that increase largely to mental health issues. I appreciated very much hearing Chief Colton talk about the importance of accountability and open dialogue in his interviews. Community Compact, originally signed by Trickler, Alcock, and Horn is a useful tool for pursuing police-community relations; it makes provisions for funded conflict resolution mediators and juvenile first points of contact which might be broadened into mental health first points of contact as well, along with other positive projects the city should undertake.

As a member of the mental health support community, last summer I tried to apply to the Geneva Human Rights Commission with the hope of serving as their liaison to the Community Compact but they were so reluctant to having to interface with City Council on police issues, that they basically folded after my interview. I am willing to put organizational and leadership energy into the Community Compact, but all social justice boards have basically ended, so I'm not sure where to start. I'm not sure if you want me

involved, even though I've been consistently appreciative of the work that the police have done supporting my family through our mental health crises in 2018-19.

Perhaps Chief Colton and Manager Hendrix as inheritors of the Compact should announce a meeting for those interested in police-community relations who feel underserved to have an open meeting with them and perhaps a representative from the DoJ with the idea of re-forming the Community Compact.

With regards to other boards and commissions, you get paid somewhere between \$300 and \$800 a month to do this work. Looking at the agenda center, which posts minutes for around two thirds of boards and commissions (the missing ones are another transparency issue), there's only one board, committee, or commission listed that posts minutes where the liaison has attended as many as 50% of meetings since John Pruet's resignation. Several have 0% liaison attendance. I realize this is incomplete data, but I suggest that before you downsize committees, you pass a rule where if you don't attend your assigned board, commission, or committee for two consecutive meetings and you don't make sure the minutes are up on the Agenda Center within 30 days recording your attendance, you forfeit your salary until you attend another two meetings. If you actually believe in transparency, this would be a good first step rather than downsizing boards you've entirely neglected.

H. May first addressed that they would like to be referred to as they/them and that in future minutes taken for City Council anyone that doesn't state otherwise should be addressed as they/them. They then stated that council should reconsider the policy of no longer allowing public comment to be online. They pointed out that the ability to come to meetings is a privilege. They noticed that many people may face challenges that deter them from coming in person such as being immuno-compromised, not having access to a ride, or dealing with sidewalks that are not always accessible. They pointed out that they feel even walking there is a privilege as not everyone has the time to do so, such as parents or caregivers. They explained that other alternatives, such as sending letters to councilors for them to read on their behalf, don't always get shared and isn't something they've felt they can rely on. Furthermore, they feel that solely watching the meeting online isn't full participation, and everyone in Geneva should have a right to fully participate.

Judy Salotti spoke on their concerns with the floods in local neighborhoods and how they are increasing in frequency. They brought up how a family of 5 is now homeless, the Devaney-Bennett Funeral Home parking lot is collapsing, and how water main breaks seem to be increasing as well, which has caused additional flooding. They brought up the Corning flood of 1972, where 18 lives were lost, and how civil engineers warned them years before it occurred. Now, they want to know what City Council can do to be proactive instead of reactive. A disaster plan was suggested if one was not already in place and questioned what action plan the community can expect to see.

Mike Monaco said that the short-term rentals have been directly impacting him and he has concerns about this amendment to the City of Geneva Code chapter 350. He pointed out that there is a conflict in the article by 350-44-4 which states the short-term rental will need to wait 60 days and be issued a temporary permit yet further-on it says that everything will take place immediately. He expressed his concern about the fact these buildings don't need to be inspected, for things such as smoke or CO detectors, despite ones like his neighbors who have 3 floors of bedrooms. He suggested a buffer zone that could help

diminish the noise from these rentals as well as the trespassing issues. He also pointed out that since an Airbnb is an LLC registered business the city code states those businesses are required to have a parking spot for each person without using street parking, whereas a location like the one next to him only has one, which is why they are constantly driving or walking through his property.

There being no one else appearing to speak Mayor Valentino closed public comment at 7:46.

9. CITY MANAGER REPORT

The City Manager began her report by stating that Monday (July 31st, 2023) 3 new Management members were sworn in including the Police Chief, Planning and Economics Director, and City Clerk. A local law was voted on that will appear on the November ballot to stagger the terms of City Councilors. Engineers on the Marina Project are looking at the cost estimate while we are also looking to increase our grant funding from NYS. At the Planning Board meeting a site plan was going up to the IDA for discussion. As for storm repair, they are currently working on mitigating the impacts of flooding and have teams of outside engineers on site focusing on the most impacted neighborhoods. Goulds Pumps donated Sump Pumps to the local fire departments to help them assist with the flooding. Now the city is looking to move toward the prevention side of things.

10. SECOND READING OF AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 256 ENTITLED "PEDDLING AND SOLICITING"

City Clerk Guinan presented the following ordinance for second reading:

Be it ordained by the City Council of the City of Geneva, NY that Chapter 256 entitled "Peddling and Soliciting" of the City of Geneva Municipal Code be amended as follows:

1. Article I, section 256-9 is hereby repealed and replaced with the following:

"section 256-9 Issuance of Licenses

All licenses shall be numbered in order of issuance and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of the license, the date of issuance and expiration of the license, fee paid and the name and address of the licensee."

2. Article I, section 256-12 (A) is hereby repealed and replaced with:

"section 256-12 (A)

Fees for licenses issued under this Article shall be determined by the Geneva City Council during budget adoption."

This ordinance shall take effect immediately and in accordance with law.

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

11. LOCAL LAW TO REDUCE THE PLANNING BOARD MEMBERSHIP

City Manager Hendrix presented the following resolution:

BE IT ENACTED, by the City Council of the City of Geneva as follows:

Section 13.3 subdivision 1 of the Geneva City Charter, approved by referendum, effective January 1, 1974, as amended thereafter, is hereby further amended to reduce the number of members of the City Planning Board from 9 to 7.

Section I - Purpose

The purpose of this amendment to the City Charter is to facilitate reaching a quorum at meetings of the City Planning Board.

Reducing the number of members of the City Planning Board from 9 to 7 would align the membership of the Board with General City Law Section 27 subdivision 1.

Section II - Membership of the City Planning Board

The first sentence of Section 13.3 subdivision 1 of the Geneva City Charter, shall henceforth read as follows:

The Planning Board shall consist of seven (7) members appointed by the City Council, each for a term of three (3) years.

Section III - Effectuation of Reduction of the membership

Reduction of the membership of the Geneva City Planning shall take effect as directed in General City Law Section 27 subdivision 7, i.e. upon the next two expirations of terms. No incumbent shall be removed from office except upon the expiration of his or her term, except as provided by the City Charter.

Section IV - Effective Date

This local law shall become effective immediately upon adoption by a vote of the City Council

Clr. Camera questioned if this has to be reduced from 9 to 7 members due to the state law, which the City Manager confirmed it does. Clr. Regan and Clr. Burrall both thanked Charles King for his comments and insight, with Clr. Regan suggesting that his requests should be added due to his knowledge and experience in the subject. Clr. Salamendra expressed worry that this reduction would give more power to developers and questioned that since it is law would we be able to modify by adding alternates, which the City Manager responded that it doesn't specifically say but she will check. Clr. Salamendra also suggested that all of council should be involved in discussions about interviews for planning board members and that she'd attempted to be involved with them in the past. Clr. Salamendra said she doesn't feel it is right to have such unequal political representation that Charles King had mentioned in his public comment. Clr. Burrall states the attention to political parties on some boards is a charter issue and they should work to eliminate the partisanship on boards. Clr. Gaglianese requested the City Manager look to give them background on whether people don't have time or they don't want to volunteer as much, in regards to why many boards are struggling to find people to make them up.

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

12. RESOLUTION RENEWING THE CABLE FRANCHISE AGREEMENT BETWEEN SPECTRUM NORTHEAST LLC AND THE CITY OF GENEVA

City Manager Hendrix presented the following resolution:

WHEREAS, an application has been duly made to the **City of Geneva**, (the "City") by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of an agreement renewing Charter's cable television franchise in the City for a period of fifteen (15) years commencing with the date of approval by the Public Service Commission, and

WHEREAS, the franchise renewal agreement would bring Charter's cable television franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings, and

WHEREAS, a public hearing was held in the City of Geneva, New York on August 2, 2023 at 7:00 P.M. and notice of the hearing was published in the Finger Lakes Times on July 25, 2023 and

WHEREAS, the Geneva City Council finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

NOW THEREFORE IT IS HEREBY RESOLVED THAT the Geneva City Council approves the renewal of the cable television franchise previously granted to Spectrum Northeast, LLC for a period of fifteen (15) years commencing with the date of approval of said franchise by the New York State Public Service Commission and expiring fifteen (15) years hence and it is

FURTHER RESOLVED that the Geneva City Manager is hereby authorized to execute the agreement renewing Charter's cable television franchise in good form, a copy of which is attached to this resolution.

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

13. 2024 BUDGET PROCESS OUTLINE AND CAPITAL PLAN OVERVIEW

City Manager made a general reminder that her and the Comptroller are in talks about the budget. She will be presenting the budget on September 26th to City Council. She met with staff in May to set direction, including no tax increase while acknowledging that there are increasing expenses. Staff were instructed to decrease budgets by 12%. She will also be presenting a slightly different capitol improvement program through 2029. The goal is to stay at 6.5 million with bonds and bringing real costs. With aging infrastructure she says we will work on moving from reactive to proactive while maintaining current taxes. She said they have looked at what could be cut while also requesting departments to be clear on what it would mean no longer being able to provide for the public. She said they have looked into the GFOA (Government Finance Officers Association), which has awards for the best budget, and move toward that while using its standards. The work sessions will start each Wednesday in October.

14. RESOLUTION FOR THE 2023 NYS CONSOLIDATED FUNDING APPLICATION STORMWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT APPLICATION SEQRA APPROVAL

City Manager Hendrix presented the following resolution:

WHEREAS, the Geneva City Council (Hereinafter referred to as “Council”) is proposing to submit a 2023 Consolidated Funding Application (CFA) for the for the Non-Agricultural Nonpoint Source Planning Grant (NPG) program under the Stormwater Retrofit sub-category to conduct a stormwater study; and

WHEREAS, this action constitutes “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies” and “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” which under the New York State Environmental Quality Review (SEQR) Act are listed as Type II actions for which it has been determined there are no significant adverse effects on the environment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Council does hereby classify the above-referenced action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5 [c] [24] [27] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Council in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

15. RESOLUTION OF SUPPORT & AUTHORIZATION FOR THE CITY OF GENEVA 2023 NYS CONSOLIDATED FUNDING APPLICATION, NON-AGRICULTURAL NONPOINT SOURCE PLANNING GRANT APPLICATION

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva, Ontario County, supports the submission of a 2023 Consolidated Funding Application (CFA) on behalf of the City, for the Non-Agricultural Nonpoint Source Planning Grant (NPG) program under the Stormwater Retrofit sub-category to conduct a stormwater study; and

WHEREAS, the New York State Department of Environmental Conservation (DEC), provides a competitive statewide reimbursement grant program to assist in the initial planning and preparation of an Engineering Report of a non-agricultural nonpoint source water quality improvement project; and

WHEREAS, if funding is received it will allow the City to prepare a planning report that will explore cost effective solutions to mitigate localized flooding and address inundation of the stormwater system, as well

as enable the City to seek further funding for construction through future Consolidated Funding Application rounds to continue the advancement of the water quality improvements;

NOW THEREFORE BE IT RESOLVED, the City Council, on behalf of the City, identifies the City Manager as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED, the City Council does hereby authorize and obligates local matching funds of the minimum 10% of the total grant funding awarded in the form of in-kind services or cash contribution hereby appropriated from the sewer fund; and

BE IT FURTHER RESOLVED, that the City of Geneva recognizes and fully supports the submission of the 2023 CFA for a Non-Agricultural Nonpoint Source Planning project to address stormwater issues.

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

16. DISCUSSION ON COMMITTEES, TASK FORCES AND BOARDS

The City Manager said that she compiled a review of committees, task forces, and boards that are no longer in operation or don't have enough members. She explained that the task forces were supposed to be short term solutions, dissolving once their initial task has been completed. Clr. Camera motioned to follow the City Managers recommendations for removal, as they can always be put back if needed. Clr. Regan questioned the community impact and was concerned that these boards could be doing important work, and creating positive interactions with the public. Mayor Valentino said that they could not be taken off yet but investigated further first. The City Manager suggested they be looked at to see the team effort, if they align with the charter, and that the layers to commissions bylaws should regularly be reviewed.

17. DISCUSSION ON CITY-OWNED PROPERTY

The City Manager started off by saying not all city-owned property can be treated equally but it should be discussed how we dispose of it. She said there is 206 acres of trails, parks, etc. and 11 acres of land with building potential/ possibilities. Clr. Burrall questioned how many parcels make up the 11 acres, and that some (such as on Middle St.) may be part of a plan. The City Manager clarified that there are 27 parcels within the 11 acres and they are only ones with no current plan. Clr. Gaglianese questioned that out of the 206 acres of parks if it would be a long process to turn a few acres of a park into a separate property that could be added to the tax role to create revenue. Clr. Camera said he doesn't want the property to be for sale, stating that he doesn't agree with the amount of large lot residential and we should recognize the various income classes. He also expressed that the city should be the ones take charge in developing the

city, rather than selling the land for developers to grow. Clr. Salamendra said she feels that local land lords get income property cheap by getting properties inexpensively then develop them with grants to produce unaffordable housing and she doesn't like that this continually happens. She also expressed that she doesn't agree with the talk of putting parts of parks up for sale as she feels its more important for people who need housing to get it rather than allowing others the opportunity to expand their yard. She agreed with Clr. Camera about asking the LDC to do more housing development. Clr. Gaglianese said he feels we should be more open to new development by allowing or appealing to developers to enhance infrastructure. He said he thinks there are concerns from local businesses and individuals about the school district being a deterrent. Clr. Pealer spoke next, saying he agrees with Clr. Gaglianese about needing to get out of our own way when it comes to development and that things such as accusations against current developers, are deterring future developers from feeling like they will be welcomed with their ideas.

18. RESOLUTION APPROVING PROPOSAL FOR ENGINEERING SERVICES MARSH CREEK WWTP-ATAD SYSTEM IMPROVEMENTS

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva (City), Ontario County, intends to construct improvements to the Marsh Creek WWTP, specifically the addition of a second Autothermal Thermophilic Aerobic Digestion System (ATAD) and related improvements (hereinafter referred to as the "Project"); and

WHEREAS, the City intends to fund all or part of the Project with zero-percent hardship financing through the New York State Environmental Facilities Corporation (NYSEFC) Clean Water State Revolving Fund (CWSRF) and a NYS Water Infrastructure Improvement Act (WIIA) grant in the amount of \$2,309,238; and

WHEREAS, the City solicited qualifications from engineering firms by issuing a Request for Qualifications (RFQ); and

WHEREAS, in response to the RFQ, the City received Three (3) Statements of Qualifications (SOQ) and, based on the City's evaluation and ranking of the SOQ's, the City selected MRB Group Engineering, Architecture and Surveying, DPC (MRB) as the most highly qualified respondent; and

WHEREAS, at the City's request MRB submitted a proposal for professional services (Proposal) dated July 18, 2023; and

WHEREAS, the City has reviewed and negotiated the Proposal including the scope of work and corresponding fees.

NOW THEREFORE BE IT RESOLVED, that City Council, on behalf of the City, approves the Proposal; and

BE IT FURTHER RESOLVED, that City Council directs the City Manager to request a formal Agreement for Professional Services (the "Agreement") from MRB, as referenced in the Proposal and authorizes the City Manager to execute the Agreement at her discretion.

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

19. RESOLUTION AMENDING THE 2023 GENERAL FUND BUDGET FOR DEMOLITION OF 46
HALLENBECK AVE

City Manager Hendrix presented the following resolution:

WHEREAS, the City of Geneva, utilizing the appropriate foreclosure process has transferred title for 46 Hallenbeck Ave due to back taxes and

WHEREAS, the City of Geneva Code department has deemed the structure uninhabitable and structurally unsafe and requires demolition and

WHEREAS, the cost of demolition is not covered in the current 2023 budget

NOW, THEREFORE, BE IT RESOLVED, that the Geneva City Council, hereby, and in due form, does amend the 2023 General Fund Budget as follows:

REVENUES:

Add

APPROPRIATION FROM GENERAL FUND BALANCE NOT TO EXCEED \$50,000

EXPENSES:

Add

Engineering:

General Maintenance NOT TO EXCEED \$50,000

The City Comptroller said that Codes has deemed this property beyond repair, and that it is not safe to remain standing, based on an extensive survey.

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

20. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR AN AMENDMENT OF THE GENEVA CITY CODE CHAPTER 350, SHORT-TERM RENTALS

City Manager Hendrix presented the following resolution:

WHEREAS, the Geneva City Council has stated its intent to adopt an ordinance amending the City Zoning Regulations set forth in Chapter 350 of the City Code to add section 350-44 for the purpose of regulating short-term rentals in the City; and

WHEREAS, a copy of the proposed ordinance is attached to this resolution; and

WHEREAS, General City Law § 83 authorizes amendment of the City Zoning Regulations after notice and public hearing; and

WHEREAS, the proposed amendment of the City Zoning Regulations is determined to be in the best interest of the City of Geneva.

NOW, THEREFORE BE IT RESOLVED, that a public hearing for the proposed amendment of the City Zoning Regulations set forth in the attached ordinance be held at the regular Geneva City Council meeting on September 6, 2023.

Clr. Regan proposed looking at also applying some of these to the long-term rentals in the future.

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

21. RESOLUTION IN SUPPORT OF THE SUBMISSION OF A GRANT APPLICATION BY THE SMITH CENTER FOR THE ARTS TO ONTARIO COUNTY FOR FEDERAL AMERICAN RESCUE PLAN FUNDS

Clr. Regan presented the following resolution:

WHEREAS, the Policies of Lakefront and Downtown Development adopted in 2009 by the City of Geneva, and the Full Occupancy Initiative adopted by the Business Improvement District in 2009 identify downtown Geneva as an opportunity for revitalization activities, and

WHEREAS, the Smith Opera House is one of oldest performing arts theaters in the United States and is recognized by the National Register of Historic Places and the Smith Center for the Arts is an active partner in the cultural, community, and economic life of Geneva,

WHEREAS the Ontario County Board of Supervisors have made available funding received through the Federal American Rescue Plan to fund projects that support the development and expansion of arts, cultural, and recreational opportunities from non-profits, private entities, and municipalities that have been negatively impacted by COVID-19.

NOW, THEREFORE, BE IT RESOLVED the Geneva City Council supports the submission of a grant application by the Smith Center for the Arts to Ontario County for Federal American Rescue Plan Funds.

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

22. MAYOR AND COUNCIL REPORTS

Clr. Regan started by saying she encourages people to attend concerts by the lakefront. She said that Latasha James came through town and the democratic party met with her. Clr. Regan also attended the information session at Seneca Meadows, explaining why she feels it should close. At a neighborhood meeting Clr. Regan had discussed long term rentals and was told about noise issues with many of them and how neighbors are struggling with solutions as they don't wish to press charges. Another issue Clr. Regan discussed was the impact of the flooding and looking into better forms of communications as people aren't getting a response. At Clr. Regan's Green Committee meeting she said they discussed social media and communications as well as using the facility on Doran Ave. as a transfer station and working in conjunction with the town. Lastly, Clr. Regan acknowledged that she feels the BID has done great work on Saturdays to help with weeding.

Clr. Pealer responded to Clr. Salamendra's earlier comment about the unequal political distribution on boards, saying that the City Council is a super majority itself and that they appoint every board member so they should have faith in their ability to serve and be grateful for those volunteers. Clr. Pealer also said, in reference to Clr. Gaglianese's earlier concern about the school district, that he is also concerned it may deter development. Clr. Pealer discussed the recreation board, saying how he feels they are the most underfunded, and that he believes budget cuts will be especially difficult for them as most of their budget is labor. He proposed having a recreational forecast presentation to the community for future years in order to get more public support. Clr. Pealer introduced having a fundraiser for the disk golf course by the lakefront to raise money. He also confirmed there will be holiday window painting again this year. There will be open kick-ball from 11am-12:30pm on August 5th at Gulvin Park, August 12th at Brook St. Park, and August 19th at Ridgewood Park. He also invited people to come to St. Peter's Community Arts Academy Choir Concert at the Geneva Lakefront Gazebo on Thursday August 10th at 6pm, which will be free but have chicken barbeques starting at 5pm and a bake sale to raise money. Lastly, he said that August 20th there will be a Bike Rodeo at the Recreation Complex from 10am-12pm with obstacle courses and bike checks done by the Geneva Police Department.

Clr. Burrall began by saying thank you to the people who spoke in public comments, addressing them all and saying how he believes they each spoke about important issues. He also said thank you to Goulds Pumps for their donations of the sump pumps. He encouraged people to donate blood, and said that by taking those 45 minutes you could help up to 3 people. He said blood donations can be made August 4th from 12pm-5pm at Friendly Ford, August 17th from 1pm-6pm at the Hall Fire Dept., August 22nd from 1pm-7pm at Belhurst Castle, August 29th from 10am-3pm at GGH or 1pm-6pm at del Lago, or lastly on

September 2nd from 9am-2pm at Sampson. Clr. Burrall encouraged everyone to attending the upcoming Garlic Festival on August 5th and 6th at the Lakefront which they have roughly 67 vendors and 8-9 food trucks as well as live music. As a part of the Shade Tree Committee, he thanked many people for their work and said the 57 trees they have been growing on Doran Ave. are close to be ready for being replanted in their new homes to fully grow. He also said Mark Perry has been doing a lot to field public requests for trees and that they are working with Tim Higgins to plant the 7 larger trees at Glenwood Cemetery. Lastly Clr. Burrall reported that they sold \$460 worth of firewood in the last 2 months and after the \$60 in expenses they will have a profit of \$400.

Clr. Camera started by saying he has heard of numerous people complaining about the fireworks at McDonough Park, explaining they believe is it too much and that we should consider capping the number of times. He suggested fireworks be kept to special events only as that would diminish the amount people are hindered by things such as their pets getting upset. Clr. Camera said he also attended the SMI meeting about Seneca Meadows, stating he will continue to oppose it being expanded. As for the Marina Project Clr. Camera said he wants to see revenue and estimates now, because thoughtful projections will be helpful in determining if it is something to go forward with. He suggested a pool at the lakefront, which would allow a cleaner place to swim than the lake, while bringing revenue and people.

Clr. Brimm said he had no report as the Housing Board didn't meet this month. He requested more open lines of communications be made with residence and suggested possibly expanding the website.

Clr. Gaglianese agreed with Clr. Brimm and suggested there be more done to inform people about the flooding. He said that the Police Budget Advisory Board (PBAB) welcomed new members and there were updates with the hiring of a new Police Chief and budget.

Mayor Valentino read a letter from Lake's Edge Seneca development project. They said our company continues an unwavering dedication and excitement around the Lake's Edge Seneca development project and is thrilled to bring this endeavor to fruition. Despite unfortunate rumors circulating about the project's recent work stoppage, we want to reassure the City of Geneva that this interruption is only temporary. It is a necessary measure taken to address minor financing challenges caused by the failure of a previous lending partner to fulfill their obligations. However, we have swiftly and decisively reacted by replacing that financier with a stronger and more reliable partner. This change ensures that the project remains on track despite current economic difficulties. We want to emphasize that our company is committed to doing everything within our power to ensure the ultimate success of the Lake's Edge Seneca development and maximize its positive impact on the City of Geneva and its community. As a result, we have made a strategic decision to focus our immediate efforts on the residential phase of the development. By prioritizing this phase of the project, we aim to expedite the realization of tax benefits for the City of Geneva. We recognize and appreciate the continuous support shown by the community toward this project. It is with this support in mind that we are determined to deliver something exceptional to the area — a development that will bring lasting positive changes to Geneva. Your support is greatly valued, and we are committed to delivering a project that will enhance and positively impact the community of Geneva. Mayor Valentino also requested that opportunities to maximize budgets be included in them when they are submitted.

23. PUBLIC COMMENT

Shanelle France said they fear the proposal to simply remove committees, specifically the Disability Awareness Committee, which they believe shouldn't just be absorbed into the Human Rights Commission. They feel that even though disability rights are human rights, the missions for both are very different. They also wanted to let the record show that they would be happy to apply to be a part of the committee if it were to not be removed.

Judy Salotti said they appreciated the report on the floods but they believe people don't know about it and therefore don't think progress is being made. They said many people are now scared when it rains and suggested it be posted what is being done day to day, or monthly, such as pipes being cleaned so everyone can see the progress.

Julia Hoyle said they were impacted by the water and said thank you for the grant work that was done at Cemetery Creek as they believe there hasn't been any money put toward it since World War II.

Jessica Winum came to represent the Geneva Public Library, saying they have almost all new administration, and they plan on regularly coming to City Council Meetings. They also said that the library has programming, collections, and study rooms for meetings that are free for spaces for anyone to use, like someone who works from home. Jessica said that the library has also been working with Blueprint Geneva on sustainability programs. They also said the emails the city sends out are very good, and more people may benefit from those, as they feel the emails provide a lot of information. Lastly, they mentioned there will be a Rap Finale on August 18th from 2pm-4pm and there is summer reading going on.

Charles King said they do believe the planning board is a very powerful board. They also said that since the current liaison has been unable to come to meetings, they'd like to request a new or co. liaison. Charles said that the city manager came to the April meeting, which they appreciated, as they have seen more completed work since. They also requested being able to reach out in the future to have someone from City Council attend when there will be sensitive issues discussed as an advocate directly for the people for transparency.

24. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm
MOVED THAT the meeting be adjourned at 9:54pm
MOTION CARRIED UNANIMOUSLY (7-2absent)**

Nicole Wright

City Clerk