

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

JUNE 3, 2015 – 7:00PM

Presiding – Ron Alcock

Present – Matt Horn, City Manager

The cities of Geneva and Canandaigua have won 1st Place in the Local Government Achievement Awards for their partnership in the areas of Assessor and IT Services. As the Mayor was unable to attend the awards meeting, Mayor Ellen Polimeni of the City of Canandaigua accepted it on behalf of the City of Geneva. She came tonight to present the Mayor and City Council with their NYCOM Award. Mayor Polimeni said she knows a great deal of credit goes to Matt Horn for being involved in making this application. She said this is exactly what the State government has been asking municipalities to do, which is to work together and to combine some aspects of government. She is pleased that the two entities will be working together.

1. ROLL CALL

Present: Clr. Hagerman, Clr. Camera, Clr. Valentino, Clr. D'Amico
Clr. Martino, Clr. DiCostanzo, Clr. Augustine (arrived at 7:20pm)

Absent: Clr. Greco

2. PUBLIC HEARING – SALE/LEASE OF 7 NORTH GENESEE STREET

Mayor Alcock opened the Public Hearing at 7:04pm. As no persons of interest came forward, Mayor Alcock closed the Public Hearing at 7:04pm.

3. PUBLIC HEARING – LOCAL LAW AMENDING CHAPTER 8 OF THE GENEVA MUNICIPAL CODE – APPEARANCE TICKETS

Mayor Alcock opened the Public Hearing at 7:05pm. As no persons of interest came forward, Mayor Alcock closed the Public Hearing at 7:05pm.

4. PRESENTATION – GENEVA BOYS & GIRLS CLUB KEYSTONE CLUB – SMOKE FREE CITY PARKS

Members of the Boys & Girls Club Keystone Club made a presentation to Council regarding problems of tobacco use at the 12-pocket parks in the City as well as the

negative impact tobacco use has on children, youths, teens and adults that populate those parks. Tobacco use is unhealthy and detrimental to the well-being of others and to the environment. To protect the health, welfare and safety of Geneva residents and the visitors that populate the pocket parks, members of the Boys & Girls Club believe that the City of Geneva should pass an ordinance to resolve the issue of tobacco use at the 12-pocket parks.

There is no safe level of second hand smoke exposure, as second hand smoke is still a hazard even in open public places. Each year approximately 280 children die from respiratory illness caused by second hand smoke. Most often children, youth and teens learn vicariously by watching the behavior of their parents, guardians and other adults. When youths observe adults using tobacco, they are learning that tobacco is okay to use and is a positive adult behavior. Passing an ordinance and making the 12-pocket parks in the City tobacco-free, City officials would then be helping keep the parks beautiful, free of pollution and would also be protecting everyone from the dangers of tobacco smoke, as well as maintaining positive role modeling in the Geneva community.

Members feel the ordinance should place restrictions on the parks that would include all forms of tobacco and would apply to all visitors, employees and volunteers at the parks. The ordinance should also mandate appropriate signage to inform people that that area is to benefit you. In addition, they feel City police should make periodic observations at the parks to enforce the ordinance and policy, noting violators should be issued a citation. It was further noted that while some parks may lose some local foot traffic because they will disagree with the new ordinance, many others will want to go to the parks because they know they are smoke free. The Keystone Club members presented plastic containers to the Council that was filled with cigarette butts they gathered from parks around the City.

In closing, the Club members urged Council to pass an ordinance in support of banning smoking in the City's 12 pocket parks. They thanked Sage Gerling, Director of ONI, Mark Perry, Building and Parks maintenance, Jessica Kenneda of Reality Check, Helen Dunlap and Penny Gugino from the Tobacco Action Coalition of the Finger Lakes and Allauna Overstreet-Gibson and Kati Costello from the Boys & Girls Club.

City Manager Horn said the members of the Keystone Club have been working with Sage Gerling and Mark Perry through the Civic Innovation HUB to develop a proposal and will bring it before City Council very soon.

5. PRESENTATION – NEXT GENERATION LEADERS PROGRAM

City Manager Horn said staff development has been a part of his personal performance each year. He said we know that in economic "crunch times" one of the first things to go is training. He said he and staff began looking at succession planning as key to continuing the energy that we are seeing in the City and making sure that we can address challenges that we could be facing, knowing that we are facing a leader deficit. He said an unusual number of supervisors expected to retire in the next ten years are from the Department of Public Works and the Police Department and our number one

preference is to hire from within whenever we can, giving staff who are inter ranked today that first opportunity.

City Manager Horn said we want to foster workplace engagement. He said there are also lots of opportunities outside of department heads or assistants positions for program managers or project managers, and we want to make sure people inside our own ranks are capable of meeting those challenges. He said we want people to know what's going on inside of the full City, as well as boost morale.

City Manager Horn said the most cost effective way to address leadership challenges is to address them from within, which is developing the people we have in front of us today. The following process was followed:

Step 1 – Bench Strength Evaluation (who do we have in the pipeline)

- Evaluation – staff was asked to look deep within the bench to identify individuals who could be leaders in the next 5 to 10 years within their department and other departments.

Step 2 – Engaging the Bench (invitation/application)

- Outreach – managers were encouraged to discuss the program with potential applicants and support participation. Program applications were open to everyone in the organization. Potential applicants were asked to develop a resume, cover letter and to complete professional development assessment.

Step 3 – The Right People in the Right Seats (putting the team together)

- Selection – the management team reviewed all 20 applications and discussed as a group; combined scores and the top 13 candidates appeared most ready to develop and contribute to the team were selected for interviews; management team conducted all interviews and 7 applicants/interviewees were selected for participation in the program.

Mentor relationships were set up so that they were not necessarily mentored by someone who was your department in order to cross and connect relationships that would not otherwise be there.

The Team:

- Nick DeMaria – 6th year, Wastewater Treatment Division; mentored by Mark Perry, Director of Public Works
- Steve Horton – 12th year, Water Maintenance; mentored by Kelly Doeblin, Deputy Comptroller
- Michael Karweck – 17th year, Highway Division; mentored by Jeffrey Trickler, Police Chief
- Jacqueline LaVoie – 6th year, Engineering Division; mentored by Doris Myers, City Clerk
- Anthony Marino – 9th year, Wastewater Treatment Division; mentored by Jennifer Slywka, Director of Human Resources
- Jack Montesanto – 6th year, Drug Enforcement Unit; mentored by Sage Gerling, Director of Neighborhood Initiatives

- Tyler Turner – 18th year, Uniform Patrol Sergeant; mentored by Adam Blowers, City Comptroller

City Manager Horn said there was work associated with the application package before getting started. Each mentee was required to sign an agreement. The mentors, mentees, program managers all made a cross commitment to each other. The team members have acknowledged that there's extra work that will be required to do outside of their jobs and have agreed to do so without compensation.

Step 4 – Arming the Team (you have to work just to get in the door)

- Preparation – All management team have read the course text first
- Course Text – Leadership development book, "*Starts with Why*" by Simon Sinek all mentees are required to read the text – basic principle of the book is the Golden Circle. Most organizations know what we have to do and know how to do it, but the best of the best know "*why*" we are offering the services we are offering. He said based upon that "*why*" we will know how we want to do things and what we want to do.
- Personality Types – Myers-Briggs Personality Type is a tool that provides insight on why you do what you do, how you process information, why you do what you do, etc.

Step 5 – The program (professional development, organizational familiarity, real-world)

- Program Overview – 6-month course; one day per month will be dedicated to facilitated programming, and tonight is the first outside of work activity; half day of work will be dedicated to unfacilitated work.
- Professional Development – general leadership principles, familiarization with IT skills, presentation skills, public speaking, etc.
- Organization Familiarity – conversations regarding other areas of operation
- Challenge – addressing a real world city challenge, "Identify the top issue facing Geneva as an organization or a community". Challenge: "The highest and fastest rising cost facing the City of Geneva today is the cost of salaries and benefits. Review all union and management benefits packages, fiscal forecasts, historical budget documents, and similar materials from other communities and identify opportunities to reduce costs and slow the rate of growth over the next 10 years".
- Timeline – text review is underway, mentees will attend all City Council meetings, facilitated sessions and project work begins June through November, preliminary project report to the management team in November and final report will be presented to City Council at the December meeting.

Step 6 – Sustainability (deepening the pool)

- The Next, Next Generation – at the conclusion of program, a program assessment will be completed, we'll ask for recommendations regarding program participants and encourage current mentees to serve as mentors in future programs.

6. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Valentino; seconded by Clr. Camera
MOVED THAT the minutes of the May 6, 2015 meeting be approved
ROLL CALL: Aye – Clr. Valentino, Clr. Martino, Clr. DiCostanzo,
Clr. Hagerman, Clr. Augustine, Clr. Camera, Mayor
Alcock
Abstain – Clr. D'Amico
Absent – Clr. Greco
MOTION CARRIED

7. CORRESPONDENCE

The City Clerk reported that a Notice of Claim was filed on May 21, 2015 by Rachelle and Harry Havron. The claim alleges claimant (Rachelle Havron) was injured when she stepped in a hole, sustaining serious physical injuries as a result.

8. PUBLIC COMMENT

Mayor Alcock opened Public Comment at 7:52pm.

- Chris Lavin, Executive Director of Boys & Girls Club/Geneva Community Center
Introduction – He thanked Council for listening to the presentation on Smoke-Free Parks. He said he remembers 47 years ago beginning his career speaking in front of the Rotary Club, which led to a job at the Finger Lakes Times, the St. Petersburg Times, Rochester Newspaper and the San Diego Tribune. Mr. Lavin introduced himself to Council, noting he attended St. Stephen's School, DeSales High School and Hobart College. He said he is home now and appreciates the partnership with the City. He added he is amazed with the strength of the community to build a community center that represents people with the least needs and people with the greatest needs. Mr. Lavin said we have a lot of good things going on, he is happy to be back home and looks forward to working with the City.
- Charles King, Washington Street
Solar Panels – Mr. King said although he has progressive values, he has conservative aesthetics that create cognitive dissonance, as the solar panels are not aesthetic he expressed the benefits of reality for our younger generation. He encouraged Council to always resolve the aesthetic preferences and cognitive dissonance that arise from the phenomena of change in favor of the future as you govern the private property of our rooftops, yards and fields.
- Jim Meaney, Founder of Geneva Night Out
Scott LaFaro Drive Update – He said the name change has been successful beyond what he had anticipated. He said he received an email from a "Scott LaFaro" fan that recently drove through Geneva, recognized the street sign and is thrilled that Scott's hometown honored him. Mr. Meaney thanked Council again for supporting that effort.

Geneva Night Out Theme – Mr. Meaney said the month of July's theme will be "Seneca Lake Monster Edition". He said the native people of the region believe there was a huge serpent that lived in the lake. He said since 1883 there have been at least 20 reported sightings of this monster in Seneca Lake. He added reports describe this monster as being about 20-50 feet long, 800-1200lbs, round with a greenish tinged, a triangle head, two rows of teeth and a tail resembling that of a whale. He said the most famous sighting was on July 14, 1990 when an old steamboat was traveling from Watkins Glen to Geneva and encountered the creature. Passengers aboard that steamboat included the public works commissioner, the police commissioner and a geologist and the steamboat eventually rammed the creature and it died. He said a 40-minute documentary will be shown on Friday, June 5th at the Smith and another showing in July on the Seneca Lake Monster Edition. He said there are other lakes that have their own mythical monsters such as Lake Champlain, VA; Port Henry, NY; Lake Peppa Monster, Lake Peppa, Minnesota; White River Monster in Arkansas. Mr. Meaney urged Council to consider putting an ordinance in place to protect this creature that may or may not be. He hopes this ordinance would be in place by July 10th.

As no other persons of interest came forward, Mayor Alcock closed Public Comment at 8:02pm.

9. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 273 OF THE GENEVA MUNICIPAL CODE – SANITARY CODE

City Manager Horn presented the following ordinance:

WHEREAS, the Geneva City Council has identified "Talent Capitalization" and "Pride of Place" among its Strategic Imperatives for Success; and

WHEREAS, the Geneva Green Committee has performed in-depth research on composting practices, and identified the activity as beneficial to environmental stewardship; and

WHEREAS, City Council concurs with the findings of the Committee's research and is seeking to make regulatory changes necessary to permit the practice throughout the City; and

WHEREAS, Chapter 273 of the Geneva Municipal Code contains multiple barriers to residential composting.

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does amend Chapter 273 of the Geneva Municipal Code as follows:

Section 273-2--Definitions:

DELETE:

Definitions and references to Rubbish and Refuse

ADD:

Compost: The Humus-like product of the process of composting organic waste, which may be used as a soil conditioner.

Composting: A controlled biological treatment process by which microorganisms decompose the organic fraction of waste, producing a stable humus-like material.

Composting Material: Organic waste in the process of becoming compost.

Composting Operation: All composting activities conducted on a site, including all composting material, stored landscape waste and end-product compost located on any site at any one time.

Food waste: Animal and plant waste resulting from the handling, preparation, cooking, serving and non-consumption of food.

Landscape waste: Grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, including any discarded fruits, vegetables and other vegetative material generated in the care of a garden.

Organic waste: Food waste, landscape waste, wood waste and other non-hazardous carbonaceous waste.

Trash/Recyclables: Non-organic manufactured articles that have outlived their usefulness, composed of materials such as paper, cardboard, rags, glass, metal, plastics, ceramics, cleaning compounds, and upholstery materials.

Section 273-7—Refuse: Retitle and Amend as Follows:

Organic Waste

273-7 Organic Waste

- A. Food waste must be disposed of in one of three ways: use of a sink disposal unit, storage in an airtight container until it can be taken away by a licensed trash collector, or by composting. In the case of composting, only the plant component of the food waste and eggshells may be composted. The animal waste component must be disposed of in a sink disposal unit or by trash collection. Landscape waste must be disposed of by setting it at curbside for the semiannual municipal pickup, taking it to the city transfer station, or by composting.

- B. Small-scale composting that does not require a permit under New York State DEC regulation and enforcement code Chapter 4, shall be allowed in the City of Geneva so long as it meets the following regulations
 - 1. Composting materials must consist only of plant food waste, eggshells, and yard waste, but not animal feces.
 - 2. All compost must be generated and utilized on site.

3. When only plant food waste is being composted, the composting material and compost must be in a composting container, closed on top and all four sides, with suitable holes and slots to allow for air circulation. When only landscape waste is being composted, the container need not have a top, but should be enclosed on at least three sides with strong wire mesh or wood slats. When properly mixed and covered with yard waste, food waste composting material may be introduced into the more open yard waste containers.
4. The composting materials shall be mixed or turned at regular intervals as conditions mandate, to remix ingredients, distribute moisture, rebuild porosity and aid in the physical breakdown of the composting material. Water or wet food waste should be added during dry weather to maintain the appropriate moisture level.
5. The composting operation should contain no more than 10 cubic yards of composting material unless express written authorization has been issued by the City of Geneva Department of Public Works.
6. The composting activities shall be located or constructed to prevent composting material from sitting in ponded surface water, and shall be situated no closer than 15 feet from the average seasonal high water line of perennial water bodies.
7. The composting container shall be located no closer than four feet to any side or rear property line.
8. In no event shall composting activities be conducted in a manner that creates public nuisances such as bad odors, swarming insects, or rodents.

Section 273-10—Garbage: Retitle and amend as follows:

Food Waste Containers

The occupant of any dwelling unit, building, premises or place of business in the City where trash/recyclables and/or food waste is accumulated or exists, shall provide or cause to be provided suitable leak proof and efficient receptacles, with tight covers, for receiving and holding without leakage all trash/recyclables and/or food waste that may accumulate from said unit, premises, business or the portion thereof of which such person may be the occupant. Such receptacles shall be kept securely closed at all times and placed and kept in such a position as the authority having jurisdiction or authorized representative may direct.

Section 273-11—Dumping: Amend as follows:

No person shall dump and/or store any trash/recyclables or organic waste upon any property, public or private, including his/her own, in the City of Geneva, except for the purposes of composting, waiting for trash/recyclables pickup by a licensed hauler, or the biennial setting out of landscape waste for municipal pick-up as set out in sections 273-7 and 273-10.

This ordinance to become effective upon two affirmative readings of the Geneva City Council.

RESOLVED this 3rd day of June, 2015

~AND~

10. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 300 OF THE GENEVA MUNICIPAL CODE – SOLID WASTE

City Manager Horn presented the following ordinance:

WHEREAS, the Geneva City Council has identified “Talent Capitalization” and “Pride of Place” among its Strategic Imperatives for Success; and

WHEREAS, the Geneva Green Committee has performed in-depth research on composting practices, and identified the activity as beneficial to environmental stewardship; and

WHEREAS, City Council concurs with the findings of the Committee’s research and is seeking to make regulatory changes necessary to permit the practice throughout the City; and

WHEREAS, Chapter 300 of the Geneva Municipal Code contains multiple barriers to residential composting.

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does amend Chapter 300 of the Geneva Municipal Code as follows:

Section 300-2—Definitions: Amend as follows:

Delete:

Definition of Refuse

Add:

Trash/Recyclables: Non-organic manufactured articles that have outlived their usefulness composed of materials such as paper, cardboard, wood, rags, glass, metal, plastics, ceramics, cleaning compounds, and upholstery materials.

Section 300-3 (A)—Receptacles required: Amend as follows:

- A. Residential premises and individual business places.
 1. The owner of residential and multifamily premises within the City of Geneva, or individual places of business within the City of Geneva, shall provide or cause to be provided at all times sufficient receptacles for receiving and containing trash/recyclables and food waste that may accumulate or be used on said premises. All such containers shall be securely closed at all times.
 2. Trash/recyclables/food waste receptacles shall not be stored in the front yard area of any developed parcel within the City without prior approval from the City. Containers shall be stored on the side or rear yard areas at all times except when they are brought to the curb on pickup day. Once emptied, they must be returned to the side or rear yard area. In no event shall trash/recyclables/food waste receptacles be left in the front yard for more than

a twenty- four hour period

Section 300-4—Deposit on Public or Private Property: Amend as Follows:

No person shall throw or deposit or cause to be thrown or deposited any trash/recyclables or organic waste in or upon any traveled portion of a public highway, street or place, or on any property not owned or occupied by him within the City of Geneva.

This ordinance to become effective upon two affirmative readings of the Geneva City Council.

RESOLVED this 3rd day of June, 2015

FIRST READING: June 3, 2015

City Manager Horn noted that per Clr. DiCostanzo' s suggestion and the endorsement of others he did go back and review the Sanitary and Solid Waste code to make sure that the authority having jurisdiction has the ability to immediately discontinue practice if they find it to be obnoxious or harming of a neighboring property.

ACTION TAKEN by Clr. DiCostanzo; seconded by Clr. Valentino
MOVED THAT items 9 and 10 be taken as a block be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

ACTION TAKEN by Clr. Hagerman; seconded by Clr. Camera
MOVED THAT items 9 and 10 ordinances be approved for first reading
MOTION CARRIED UNANIMOUSLY (8-1 absent)

11. **RESOLUTION SUPPORTING CONSTITUTIONAL AMENDMENT – CORPORATE CAMPAIGN CONTRIBUTIONS**

City Manager Horn presented the following resolution:

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations; and

WHEREAS, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms; and

WHEREAS, this corporate misuse of the First Amendment and the Constitution has reached an extreme conclusion in the United States Supreme Court's ruling in *Citizens United v. Federal Election Commission* (2010), No. 08-205; and

WHEREAS, the United States Supreme Court's ruling in *Citizens United v. FEC* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, The opinion of the four dissenting justices in *Citizens United v. FEC* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable **treatment** of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, when translated into terms that are relevant to just one of our concerns in the Finger Lakes, gas storage under the southwestern shore of Seneca Lake, a limited liability corporation is able to afford public relations firms and engineering consultants to present a benevolent corporate profile while implementing a strategy of regulatory capture (related to DEC permitting) and overcome broad local resistance to this project: and

WHEREAS, *Citizens United v. FEC* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections inviting future infusion of monies in local political campaigns; and

WHEREAS, the United States Supreme Court's ruling in *Citizens United v. FEC* represents a serious and direct threat to our democracy; and

WHEREAS, The general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest (for example, in the case of Seneca Meadows' expansion of landfill operations over the wishes of affected neighboring communities) and that, therefore, the political influence of corporations via their gifts and donations to community organizations and elected officials should be limited; and

WHEREAS, In 1816, Thomas Jefferson wrote, "I hope we shall crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country"; and

WHEREAS, In 1864, President Abraham Lincoln wrote, "As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed"; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, Notwithstanding the decision in *Citizens United v. FEC*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections; now, therefore be it

RESOLVED, Geneva City Council respectfully disagrees with the majority opinion and decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*; and be it further

RESOLVED, that we call upon the New York State Legislature to pass Bill SO2667 supporting this effort; and be it further

RESOLVED, that we call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse *Citizens United v. Federal Election Commission* calling to restore constitutional rights and fair elections to the people.

RESOLVED this 3rd day of June, 2015

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

12. RESOLUTION AFFECTING THE SALE OF CITY PROPERTY - 62 NORTH MAIN STREET

City Manager Horn presented the following resolution:

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

WHEREAS, the City maintains an inventory of publicly-owned property; and

WHEREAS, annually, the City staff conducts a review of City-owned property to determine if there is further public purpose, or if releasing the property for sale would assist in Council's community development objectives; and

WHEREAS, Council has determined that 62 North Main Street in the City no longer serves a public purpose, and sale of this property would contribute to Council's community development objectives.

WHEREAS, a public hearing was held for the sale of the lot; and

WHEREAS, the City has received an offer of sale for this lot from the Jessica Bryant in the amount of \$20,000

NOW, THEREFORE, BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does direct the City Manager and City Attorney to prepare documents necessary to affect the sale of the aforementioned property to Jessica Bryant for \$20,000.

RESOLVED this 3rd day of June, 2015

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

13. RESOLUTION SUPPORTING DOMESTIC VIOLENCE PREVENTION ACT
("BRITTANY'S LAW") BY THE NEW YORK STATE ASSEMBLY

Clr. Augustine presented the following resolution:

WHEREAS, on November 19, 2009, the City of Geneva suffered the loss of two residents, Helen Buchel and her twelve year old daughter, Brittany Passalacqua in a brutal double homicide in their home; and

WHEREAS, the perpetrator of the crime was a convicted violent offender, recently released on parole; and

WHEREAS, the victims were unaware of their assailant's prior history; and,

WHEREAS, Dale Driscoll, mother and grandmother of the victims has appealed to the NYS Legislature since 2011 to enhance post-release classification and notification requirements for violent felons commensurate with the brutality of their crimes; and

WHEREAS, Senator Michael Nozzolio and Assemblyman Brian Kolb have sponsored passage of the Domestic Violence Prevention Act ("Brittany's Law") in the NYS Senate and Assembly, respectively; and

WHEREAS, the bill has passed the State Senate each year but has failed to come to a vote in the Assembly; and

WHEREAS, the City of Geneva stands in solidarity with the family in petitioning the State Assembly to take up and pass this bill;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Geneva makes a demand of the NYS Assembly leadership to bring this bill to the floor for a vote; and

BE IT FURTHER RESOLVED that the City Council of the City of Geneva makes direct appeal to the NYS Assembly leadership to make 2015, the year that Brittany would

have graduated from Geneva High School, the year that "Brittany's Law" finally passes the Assembly and becomes law in New York State.

RESOLVED this 3rd Day of June, 2015

Clr. Augustine said she put forward this resolution because she thought this law had already passed, because it has passed the State Senate each year since it's been proposed and she didn't realize it was still sitting in the assembly. Clr. Augustine said this is the year Brittany would have graduated from high school, which is her son's graduating class year also. She said she also had the opportunity to talk to Brittany's grandmother. She said it is sponsored by Allene Gunther an Assembly Democrat who has not been able to get it out of the crime committee even for amendment considerations. She said this resolution asks that they please bring it to the floor for a vote and further encourages Assemblyman Kolb who has already pledged support for the bill once it reaches the floor to vote in favor.

Clr. D'Amico said he knows Senator Nozzolio and Assemblyman Kolb have been sponsors of it and he believes it passed the Senate six times. He said there is an on-line petition that people can sign to support passage by the assembly and the legislative session will be closing soon and there is a sense of urgency from Leader Kolb to put some pressure on the Assembly to try to get this passed. Clr. D'Amico urged supporters to view Assemblyman Kolb's website and sign it.

Clr. Augustine said for those willing to make a phone call to the Chairman of the Crime Committee, Daniel O'Donnell, the phone number is 518-455-5603, staffed Monday thru Wednesday.

ACTION TAKEN by Clr. Augustine; seconded by Clr. D'Amico
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

14. RESOLUTION AUTHORIZING LOAN OF CITY RECORDS TO THE GENEVA HISTORICAL SOCIETY

City Manager Horn presented the following resolution:

WHEREAS, in 1984 the oldest Village of Geneva Minute Books and City of Geneva Minute Books from 1898 through 1907 were loaned to the Geneva Historical Society for safe keeping and adequate storage, with legal custody of these records remaining with the City of Geneva, and

WHEREAS, in 2001 the Council Minute Books dating from 1908 through 1969 were also loaned to them for safe keeping and more adequate storage, and

WHEREAS, the City Clerk has approached the Geneva Historical Society about loaning some additional books and records to the Geneva Historical Society for safe keeping including:

- Council Minute Books dating from 1989 through 2009

and the Geneva Historical Society has agreed to take possession of these records and provide adequate storage of these valuable archival records, with the understanding that legal custody will remain with the City of Geneva.

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council of the City of Geneva, New York does hereby authorize the loan of the above listed records to the Geneva Historical Society for safe keeping and adequate storage of these valuable archival records, with legal custody of these records remaining with the City of Geneva.

RESOLVED this 3rd day of June, 2015

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

15. RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS

City Manager Horn 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 attached schedule of equipment and supplies no longer contributes value to the City's operations; and

WHEREAS, the equipment and supplies in the attached schedule may either be destroyed or sold 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 attached schedule; the proceeds of any sale shall be applied to the Equipment Amortization Fund.

RESOLVED this 3rd day of June, 2015

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

16. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 306 OF THE GENEVA MUNICIPAL CODE – STREETS AND SIDEWALKS

City Manager Horn presented the following ordinance:

WHEREAS, the Geneva City Council has identified "Pride of Place" among its Strategic Imperatives for Success; and

WHEREAS, a safe, accessible pedestrian network is critical to a healthy community;
and

WHEREAS, in 2013, City Council enacted changes to the Geneva Municipal Code to advance repairs of sidewalks as part of property sales; and

WHEREAS, in cases of non-compliance, the City is charged with executing the repairs, utilizing taxpayer resources to address these challenges.

NOW, THEREFORE BE IT RESOLVED that the Geneva City Council, hereby and in due form, does amend Chapter 307 of the Geneva Municipal Code as follows:

Section 306-7 (C) (2)—Repairing Sidewalks: Amend as Follows:

2. All other deficiencies must be completed prior to sale of the property. If repairs are not executed as directed by the Director of Public Works, the City shall address necessary repairs; the cost of which plus an administrative fee of 50% will be billed to the property owner.

First Reading: June 3, 2015

City Manager Horn said the program was originally structured such that if you failed to comply, a lien would be placed on your property. He said under our evaluation we found that on the date of closing, inspections are not being done and if the sidewalk does not meet compliance then the lien applies to the next owner. If that happens then the City ends up doing the work and not able to collect against the lien until the property turns over. This resolution removes the language concerning the lien and default this to our normal course of business, which is to conduct the repairs, bill the property owner for the work plus penalty and if unpaid, apply that to the next tax bill.

Clr. DiCostanzo stated for "point of clarification" – well over one hundred sections of sidewalk is equivalent to one hundred properties.

Clr. Camera suggested placing a form in the closing packet to be sure it is completed. City Manager Horn said the real estate agents are aware but it's left to the lawyer on closing day to enforce the sidewalk inspection compliance. He added the form does show up at closing which puts us in a similar situation.

In summary, City Manager Horn said if a house is listed to sell, the seller contacts DPW for a sidewalk inspection, the owner has 60 days (depending on how severe the situation is) to comply if there is a sidewalk repair, lawyers discloses to buyer what will happen if you don't and now we're at closing. This resolution states it will never take more than a year to recoup the costs.

ACTION TAKEN by Clr. Hagerman; seconded by Clr. DiCostanzo
MOVED THAT this ordinance be approved
MOTION CARRIED UNANIMOUSLY (8-1 absent)

17. BOARDS/COMMISSION APPOINTMENTS

Per Sage Gerling's recommendation, Clr. D'Amico requested approval of Andrew Hintenach, Sophie Elkin, Kirin Makker and Victor Pultinas for reappointment to the Public Arts Commission. Clr. D'Amico also recommended, per the Shadetree Committee, Wanda White for appointment to a 3-year term.

ACTION TAKEN by Clr. D'Amico; seconded by Clr. Augustine
MOVED THAT Andrew Hintenach, Sophie Elkin, Kirin Makker and Victor Pultinas be reappointment to the Public Arts Commission and that Wanda White be appointed to a 3-year term on the Shadetree Committee
MOTION CARRIED UNANIMOUSLY (8-1 absent)

18. MAYOR AND COUNCIL REPORTS

Clr. DiCostanzo – no report

Clr. DiCostanzo said he attended the Comprehensive Plan but had to leave early so he deferred to Clr. Augustine to report.

Clr. Martino reported the following:

- World War II monument at Pulteney Park was completed in time for the Memorial Day Celebration. There were 38 additional names scripted on it. He thanked the City for all their efforts in making this happen
- Washington Street Gateway project continues to move forward. They hope to have it completed by the end of this year.
- Geneva Historic District Commission met and talked about placing a library box in Pulteney Park in hopes of introducing more people to the park. It was suggested locating the box somewhere in the southwest corner of the park.
- Geneva South met – planning a picnic in Pulteney Park again this year – tentative date of July 16th, and perhaps a late summer concert in the park.

Clr. D'Amico reported the following:

- LDC met at Noon today. Planning and Institutional Committee met and would like to meet with some of the larger businesses in the City for recruiting purposes; looking to generate a core group of volunteers to do tours for potential residents of the City.
- Live Where You Work Program – huge success. Homebuyers have been awarded \$2,500 to help them with closing costs. LDC voted to create five additional new slots (\$12,500) to run until mid-next year.
- LDC and IDA have partnered to do an appraisal for commercial property (corner of North Street and Exchange Street)
- Taxpayer Questions:
 - Bumps in the road on the west side of Jefferson Street. He said Mark and Neal are working on this.

- Resident concerned about property behind Baroody's Store next to the Bus Station – concerned about vandalism. He suggested maybe installing security cameras
- Food trucks – he would like to revisit the issue of food trucks in the City
- Main Street – residents are concerned regarding truck traffic on S. Main Street. When Clr. D'Amico asked what truck drivers are typically ticketed for, Chief Trickler said for "failure to obey a traffic control device"

Clr. Valentino – no report

- Properties not Maintained – Clr. Valentino said when we have to drive our resources to cut and then charge a property because they are not maintaining their property, he would like Council to see that list and publicize that list more openly, so they can try to drive some change there. When we sell land, Clr. Valentino said he would also like to include a stipulation in the sale that states if you do not maintain your property it can revert back to the City or there be some sort of recourse. City Manager Horn said he will check with the attorneys on this.

Clr. Hagerman reported the following:

- Linden Street will be closed on June 6th for the 2nd Annual Rose Soirée
- BID Update:
 - Potential for some new signage for the SLWA in Geneva – City Manager Horn will talk about it in his report
 - Cruisin' Night – new sponsors through Watkins Glen International – interested in having a presence in Geneva.
 - Richards Park – he asked if police are patrolling through that park. City Manager horn said staff is working through some of those concepts now.
 - Geneva Foundry – inquired as to whether there has been anymore dialogue regarding the Foundry project. City Manager Horn said the State provided some information back to our consultants and they are reviewing it now to put a response together.
 - Jeff Henderson's Property on State Street – City Manager Horn said he just received communication on that property and is reviewing it with Code now.

Clr. Camera reported the following:

- Geneva Green Committee – Clr. Camera said the committee is continuing their research work. He shared the letter with Council that one of their members wrote to the County with recommendations regarding the landscaping plan for FLCC, which had a number of invasive species in that plan.
- LDC Sidewalk Plan – He would like to discuss low-interest loans for people that cannot afford to make repairs. City Manager Horn will provide an update on that.

- Food Trucks – Clr. Camera said he agrees that we should revisit the food truck issue and start with some designated places on the Lakefront. He said it will also give the perception that there is activity in that area.
- Aid to Handicapped Committee – He said he spoke with Joe Commesso and those meetings will start up again very soon.
- Leachate – City Manager Horn will provide an update.
- Upper North Neighborhood – will conduct an organizational Inaugural Meeting on June 4th at the GNRC at 6:30pm. He said there are approximately 200 houses in Geneva that are vacant and he knows the City struggles with getting the attention of the bank. He suggested the City research a program (private contractors) to find out where bills can be sent, noting that the flow is the problem. He said he would like to see the City work out some sort of mechanism that doesn't burden staff and really puts the onus on the banks. City Manager Horn said staff is actively working on a business plan now.

Clr. Augustine reported the following:

- Shadetree Committee Letter - Clr. Augustine said she is wondering if there is a way City Council can put in a word at the County letting them know that we would like some response to the letter and indicate we endorse the recommendations of the Shadetree Committee.
- Opposing LGP Gas Storage – Clr. Camera sent a letter to the City of Syracuse regarding joining Geneva in opposing the Crestwood LGP Gas Storage Facility and they did pass a resolution opposing that, she said and there are now 27 municipalities that are on board in opposition in five counties and we have three letters going out to Onondaga, Livingston and Wayne Counties. She said it was suggested that we do an elected official press conference that will get this on the radar screen politically. She said they are actively seeking designated people in the other municipalities to try to promote it.
- Comprehensive Plan – presentation by Kennedy Smith, Consultant for the CLUE Group revitalization firm, which was an overview about downtown revitalization strategies that have worked in other communities. She said Ms. Smith sought feedback about where we think we're headed, what we would like Geneva to look like and communicate to people who live here and people who might visit or might be looking to live here, etc. She will gather data about the market that will help us figure out what strategies we'll implement to obtain those objectives. Clr. Augustine said they played a board game that was based on a budget for neighborhood investment projects without having to raise taxes and then prioritize what areas of investments would be. She said it was interesting to note that there was consensus about the areas and types of investments that people thought were the highest priorities.

Mayor Alcock – Thanked Clr. Martino for his work in getting the monument in Pulteney Park engraved with the names of World War I veterans.

- Solid Waste Composting Plan – Mayor Alcock said he wasn't quite sure how he was going to vote until City Manager Horn talked about the enforcement of regulations. He said he was fearful that composting would turn a lot of backyards into dumps, which is probably why the original ordinance was made. He said he hopes staff will be diligent about enforcement.

19. CITY MANAGER REPORT

Linden Street – City Manager Horn said based on a recent presentation from James Emery-Elkin and feedback from City Council at last month's meeting, staff convened and discussions began regarding closing Linden Street from 5:00pm or 6:00pm Friday evenings until early Monday morning. He said this will allow for pedestrian traffic to attend events. He said at the next meeting conversations will be about keeping the traffic flowing during the day and about what businesses are open in the evening hours. He said stakeholders will refine the proposal and bring it back to Council at the July meeting.

Seneca Lake Wine Trail – City Manager Horn said the Seneca Lake Wine Trail is working closely with the Public Art Committee to develop a proposal for some sort of feature that would indicate Geneva is at the head of the Seneca Lake Wine Trail and we're located in a special place. The Seneca Lake wine Trail organization is looking to provide some funding to make that happen. He said the Public Art Committee will be the lead agency on this project.

Leachate – City Manager Horn said based on an analysis performed by the Comptroller on the 10-year Performa of the sewer fund and the sewer treatment cost, he advised Casella and began charging them a new leachate rate effective March 21st which is higher than the contract rate. He said we are working with our attorneys on strategy for what Council's ultimate position is which is to be out of that business in the very near term.

LDC Sidewalk Program Recommendations – He said the LDC is split into three committees and this project comes under the Real Estate Committee who concurs with Clr. Camera's assessment that we have a sidewalk challenge but is concerned about the granular approach and wants to participate in a more impactful way. He added staff will look at this as part of the budget process.

Pulteney Street Closure – City Manager Horn said the college has advised that the reopening date for Pulteney Street will be June 12th. Clr. Augustine asked if the College plans to pursue the Higher Education Capital Match Grant regarding improvements to the right-of-way. City Manager Horn will follow up with the Colleges.

Clr. Hagerman suggested if the members of the Boys & Girls Club Keystone Club could come back for first reading of the Ordinance regarding Smoke-Free City Parks.

Regarding the Pulteney Street issues, Clr. Camera said his message to the public is that for some reason the resident's perception is that the City is doing things behind the community's back and he feels this Council has been striving for transparency. He added the whole idea is to be a collaborative government that works with our residents and it will be messy sometimes. He said it is unfortunate that some residents feel there is some sort of conspiracy going on. He said we may have miscommunicated (the Pulteney Street issue) but it was never our intention to misguide anyone.

20. ADJOURNMENT

ACTION TAKEN by Clr. D'Amico; seconded by Clr. Hagerman
MOVED THAT this meeting be adjourned at 9:07pm
MOTION CARRIED UNANIMOUSLY (8-1 absent)