

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

MAY 1, 2013 – 7:00PM

Presiding – Ron Alcock, Mayor  
Present – Matt Horn, City Manager

### 1. ROLL CALL

Present: Clr. Greco, Clr. Hagerman, Clr. Camera, Clr. Valentino, Clr. D'Amico,  
Clr. Martino, Clr. DiCostanzo, Clr. Augustine (arrived at 7:05pm)

### 2. PRESENTATION BY GENEVA HISTORICAL SOCIETY

Kerry Lippincott, Executive Director of the Geneva Historical Society, gave an overview of how the Historical Society tells the story of Geneva. She said the Society tells stories, past and present, through collections, exhibits and programs of how local people, places and events fit in the State and National history.

She said the Historical Society owns and operates four historic house museums: Rose Hill Mansion, Greek revival architecture – open from May to October for guided tours that primarily chronicles the life and times of a Swan family that lived on Rose Hill from 1850-1890; Johnston House, home of Scottish immigrant, John Johnston and his family from 1821-1877, self-guided tours and hands-on activities are offered from May to October, and also displayed is an extensive drain tile collection; Balmanno Cottage, open year round – guided tours by appointment, centers around Langer Walker who lived there from 1960-1997 and her husband's collections of early American furnishings; Prouty Chew, Federal style house that explores the stories of Geneva through exhibits and programs and serves as the Society's headquarters and houses the Historical Society's offices, collections, storage and archives. She said all properties, with the exception of Rose Hill, is free admission to the public and last year their data reflects nearly 5,000 people visited their properties.

Ms. Lippincott said the research room is run by their Archivist, Karen Osburn and is open weekdays for researchers. She said research requests are also taken by the phone, mail or email, noting over 500 people had access to our archives in 2012. She said users included local businesses, requests from Germany, Canada, Spain, Switzerland, Genealogist tourists, as well as from contractors prior to starting projects.

Ms. Lippincott said social media, digitizing their collections and Facebook pages are other ways they use to share Geneva's stories with the public. She added in January the Historical Society started a blog at [www.genevahistoricalsociety.blogspot.com](http://www.genevahistoricalsociety.blogspot.com), another way of sharing stories.

Ms. Lippincott said Geneva Historical Society offers a variety of programs to the public such as, free lectures to the general public in the spring and summer, "Community Day" is at Rose Hill on August 10<sup>th</sup> and Community Conversations – dialogues about Geneva's history.

In closing, Ms. Lippincott said a museum is part of the community and the community is part of the museum – done through collaborations and partnerships. She said the first one is through the City. She said Karen Osburn is also the City Historian and has stored and maintained City records since 1984 and are available to the general public. She said the second is with the Geneva City School District, primarily due to the Wyckoff Family Foundation, which underwrites all of the school programs thus allowing local students the ability to explore Geneva's history. She said they have also developed a great partnership with Hobart and William Smith Colleges – staff members are guest lectures in the classrooms. She added other partnerships include local businesses such as Billsboro Winery, Stomping Ground, Geneva on the Lake and Tops Markets.

3. PUBLIC HEARINGS

Mayor Alcock opened the Public Hearing at 7:14pm.

- A. Various Properties to be Auctioned
- B. Katherine Street Lots
- C. Pre-Emption Road Property

No persons of interest came forward and Mayor Alcock closed the Public Hearing at 7:15pm.

4. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Valentino; seconded by Clr. DiCostanzo  
MOVED THAT the meeting minutes of the April 3, 2013 be approved

Clr. Augustine requested that the minutes be amended to clarify her comment that the Commission not lose sight of their broader vision of "chasing" funding, but rather in the "pursuit of funding".

Also, she asked that it be noted that there were no quarterly reports received from the GHRC in 2012, but rather in March of 2013.

ACTION TAKEN by Clr. Valentino; seconded by Clr. Camera  
MOVED THAT the meeting minutes of the April 3, 2013 be amended to include Clr. Augustine's request and approved  
MOTION CARRIED UNANIMOUSLY

5. CORRESPONDENCE

On April 15, 2013 a Notice of Claim was filed by Concetta Pasqua, P.O. Box 4862 of Clifton Park, NY. The claim alleges wrong pipes were installed on new meter causing overpayment of water and sewage usage for a period of 2 years.

On April 17, 2013 a Notice of Claim was filed by Jerome Spina. The claim alleges damage to Mr. Spina's sidewalks that have not withstood the test of time and problems with the compaction of gravel base allowing settling to happen.

6. PUBLIC COMMENT

Daniel McGowan, 1 Mile Point

- Geneva Human Rights Commission (GHRC) – Mr. McGowan said in March 2012, Karen Baer acting as the head of the Geneva Human Rights Commission, deliberately sabotaged a concert by Gilad Atzmon, an artist event designed to raise funds for young people to study in Palestine. He said Ms. Baer did so by cunningly staging an alternative event at the Colleges and by publicly sliming the Atzmon concert as hateful and anti-Semitic.

Mr. McGowan also said that for the past year he tried to serve on the GHRC Board to support its true mandates and to prevent a repeat of the gatekeeping and smearing of opinions with which its current director may not approve. He added to date he has been unsuccessful. Mr. McGowan asked Council to consider him for the next opening on the GHRC Board.

Mark Claxton, 2274 Lyons Road

- Sidewalk Inspection – Mr. Claxton said he doesn't understand why residents have to notify DPW when selling their house. He added the City already has a code in place and all they need to do is enforce it.
- Finger Lakes Landfill Summit – He said it was wonderfully done. He said out of roughly 150,000 people in Seneca and Ontario Counties, only about 150 people attended.
- He commented on a great article in the paper regarding City Attorney David Foster.

As no other persons of interest came forward, Mayor Alcock declared Public Comment closed at 7:29pm.

7. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 306 – STREETS AND SIDEWALKS

City Manager Horn presented the following ordinance as proposed in first reading with no changes:

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

**WHEREAS**, in order to foster pride in our community and promote healthy neighborhoods it is necessary to ensure safe, accessible pedestrian infrastructure; and

**WHEREAS**, it has been observed that significant deficiencies exist in the City's sidewalk facilities; and

**WHEREAS**, Chapter 306 of the Geneva City Code mandates that all property owners keep abutting sidewalks "in a good state of repair;" and

**WHEREAS**, City Council wishes to provide an additional mechanism for ensuring that sidewalks receive due deference in property maintenance activities.

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form does amend Chapter 306, Article I as follows:

**Section 306-7 (C) Amended to Read:**

C. Prior to engaging in any marketing of property for sale, whether by realtor through a multiple listing service, for sale by owner, or any other means of sale or other transfer, the property owner shall notify the Department of Public Works who will schedule an inspection of sidewalks abutting the property. The Department shall issue an inspection report to the property owner citing immediate dangers and any other deficiencies in abutting sidewalks.

1. Any deficiencies that are considered a danger to the public via tripping hazards or other public safety concerns shall be repaired within sixty days. Such repairs not completed shall be subject to the repair process in Section A above.
2. All other deficiencies must be completed prior to sale of the property. A lien will be placed for the estimated cost of repairs, which shall be satisfied at or prior to closing of sale for the affected property.

**Section 306-7 (C) Renumbered to Section 306-7 (D)**

This Ordinance shall become effective upon two readings of the Geneva City Council.

Clr. Greco asked if a person repairs their sidewalk themselves, can they do so with no problems. City Manager Horn responded that they could, but the City would require a copy of the homeowners insurance listing the City as an additional insurer of that property.

Clr. Augustine said she will support this ordinance, but she feels the intent was to couple this with a program that would provide people with some assistance to do the project in a cost effective way and to reinvest tax dollars in community development. She said she thinks this is only half of the problem solved and hopes Council is still addressing this as part of the 2014 budget.

Clr. Camera said he agrees with Clr. Augustine and will consider introducing an amendment to remove the 50% penalty. He said he will offer forward to change the 50%

penalty to maybe a 5% service cost over a period of 3 years or the time of sale and will forward his thoughts to Council.

Clr. Hagerman said he also agrees with Clr. Augustine that the second half of this amendment include offering financial assistance to residents.

ACTION TAKEN by Clr. DiCostanzo; seconded by Clr. Camera  
MOVED THAT this ordinance be approved and adopted  
ROLL CALL – Aye: Clr. DiCostanzo, Clr. Hagerman, Clr. ' Augustine, Clr. Valentino, Clr. D'Amico, Clr. Martino, Clr. Camera, Mayor Alcock  
Nay: Clr. Greco

MOTION CARRIED

8. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 335 – VEHICLES AND TRAFFIC

City Manager Horn presented the following ordinance:

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

**WHEREAS**, City staff has received and reviewed a request to adjust parking restrictions on South West Street to assist a business owner; and

**WHEREAS**, it has been determined that this adjustment will enhance economic development without compromising public safety

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does amend Chapter 335-17 of the Geneva Municipal Code, as follows:

**AMEND TO READ:**

West Street

On the west side:

No parking from the north curbline of Hamilton Street to a point 75 feet northerly therefrom

This reading to become effective upon two affirmative readings

Clr. DiCostanzo said he was concerned how close the sign would be to the driveway entrance off of S. West Street. City Manager Horn said it is about one or two car lengths before you get to the driveway and appears to be safe.

ACTION TAKEN by Clr. Greco; seconded by Clr. D'Amico  
MOVED THAT the this ordinance be approved for first reading  
MOTION CARRIED UNANIMOUSLY

9. RESOLUTION AMENDING 2013 GENERAL, WATER, AND SEWER FUND BUDGETS

City Manager Horn presented the following resolution as a result of an increase in State funding to the City for additional paving activities this summer, town sewer litigation costs from the sewer fund to the general fund and a correction of an accounting error in the 2011 budget water and sewer fund transfer:

**WHEREAS**, the Geneva City Charter calls for City Council to amend budgets from time to time, as necessary, resulting from unanticipated revenues or expenses; and

**WHEREAS**, the Comptroller's Office has received notification that additional funds are to be allocated to the City from the State's CHIPS program; and

**WHEREAS**, the Comptroller's Office has reconciled legal expenses related to litigation efforts from previous years; and

**WHEREAS**, the 2011 budget called for a utility fund transfer, which did not take place

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does amend the 2013 City Budget as follows:

***General Fund***

*Revenues:*

CHIPS:	\$ 51,539 (add)
Utility Fund Transfers:	\$557,199 (add)

*Expenses:*

Appropriation to Capital Program:	\$ 51,539 (add)
Appropriation to Undesignated Fund Balance:	\$557,199 (add)

***Water Fund***

*Revenues:*

Appropriation from Fund Balance:	\$ 95,000 (add)
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*Expenses:*

Transfer to General Fund:	\$ 95,000 (add)
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***Sewer Fund***

*Revenues:*

Appropriation from Fund Balance:	\$465,199
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*Expenditures:*

Transfer to General Fund:	\$465,199
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**RESOLVED** this 1<sup>st</sup> Day of May, 2013

Clr. Augustine said she is really happy to see this, as it outlines why legal fees associated with utility fund litigation efforts were being carried closely by the general fund.

ACTION TAKEN by Clr. Augustine; seconded by Clr. Valentino  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

10. BRIEFING ON DOG CONTROL ORDINANCE

City Manager Horn referred to Clr. D'Amico's recount at the previous Council meeting regarding dog nuisance activities and some serious incidents that have occurred over the last few months. He said Clr. D'Amico's particular constituents question was "What can I do – What in the City Code protects me?" City Manager Horn said provisions related to handling of dogs is outlined in Chapter 77, Article III of the Municipal Code. He said basically any Peace Officer in the City can enforce the ordinance. He said the City contracts with the Ontario County Humane Society who is actually charged with the management of dogs. He added the ordinance requires that all dogs get a license, be vaccinated and be on a leash when outside of a structure. He said the ordinance lays out specific nuisance activities, fines that can be levied against the owner and that dogs can be impounded.

Clr. D'Amico asked if there is a Report of Findings as a result of a complaint made. City Manager Horn said he will provide that information to him.

City Attorney David Foster said the Judge takes a very serious view of these incidents and has a track record of such.

11. RESOLUTION ESTABLISHING A PUBLIC HEARING – 10 MIDDLE STREET

City Manager Horn presented the following resolutions and the City has received offers on both properties. He said we anticipate a recommendation to sell and the proposed public hearings will be in June with action in July:

**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 10 Middle Street no longer serves a public purpose, and sale of this lot would contribute to Council's community development objectives.

**NOW, THEREFORE, BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager to schedule a Public Hearing on the disposition of this property for June 5, 2013.

**RESOLVED** this 1<sup>st</sup> day of May, 2013

-AND-

**RESOLUTION ESTABLISHING A PUBLIC HEARING – N. GENESEE STREET**

**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 15 North Genesee no longer serves a public purpose, and sale of this lot would contribute to Council's community development objectives.

**NOW, THEREFORE, BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager to schedule a Public Hearing on the disposition of this property for June 5, 2013.

**RESOLVED** this 1<sup>st</sup> day of May, 2013

ACTION TAKEN by Clr. Greco; seconded by Clr. Camera  
MOVED THAT these resolutions be approved  
MOTION CARRIED UNANIMOUSLY

12. **RESOLUTION DECLARING CITY EQUIPMENT SURPLUS PROPERTY**

City Manager Horn presented the following resolution:

**WHEREAS**, the City of Geneva no longer has use for the items on the attached schedule

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York, that the above equipment be declared surplus property, and that said items be sold and removed from the City's inventory, the proceeds of which are to be placed in the General Fund Equipment Amortization Fund.

**FURTHER BE IT RESOLVED** the items on the attached schedule, having been destroyed, be removed from the City's fixed asset inventory.

**RESOLVED** this 1<sup>st</sup> day of May, 2013

ACTION TAKEN by Clr. DiCostanzo; seconded by Clr. Greco  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

13. RESOLUTIONS ESTABLISHING STATE FUNDING PRIORITIES

City Manager Horn presented the following resolutions. He said the process is that the Finger Lakes Regional Economic Development Council is completing work on its Strategic Plan for the Region and that strategic plan will compete against the other regions for the Governors top economic development prize and that economic development prize will receive a very significant share of the statewide funding. He said the remaining plans will be funded at a bit lower level. He added in the plans themselves there are specific projects identified as priority projects and they will receive a special pot of funding and the state will also release their Consolidated Funding Application (CFA) where other projects that were not submitted as priority projects will seek funds for those through the CFA rounds.

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

**WHEREAS**, in April of 2013, City Council issued a community-wide call for projects that would continue to shape the City as a community of choice, as identified in City Council's Vision Statement; and

**WHEREAS**, the City received submittals from private developers, local residents, City Councilors, and City staff for projects competing for distinction.

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does identify the following projects as Priority Projects:

Millennial Residences, Castle Street. Owner: David Linger/Wendy Marsh

Hotel Geneva, Exchange Street. Owner: Bob and Donna Stivers

Seneca Lake Access Improvements, Phase II. Owner: City of Geneva

**BE IT FURTHER RESOLVED** that City Council hereby directs the City Manager to commence with due haste notifying the Finger Lakes Regional Economic Development Council of City Council's strong endorsement of these projects for inclusion in the Regional Economic Development Plan.

**RESOLVED** this 1<sup>st</sup> day of May, 2013

-AND-

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

**WHEREAS**, in April of 2013, City Council issued a community-wide call for projects that would continue to shape the City as a community of choice, as identified in City Council's Vision Statement; and

**WHEREAS**, the City received submittals from private developers, local residents, City Councilors, and City staff for projects competing for distinction.

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does identify the following projects as Projects of Significance:

Millennial Residences, Castle Street. Owner: David Linger/Wendy Marsh

Hotel Geneva, Exchange Street. Owner: Bob and Donna Stivers

Seneca Lake Access Improvements, Phase II. Owner: City of Geneva

North Seneca Plaza. Owner: City of Geneva

Downtown Revitalization Program. Owner: City of Geneva

Lake Street Festival Commons. Owner: City of Geneva

**BE IT FURTHER RESOLVED** that City Council hereby directs the City Manager to commence with due haste in seeking federal, state, and private funds in support of these projects; to include the submission of project costs as part of New York State's Consolidated Funding Application round.

**RESOLVED** this 1<sup>st</sup> day of May, 2013

Clr. Augustine said she initially indicated in a previous iteration of this that she was going to recuse herself from voting due to ranking projects; however, given that all projects submitted are incorporated as priority projects, it is the recommendation now that she does not need to recuse herself.

Clr. Camera said he was also going to recuse himself but now feels comfortable voting as well.

ACTION TAKEN by Clr. Hagerman; seconded by Clr. Valentino  
MOVED THAT these resolutions be approved  
MOTION CARRIED UNANIMOUSLY

14. MAYOR AND COUNCIL REPORTS

Clr. Augustine reported the following:

- Shadetree Committee – She said the Arbor Day celebration was very successful and lots of school kids were present and trees were planted along West Street
- Seneca Lake State Park Parking Lot Project Update – met with representatives and the project is now being held over to next year. She said she requested that the City be allowed to have a meeting with the identified project champion regarding options for this addition.

Clr. Camera reported the following:

- Landfill Summit – he thanked Council for supporting the Landfill Summit that was held on April 24, 2013. He said one of the things he learned from David Vitale, Director of the Bureau of Permitting and Planning in the Division of Materials and Management, is that New York State imports as much as it exports in garbage. Clr. Camera said we could be doing a better job at recycling than we do by recycling and composting more, the garbage will become more expensive to get here and may reduce the amount of waste generated. He added we simply cannot make it easy for the garbage to get here.
- State Plan, Beyond Waste – he said the plan asks all Counties in NYS to track garbage. He said once we have those numbers, we can improve on how we support recycling efforts.

Clr. Hagerman reported the following:

- Landfill Summit – was a great event. He said for those who were not able to attend, there is a page on the website that recaps the event.
- Updates- Cruisin' Night, July 26<sup>th</sup>
  - Chamber of Commerce, Legislative lunch with Seneca County Chamber, accepting nominations for upcoming Athena Award – June 29<sup>th</sup> is submission deadline
  - BID collaboratively working with downtown merchants for Billboard signage to encourage visitors to come into downtown and support businesses
  - More storefronts that will be operating soon
  - 41 Lake Street – Stivers project, targeted to open Memorial Day weekend
  - Japanese Restaurant, Exchange Street, opening soon
  - Stomping Grounds – working on empty storefronts
  - Community playground, Phase II

Clr. Greco reported the following:

- Attended Brownfield Meeting – He said the presentation was very good and hopes that they accomplish all that they set out to.

Clr. Valentino – no report

Clr. D'Amico reported the following:

- Planning Board – met April 15<sup>th</sup>, two projects approved:
  - Metro Mattress Building, 11,000 sq. ft. and will occupy 3,000 sq. ft., front doors facing White Springs Road
  - Fairfield Inn Hotel adjacent to Tops Market, will need a variance due to height restrictions
- Local Development Corporation – met May 1<sup>st</sup>
  - The City took ownership of a property on 222 William Street and the rehabilitation process for occupancy will begin
  - Race for Space Program – The Filling Station or “Bruin”, 16 E. Castle Street is moving forward; runner-up project is a new business called the LIME Boutique and the LDC has agreed to support this business with \$2,500 – Linden Street as a possible location.

Clr. Martino reported the following:

- Geneva Historic Districts Commission
  - Owner at 9 Genesee Park Place – wants to repair slate sidewalk with slate instead of the standard concrete and the Historic Districts Commission plans to ask the City to revise the code to allow slate sidewalks city-wide.
  - HWS – Merritt Hall is in the process of designing a first-floor handicapped accessible ramp
- City Sidewalks – Clr. Martino said he would like to revisit the Sidewalk Program, so as to incentivize residents to repair their sidewalks. City Manager Horn said it would take someone who voted against it to bring it back to the table. City Manager Horn said he will prepare it for the next agenda.

Clr. DiCostanzo reported the following:

- HWS Campus Community Relations Meeting - regarding problems with students living off campus
- Founders Square Neighborhood Group – participated in the April 11<sup>th</sup> HWS Day of Service and were able to do quite a bit of work at the Washington Street Cemetery
  - On May 11<sup>th</sup> teaming up with Historic South Neighborhood to clean-up Pulteney Park – from 9:00 – 12Noon. Everyone is welcome to participate.

Mayor Alcock reported the following:

- He said the Memorial Day Parade is May 27<sup>th</sup> at 10:00am, hosted by the VFW.
- Arbor Day Celebration at West Street School was very successful. He thanked the Shadetree Committee and the DPW staff for their dedication and commitment to the City.

## 15. CITY MANAGER REPORT

City Manager Horn said he would like to schedule two special meetings in May, relative to the 2014 budget process for presentations: 1) by outside agencies on the work they have done thus far in 2013 and what their anticipated funding requests may be for 2014 and 2) a workshop for City Council to discuss budget prioritization in general. Tentative dates are May 21<sup>st</sup> and May 28<sup>th</sup> at 6:00pm each day. City Manager Horn will get notes to all agency heads and provide a press release.

He said fundraising is under way for the next phase of the lakefront playground. Clr. Greco asked if the plans included putting up a fence between the road and the playground and the lake and the playground. City Manager Horn said there have not been any issues thus far but we are monitoring it.

City Manager Horn said, in regards to the Voluntary Inspection Program, in the last 6 months there has been an increase in houses that are advertised for students, as students is the primary market. He said the goal is to try to teach students to be discerning consumers by really thinking about what type of lease they are getting into, the total cost of living, and for students to set the standards. He said the program proposes a voluntary inspection program where landlords, at no cost, can opt into having City Code Enforcement staff come out, look at property to see if they qualify for an operating permit

and if so, issue one. He said this program is particularly for parents who want to ensure their students are getting into something reasonable. He added this is not an enforcement mechanism and does not require an ordinance change.

Clr. Augustine asked that this program be coupled with a listing of properties that are consistently generating complaints or other issues, although it may be code compliant.

16. EXECUTIVE SESSION PURSUANT TO 105.D OF THE NEW YORK OPEN MEETINGS LAW

Mayor Alcock declared no executive session.

17. ADJOURNMENT

ACTION TAKEN by Clr. D'Amico; seconded by Clr. Martino  
MOVED THAT the meeting be adjourned at 8:31pm  
MOTION CARRIED UNANIMOUSLY