

THE GENEVA CITY COUNCIL

ACTION MINUTES

REGULAR COUNCIL MEETING

MARCH 4, 2020 – 7:00 PM

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Regan, Clr. Pealer, Clr. Camera, Clr. Salamendra, and Clr Pruet

2. PROCLAMATION – In Memory of Donald “Duke” McGlooin Sr

3. FOUNDRY UPDATE

4. PRESENTATION: Ontario County Homefinding and Adoption

5. PRESENTATION: Reassessment Process

6. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Noone: seconded by Clr. Pruet

**MOVED THAT the minutes of the February 5, 2020 Council meeting be approved
MOTION CARRIED UNANIMOUSLY**

7. CLAIMS/CORRESPONDENCE

The City Clerk reported there were no claims filed against the City during the month of February 2020.

8. PUBLIC COMMENT

9. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 335 ENTITLED “VEHICLES AND TRAFFIC” OF THE CITY OF GENEVA MUNICIPAL CODE-WORTHINGTON AVE

Asst. City Manager Blowers presented the following ordinance for second reading:

BE IT ORDAINED by the City Council of the City of Geneva, New York that Chapter 335, entitled “Vehicles & Traffic” of the City of Geneva Municipal Code be amended as follows:
That Section 335.17, entitled “Parking, Standing and Stopping Restrictions” is hereby amended to read as follows:

Worthington Avenue:

Eliminate on the south side:

No parking for 32 feet from a point 254 west of the west curblin of Pulteney Street in a westerly direction

Add on the south side:

No parking for 39 feet from a point 80 feet from the eastern curblin of Madison Street in an easterly direction

No parking for 60 feet from a point 190 feet from the eastern curblin of Madison Street in an easterly direction

No parking for 56 feet from a point 312 feet from the eastern curblin of Madison Street in an easterly direction

**ACTION TAKEN by Clr. Burrall: seconded by Clr. Camera
MOVED THAT this ordinance be approved for second reading
MOTION CARRIED UNANIMOUSLY**

10. RESOLUTION MODIFYING DEED RESTRICTION FOR 166 LEWIS STREET

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva owned real property at 166 Lewis St, tax map # 104.7-4-36 and sold to the highest bidder at \$5,000; and

WHEREAS, an owner-occupied deed restriction was placed on this property for a period of five years; and

WHEREAS, the new owner's bank is now requesting removal of the owner-occupied deed restriction.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to remove the owner-occupied deed restriction of the property at 166 Lewis St, tax map # 104.7-4-36.

**ACTION TAKEN by Clr. Camera: seconded by Clr. Noone
MOVED THAT this resolution be approved**

**ACTION TAKEN by Clr. Pealer: seconded by Clr. Gaglianese
MOVED THAT this resolution be TABLED**

**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Clr. Pealer, and Clr. Regan
Nay – Clr. Camera, Clr. Salamendra, Mayor Valentino, and Clr Pruet
Abstain - Clr. Burrall**

MOTION DEFEATED

{Roll call vote on the original motion to approve}

**ROLL CALL VOTE: Nay – Clr. Gaglianese, Clr. Noone, Clr. Pealer, Clr. Regan, Clr. Camera,
Clr. Salamendra, Mayor Valentino, and Clr Pruet**

Abstain - Clr. Burrall

MOTION DEFEATED

11. RESOLUTION MODIFYING DEED RESTRICTIONS FOR 97 HILLCREST AVE

Asst. City Manager Blowers presented the following resolution:

WHEREAS, the City of Geneva owned real property at 97 Hillcrest Ave, tax map # 104.6-4-38 and sold to the highest bidder at \$59,000; and

WHEREAS, an owner-occupied deed restriction was placed on this property for a period of five years; and

WHEREAS, the new owner wants to sell the property and is now requesting removal of the owner-occupied deed restriction.

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to remove the owner-occupied deed restriction of the property at 97 Hillcrest Ave, tax map # 104.6-4-38.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan
MOVED THAT this resolution be approved**

**ACTION TAKEN by Clr. Camera; seconded by Mayor Valentino
MOVED THAT this resolution be TABLED**

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Regan,
Clr. Salamendra, Mayor Valentino, and Clr Pruet**

Nay – Clr. Pealer

Abstain - Clr. Burrall

MOTION CARRIED

12. RESOLUTION APPROVING SIGNAGE FOR 41 LAKEFRONT DRIVE

City Manager Gerling presented the following resolution:

WHEREAS, the provisions of the City of Geneva Municipal Code Section 350-9 (10) d require City Council approval under recommendation by the Planning Board; and

WHEREAS, The City of Geneva Planning Board, on January 27, 2020 reviewed and recommended approval of the Signs as proposed in the attached drawings as required under Article III Lakefront District Planned Unit Development Chapter 350-9 (10)d; and

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby authorizes construction and installation of Signs pursuant to drawings attached to this resolution

ACTION TAKEN by Clr. Pealer: seconded by Clr. Gaglianese
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

13. RESOLUTION CLASSIFYING THE MICROENTERPRISE ASSISTANCE PROGRAM VIII AS A TYPE II ACTION UNDER SEQRA

City Manager Gerling presented the following resolution:

WHEREAS, the City of Geneva has been awarded grant funding through the New York Community Development Block Program to continue the Microenterprise Assistance Program (Program), and;

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

WHEREAS, the City Council has determined that the proposed Program qualifies as a Type II Action under SEQRA Part 617.5 (c)(26) Routine or continuing agency administration and management;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the Microenterprise Enterprise Assistance Program VIII is classified as a Type II Action pursuant to SEQRA.

ACTION TAKEN by Clr. Noone: seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

14. RESOLUTION APPROVING AND SUPPORTING THE SCHEDULING OF REGULAR MONTHLY WORK SESSIONS FOR THE GENEVA CITY COUNCIL

Clr. Pruett presented the following resolution:

WHEREAS, the Geneva City Council (Council) schedules its regular monthly session for 7:00 p.m. on the first Wednesday of each month; and

WHEREAS, the Council has wished to schedule additional working time together in order to have opportunity to better manage the volume of activity in their duties; and

WHEREAS, it is deemed useful to assign a set time for purpose of coordinating schedules more efficiently, as well as for public notification; and

WHEREAS, there are open meeting requirements that involve expense to manage and coordination so that the public is welcomed; and

WHEREAS, the Mayor has surveyed preferred times with Council members for scheduling a regular two hour session; and

WHEREAS, since the session is not designed for purpose of policy formation, rather for creative development and communicational coordination, the Work Session would not pass Resolutions or Ordinances and would be fully open to the public for observation but not involvement,

NOW, THEREFORE, BE IT RESOLVED, that City Council shall conduct regularly scheduled work sessions on the first Monday of each month from 5:30 to 7:30 p.m., beginning in April 2020.

**ACTION TAKEN by Clr. Pruett: seconded by Clr. Salamendra
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

15. RESOLUTION APPROVING THE DILIGENT PURSUIT OF INCREASING THE CITY-ONLY SALES TAX RATE BY 0.5%

Clr. Pruett presented the following resolution:

WHEREAS, the City is striving to determine methods to improve economic development and the enjoyment of City residency by virtue of decreasing the burden of property taxes for residential and most business properties; and

WHEREAS, it is common, legally acceptable and even occurrent in Ontario County to have more than one sales tax rate among municipalities within a county; and

WHEREAS, the major objection from the County is likely concern for the spread of interest in this issue if we show benefit, as well as the potential effect on the appeal of business at East View Mall, which should be surmountable obstacles with a persuasive approach and the acknowledgement that we, like Springwater, are so distant from the Mall; and

WHEREAS, the only two cities in the County are Geneva and Canandaigua, and the County has arranged a complicated agreement expiring in 2023 in which sales tax Appropriation is distributed for the two. It is felt that this Resolution initiative would not interfere with that agreement, nor the resulting ordinance if our policy is favorable as is expected; and

WHEREAS, every contiguous county has an 8% rate, and surveying some surrounding communities has indicated no deleterious affect on tourism and business, and

WHEREAS, the NY Department of Taxation and Finance has verified our ability to adjust our sales tax rate to 8% for just our City through legal application, and has provided both the references and offer of direct assistance; and

WHEREAS, the City's mechanics and overhead costs would require analysis, and the legal pathway then the political pathway would need to be pursued before City Council could make a final determination of the policy leading to an ordinance or other required instrument,

NOW, THEREFORE, BE IT RESOLVED, that City Management directly and through Legal Counsel should conduct an earnest and diligent evaluation of how best to accomplish the goal of increasing just the City's sales tax by 0.5% starting January 2021 or sooner, with terms allowing us to retain the full or great majority of the benefit. Also, recommendation of how to apply the funds to tax relief and overhead should be provided. Results of the evaluation should be presented to City Council by June 1st prior to presentation to any non-residents.

ACTION TAKEN by Clr. Pruett: seconded by Clr. Pealer

MOVED THAT this resolution be approved

ROLL CALL VOTE: Aye – Clr Pruett

**Nay – Clr. Pealer, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Regan,
Clr. Salamendra, Mayor Valentino, and Clr. Burrall**

MOTION DEFEATED

16. RESOLUTION APPROVING AND SUPPORTING THE DEVELOPMENT AND EXECUTION OF AN ORDINANCE WHICH SECURES A MINIMUM OF 40% OF GENEVA'S PROPERTY ON THE NON-EXEMPT TAX ROLL

Clr. Pruett presented the following resolution:

WHEREAS, the City of Geneva is incapable of expanding its property significantly, being surrounded by Seneca County, Seneca Lake and the Town of Geneva; and

WHEREAS, Geneva is highly stressed from lost revenue from tax-exempt property, ranked fourth highest in the State at 59.9% of its land-locked area now either excluded from taxation or providing a reduced subsidy; and

WHEREAS; Geneva's tax exempt properties are occupied by the largest City employers, and broad expansion in the past is likely to continue to erode the City's taxable base if unconstrained. While non-profit institutions are not required to pay property tax, some do provide a negotiated subsidy gratuitously, but not comparable to regular standards; and

WHEREAS, the City has land property that can and should be actively emphasized for conversion to a taxable basis by design. Such conversion would add to our tax base or could be utilized to compensate for allocation of new land to a non-profit entity while retaining a minimum 40% taxable status for the City; and

WHEREAS, the overhead expenses for Geneva rise annually, we are already at the highest property tax rate of any nearby community by a large margin. It would be an unsustainable burden on the tax payer to raise the tax rate further or keep it high, to accommodate further loss of tax opportunity that could occur in the future; and

WHEREAS, City Council and City Managers are focused on cost containment and tax abatement opportunities, it believes the first step to a solid foundation is to stop the loss of tax opportunity,

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby requests City Management and its legal Counsel to evaluate the most efficient and successful method by which to creatively structure the ideals of this Resolution into a workable ordinance, or to design a persuasive approach to our political representatives concerning obtaining approval for our policy. The evaluation should be contained at no more than \$5,000 in associated cost, unless further approved by City Council. A presentation of findings shall be presented to City Council by or before the June meeting.

ACTION TAKEN by Clr. Pruett: seconded by Clr. Salamendra

MOVED THAT this resolution be approved

ROLL CALL VOTE: Aye – Clr Pruett

**Nay – Clr. Pealer, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Regan,
Clr. Salamendra, Mayor Valentino, and Clr. Burrall**

MOTION DEFEATED

**17. DISCUSSION AND PRESENTATION OF A RESOLUTION FOR CONSIDERATION REGARDING
PROPOSED SEWER SLUDGE COMPOSTING FACILITY IN BUTLER, WAYNE COUNTY, NEW YORK**

Clr. Camera presented the following resolution:

WHEREAS, City of Geneva, NY recognizes the importance of the Lake Ontario watershed as a whole and specifically the role of the wetlands, creeks and aquifers within that watershed, to the State, Region and local communities; and

WHEREAS, it has come to the attention of the City of Geneva that a plan has been proposed to the Town of Butler to host a municipal waste treatment industry importing sewage sludge from NYC in large quantities for processing at the site of a former gravel pit adjacent to Wolcott Creek, (a tributary of Lake Ontario) a wetland, and atop an aquifer within that watershed; and

WHEREAS, the City of Geneva is keenly aware of the role played by Lake Ontario in providing drinking water for hundreds of thousands of residents in the region, its importance to local economies and agriculture, its designation as a scenic by-way, as a recreational asset and in promotion of area tourism as well as its importance to the fish and wildlife of the area; and

WHEREAS, it is the understanding of the City of Geneva that this industry is incompatible the character of the area, with historic land use a designated agricultural area, and that this proposed project site abuts a major dairy, calf-rearing field directly next to, and north of it, risking animal health from airborne contaminants, i.e. VOCs and VIC's; and

WHEREAS, the City of Geneva is deeply concerned with reports of toxins inherent in municipal sewage such as heavy metals, dioxins, PDEs (flame retardants) hydrocarbons, pharmaceuticals, steroids and hormones, which persists in finished, processed material, posing a risk to soil and water health; and

WHEREAS, negative consequences to the Lake Ontario watershed quality would be unavoidable in the event of an accident, spill or major weather event taking place at the proposed site; and

WHEREAS, The City of Geneva understands the negative impacts on air quality and quality of life around other similar facilities around the country.

NOW, THEREFORE BE IT RESOLVED, that the City of Geneva joins many other regional municipalities in respectfully requesting that the New York State Department of Environmental Conservation deny approval of the permit for the municipal sewage-sludge (bio-solids) processing facility in Butler, NY and exercise its power in assisting in the determination of a more appropriate location for such a facility outside the Lake Ontario Watershed.

AND IT IS FURTHER RESOLVED, that a copy of this resolution be forwarded to the United States Environmental Protection Agency, Governor Cuomo, Senator Pamela Helming, Assembly Minority leader William A. Barclay, Assemblyman Brian Manktelow, Assemblyman Bob Oaks.

**ACTION TAKEN by Mayor Valentino: seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

18. DISCUSSION REGARDING FINANCIAL COMPENSATION FOR QUALITY OF LIFE AND PR ISSUES RELATED TO ADJACENT LANDFILLS
19. DISCUSSION OF CITY VACANT PROPERTY SALE PROCESS
20. DISCUSSION REGARDING DPW POSITIONS AND FILLING UPCOMING VACANCIES
21. BOARD/COMMISSION APPOINTMENTS

**ACTION TAKEN by Clr. Camera: seconded by Clr. Gaglianese
MOVED THAT Steven Lee, Victor Nelson, and Rebecca Czajkowski be appointed to the Board of Ethics with Nathan Miller included as an alternate
MOTION CARRIED UNANIMOUSLY**

ACTION TAKEN by Clr. Gaglianese: seconded by Clr. Camera

MOVED THAT Tammy Luzzi and Tamarie Cataldo be appointed to the Board of Assessment Review with Debra Wright included as an alternate
MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Gaglianese: seconded by Clr. Camera
MOVED THAT Jason Kinsey and Chelsea Snyder be reappointed to the Human Rights Commission
MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Gaglianese: seconded by Clr. Camera
MOVED THAT Joe Commesso be reappointed as the chair of the Zoning Board of Appeals

ACTION TAKEN by Mayor Valentino: seconded by Clr. Camera
MOVED THAT the appointment of Joe Commesso be tabled
MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Gaglianese: seconded by Clr. Camera
MOVED THAT Charles King be appointed and Don Cass, Mike John, Anne Nenneau, Marc Rodriguez, and Christopher Collins be reappointed to the Planning Board
MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Gaglianese: seconded by Clr. Camera
MOVED THAT Leslie Schaus, George Fairfax, and Lisa Pietrocarlo be reappointed and Joan Barnard, Mary Bakogiannis, Jim Sibeto and Lowell Dewey be appointed to the Recreation Advisory Board
MOTION CARRIED UNANIMOUSLY

22. MAYOR AND COUNCIL REPORTS

23. CITY MANAGER REPORTS

24. ADJOURNMENT

ACTION TAKEN by Clr. Noone: seconded by Clr. Burrall
MOVED THAT the meeting be adjourned at 11:32pm
MOTION CARRIED UNANIMOUSLY

Lori Guinan

City Clerk