

CITY COUNCIL AGENDA
THURSDAY, NOVEMBER 2, 2023 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Council: **Bob Palumbo, Mayor**
 Ellen Polimeni, Councilmember Ward I
 Dan Unrath, Councilmember Ward II
 Karen White, Councilmember Ward III
 Erich Dittmar, Councilmember Ward IV
 Sim Covington, Councilmember-at-Large
 Thomas Lyon, Councilmember-at-Large
 Doug Merrill, Councilmember-at-Large
 Steve Uebbing, Councilmember-at-Large

John Goodwin, City Manager
 Shawna Bonshak, Assistant City Manager
 Erin VanDamme, City Clerk
 David Hou, Corporation Counsel

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Hearings:** Public Hearing on an Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7

 Public Hearing on an Ordinance Amending Chapter §850 regarding Storage Structures

 Public Hearing on Local Law to Amend Chapter 7 of the City Charter Relative to the Assessment Roll Calendar
- 4. Review of Community Core Values:**
As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.
- 5. Approval of Minutes:** **October 5, 2023**
- 6. Recognition of Guests:**
- 7. Committee Reports:**
- 8. Resolutions:**

Resolution #2023-120: A Resolution Determining the Environmental Significance of Ordinance #2023-008 Regarding the Size of Residential Storage Structures

- Resolution #2023-121:** A Resolution Determining the Environmental Significance of Ordinance #2023-009 Regarding the Screening of Commercial Refuse Containers
- Resolution #2023-122:** A Resolution Renewing a Motor Fuel Purchase Agreement for Finger Lakes Community College
- Resolution #2023-123:** A Resolution Awarding an Electrical Parts Contract
- Resolution #2023-124:** A Resolution Setting the Time and Place of a Public Hearing on the City of Canandaigua Proposed 2024 City Budget
- Resolution #2023-125:** A Resolution Appropriating Funds from Contingency to Insurance Reserve
- Resolution #2023-126:** A Resolution Appropriating Funds from the Police Asset Seizure & Forfeiture Reserve for Pepper Ball Launchers, Accessories and Training
- Resolution #2023-127:** A Resolution Setting the Time and Place of a Public Hearing on a Local Law Establishing and Imposing Sewer Rents in the City of Canandaigua
- Resolution #2023-128:** A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter 648-25 Parking

9. Ordinances:

- Ordinance #2023-008:** An Ordinance Amending Chapter §850-30.B.4 and §850-28 Regarding Storage Structures
- Ordinance #2023-009:** An Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7
- Ordinance #2023-010:** An Ordinance Amending Chapter §648-25 City Hall Parking

10. Local Laws:

- Local Law #2023-004:** Local Law to Amend Chapter 7 of the City Charter Relative to the Assessment Roll Calendar
- Local Law #2023-005:** Local Law Establishing and Imposing Sewer Rents in the City of Canandaigua

11. Manager's Report:

12. Miscellaneous:

13. Adjournment

RESOLUTION #2023-120

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF
ORDINANCE #2023-008 REGARDING INCREASES TO STORAGE STRUCTURE SIZE**

WHEREAS, on October 5, 2023, the City Council introduced an ordinance that increases maximum permitted size of residential storage structures; and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed amendments to the ordinance; and

WHEREAS, upon review of the information recorded on the EAF and in consideration of the criteria for determining significance as set forth in NYCRR 617.7(c), the City Council has reasonably determined that the proposed project will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the proposed action is classified as an Unlisted Action under SEQRA and the action shall be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

ADOPTED this 2nd day of November, 2023

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-121
A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF
ORDINANCE #2023-009 REGARDING THE SCREENING OF COMMERCIAL
REFUSE CONTAINERS

WHEREAS, on October 5, 2023, the City Council introduced an ordinance that amends the screening of commercial refuse containers; and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed amendments to the ordinance; and

WHEREAS, upon review of the information recorded on the EAF and in consideration of the criteria for determining significance as set forth in NYCRR 617.7(c), the City Council has reasonably determined that the proposed project will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the proposed action is classified as an Unlisted Action under SEQRA and the action shall be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

ADOPTED this 2nd day of November, 2023

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-122

**A RESOLUTION RENEWING A MOTOR FUEL PURCHASE AGREEMENT FOR
FINGER LAKES COMMUNITY COLLEGE**

WHEREAS, Finger Lakes Community College (FLCC) is an education institution that contributes heavily to the City of Canandaigua and the surrounding community; and

WHEREAS, for many years FLCC has had an agreement in place with the City allowing the college to purchased fuel at the City's facility at the City's cost plus \$0.03 per gallon and the term of the current agreement is expiring; and

WHEREAS, City staff discussed a renewal agreement with FLCC with a change from adding \$0.03 per gallon to a 10% administration fee;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute the attached Motor Fuel Purchase Agreement with Finger Lakes Community College for a five (5) year term; and

BE IT FURTHER RESOLVED, the City Manager is authorized to extend said agreement, upon mutual consent, for an additional five (5) year period at the end of the initial term.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme,
City Clerk

RESOLUTION #2023-123
A RESOLUTION AWARDING AN ELECTRICAL PARTS CONTRACT

WHEREAS, a bid opening occurred on October 10, 2023, for electrical supplies; and

WHEREAS, five bidders were contacted and two bids received with lowest from Crown Electric at \$18,429.82; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Crown Electric, 75 NY 104, Ontario, New York 14519;

WHEREAS, the Finance Committee reviewed and approved said recommendation at its October 10, 2023 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Crown Electric, 75 NY 104, Ontario, New York 14519 for the purchase of electrical supplies at \$18,429.82.

ADOPTED this 2nd day of November, 2023

ATTEST:

Erin VanDamme
City Clerk

CITY OF CANANDAIGUA

BID TABULATION

Electrical Supplies

Bid Opening: Monday, October 2, 2023 @2pm

<u>BIDDER</u>	<u>Bid Amount</u>
<p>Dansville/VP Supply 30 Ossian St Dansville, NY 14437 585-335-2716 rstephens@vpsupply.com Roger- Manager</p>	<p>No Bid Rec'd</p>
<p>Geneva Electrical Supply 369 Lyons Road Geneva, NY 14456 315-789-0140 Genevaelectric1@verizon.net Jim Barber</p>	<p>No Bid Rec'd</p>
<p>Booth Electric 75 E. North Street Geneva, NY 14456 844-504-2431 sales@electrical.com Kaila Scott kescott@electrical.com</p>	<p>\$28,181.65 Total price No non-collusive No Exception sheet provided</p>
<p>Kovalsky-Carr 208 St. Paul Street Rochester, NY 14604 585-325-1950 sgallagher@kovalskycarr.com Scott Gallagher</p>	<p>No Bid Rec'd</p>
<p>Crown Electric 75 NY 104 Ontario, NY 14519 585-265-2480 Kyle@crownelectricsupply.com Kyle</p>	<p>\$18429.82 Total Price Non-collusive- yes but not notarized No Exception sheet provided</p>

RESOLUTION #2023-124

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
THE CITY OF CANANDAIGUA PROPOSED 2024 CITY BUDGET**

WHEREAS, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

WHEREAS, the City Manager has prepared and distributed the proposed 2023 annual budget to the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, The Hurley Building, 205 Saltonstall Street, Canandaigua, New York beginning at 7:00 PM on November 16, 2023 which can also be attended virtually via the following hyperlink: <https://us06web.zoom.us/j/82103183289>; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-125

A RESOLUTION APPROPRIATING FUNDS FROM CONTINGENCY TO INSURANCE RESERVE

WHEREAS, due to two recent settlements the City is required to pay deductibles which are paid from the Insurance Reserve; and

WHEREAS, in order to cover the deductibles, City Staff is requesting an appropriation of \$25,000 from the 2023 Budget Contingency as there are not sufficient funds in the Insurance Reserve; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby appropriates \$25,000 from the contingency to the Insurance Reserve in order to cover the cost of insurance deductibles from recent settlements.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-126

A RESOLUTION APPROPRIATING FUNDS FROM THE POLICE ASSET SEIZURE & FORFEITURE RESERVE FOR PEPPER BALL LAUNCHER PROPOSAL

WHEREAS, the use of funding from the Police Asset Seizure & Forfeiture Reserve is limited to an unbudgeted police expenditure that will enhance law enforcement efforts; and

WHEREAS, the Chief of Police and City Manager recommend purchasing six (6) Sabre SL-R12 pepper ball launchers, associated accessories/equipment, training and a one-year supply of ammunition; and

WHEREAS, pepper ball launchers provide a less than lethal additional line of defense; and

WHEREAS, the Finance Committee reviewed and approved said recommendation at its October 10, 2023 meeting;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby appropriates \$12,000 from the Police Asset Seizure & Forfeiture Reserve to six (6) pepper ball launchers and associated equipment, ammunition and training which is an unbudgeted police expenditure that will enhance law enforcement efforts.

ADOPTED this 2nd day of November, 2023

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-127

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA

WHEREAS, the City Manager has recommended an increase in sewer rents which may only be enacted through the adoption of a local law; and

WHEREAS, it is required that a public hearing be held prior to the adoption of a local law;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing on a Local Law establishing and imposing sewer rents shall be held in the City Council Chambers, the Hurley Building, 205 Saltonstall Street, Canandaigua, New York beginning at 7:00 PM on December 7, 2023 which can also be attended virtually via the following hyperlink:

<https://us06web.zoom.us/j/82103183289>; and

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-128

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 648-25 PARKING

WHEREAS, the City Council desires, although not required by law, to hold a public hearing on changes to Chapter 648-25; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on an ordinance amending Chapter 648-25 “City Hall Parking” shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, December 7, 2023;

BE IT FURTHER RESOLVED, although not required, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-08
AN ORDINANCE AMENDING THE ZONING ORDINANCE
REGARDING THE MAXIMUM SIZE OF STORAGE STRUCTURES

WHEREAS, at their meeting on September 19, 2023, the City Council's Ordinance Committee heard recommendations from the Zoning Board of Appeals, regarding the permitted maximum size of Accessory Storage Structures, and

WHEREAS, the City Council's Ordinance Committee endorsed these recommendations,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 850-30.B.4 shall be amended as follows:

~~Storage buildings of 165 square feet or less in area.~~ **Accessory storage structures in compliance with § 850-28**

Sec. 2. § 850-28 shall be amended as follows:

Accessory **storage** structures.

A. **Maximum area. The maximum permitted area of a single Accessory Storage Structure shall be 240 square feet. The maximum total area for two Accessory Storage Structures shall be 360 square feet.**

B. Maximum permitted height. The maximum permitted height of an accessory structure shall be not more than one and 1/2 stories totaling not more than 25 feet.

C. Minimum yard regulations.

(1) Unattached accessory structures in residential districts. Accessory structures which are not attached to a primary structure may be erected only within one of the side yards or within the rear yard in accordance with the following setback requirements:

(a) Side yard (interior lot): five feet.

(b) Side yard (corner lot): same as for principal structure.

(c) Rear yard: five feet, except when said rear yard is abutting an alley, then the setback shall be 10 feet.

(d) Not closer to a principal structure than 10 feet.

(2) Attached accessory structures in residential districts. When an accessory structure is attached to the primary structure, it shall comply in all respects with the requirements of this chapter applicable to the primary structure.

(3) There shall be not more than two accessory structures for each primary dwelling structure on each zone lot intended or used for residential purposes, except that apartment, townhouse, attached condominiums and similar residential developments shall not be subject to the provisions of this section. Each primary building on a single parcel in single ownership shall conform to the requirements of this chapter which would be applicable if each were located on a separate zone lot.

Sec. 3. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ____ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-09

**AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE
REGARDING THE SCREENING OF COMMERCIAL REFUSE CONTAINERS**

WHEREAS, at their meeting on September 19, 2023, the City Council's Ordinance Committee heard recommendations from the Code Enforcement Office, regarding the improved screening of commercial refuse containers, and

WHEREAS, the City Council's Ordinance Committee endorsed these recommendations,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 585-7 shall be amended as follows:

Screening of ~~dumpsters~~ **Refuse Containers.**

All dumpsters ~~and/or roll-off containers~~ , **totes, and other refuse containers** used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use ~~and located in or immediately adjacent to residential districts or uses~~ shall be screened from public views **and views from all other properties at ground level** by landscaping or fencing, ~~or shall be located on the premises in such a manner as to be hidden from public view. For the purposes of this section, "public view" shall mean view at ground level from a public street or way, or from across a property line separating that use from an adjoining residential use~~

Sec. 2. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-010

AN ORDINANCE AMENDING CHAPTER 648-25 'CITY HALL PARKING'

BE IT ENACTED by the City Council of the City of Canandaigua that:

Sec. 1 That § 648-25(B)(1b) of the Municipal Code, is hereby amended as follows (additions in bold, deleted language is stricken):

- (b) Parking in the two spaces immediately west of the designated handicapped parking spaces shall be reserved for use by Police Department vehicles. **One parking space shall have such restriction** between the hours of 8:00 a.m. and 11:00 a.m. Monday through Friday **and the other parking space shall have such restriction between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday.** At all other times, these spaces shall be for vehicles of persons conducting business at City Hall and shall be limited to one hour's duration.

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this 7th day of December, 2023.

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW #2023-004

A LOCAL LAW AMENDING CHAPTER 7 OF THE CITY CHARTER RELATIVE TO THE ASSESSMENT ROLL CALENDAR

WHEREAS, The State of New York has granted the governing body of an assessment unit, which employs an assessor who is at the same time employed by another assessing unit, the power to establish a date for the meetings of the Board of Assessment Review other than that provided by State Law; and

WHEREAS, the assessor for the City of Canandaigua satisfies this criterion and the City Council wishes to avoid conflicts in scheduling,

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

Section 1. Authority.

Real Property Tax Law s. 512(1-a), states the governing body of an assessing unit which employs an assessor who is at the same time employed by another assessing unit may adopt a local law establishing a date for the meetings of the board of assessment review other than that provided in subdivision one of this section. The date or first date so established may be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June.

Section 2. Legislative Intent.

The City Council of the City of Canandaigua, County of Ontario, has determined a need to change the meeting date of the Board of Assessment Review of the City of Canandaigua per Section 7.2 of the City Charter which shall be amended as follows:

Grievance Day	First Friday following the Fourth Tuesday in May, commencing on May 31, 2024, and continue on the first Friday following the fourth Tuesday in May thereafter until this local law is rescinded or superseded by subsequent local law.
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Section 3. Severability

Such local law shall remain in effect until rescinded or superseded by subsequent local law.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW #2023-005

A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA

Section 1. Statement of Policy.

As a means of producing revenue for operation and maintenance of the sewer system of the City of Canandaigua, it is necessary to establish and impose charges for the use of said system, or to any portion of said system. This sewer rent is enacted pursuant to Article 14-F of the General Municipal Law of the State of New York.

Section 2. Definitions

- a. "Sewer System" - The sewer system of the City of Canandaigua includes all sewer pipes and other appurtenances which are used or are useful in connection with the collection, treatment, or disposal of sewage, industrial waste, and other wastes which are owned, operated or maintained by the City of Canandaigua, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal, if any.
- b. "Part" - As used in relation to the term "sewer system" - all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including pumping systems.
- c. The terms "sewage", "industrial wastes", and "other waste" shall have meanings as set forth in Section 451 of the General Municipal law, as the same may be amended from time to time.

Section 3. Basis for Sewer Rent Computation

- a. Sewer rent charges shall be based either (1) upon the consumption of water on the premises connected with and served by the sewer system, or any part or parts thereof, or (2) upon the basis of actual discharge to the sewer system. Such actual discharge shall be based upon the measurement of an actual flow measuring device recording the actual flow of sewage to the sewer system.
- b. No user may elect to pay sewer rent charges on the basis of actual discharge unless a flow measuring device and control manhole have been installed and approved by the Director of Public Works. Such approval of the flow measuring device and control manhole shall be based upon measuring devices shall be subject to periodic inspection, testing, and reading by the Director of Public Works. The cost of installation, maintenance and testing of the flow measuring device and control manhole shall be borne solely by the system user.
- c. Sewer rent charges shall be **\$6.0712** per 1,000 gallons of (a) water consumption or (b) measured sewer discharge during the period for which any statement is rendered, provided, however, that the minimum quarterly charge shall be **\$68.00**.

Section 4. Payment Dates; Penalties; And Enforcement.

- a. Billing of sewer rents shall be quarterly with bills due on the 1st day of the month in which the bill is mailed. Each bill shall be for the preceding quarter.
- b. Payment of the sewer rents shall be made within 20 days of rendering of the bill without penalty (or the next business day if the 20th falls on a weekend or holiday).

- c. Any payment received 20 days after billing shall accrue a 15% penalty of the amount due. Bills are considered rendered upon mailing.
- d. In April of each year, the amounts of all past due bills from the preceding year, plus penalties, shall be certified by the City Clerk/Treasurer and shall be collected and enforced in the same manner and at the same time as provided by law for the collection and enforcement of City taxes.

Section 5. Sewer Rent Fund.

- a. Revenues derived from sewer rents, including penalties, shall be credited to a special fund for the sewer system, to be known as the “City of Canandaigua Sewer Fund.” Monies in such fund shall be used in the following order:

(1) For the payment of the costs of operation, maintenance, and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.

(2) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of sewage treatment and disposal works with necessary appurtenances including pumping stations, or for the extension, enlargement, or replacement of, or addition to, such sewer system, or part or parts thereof.

(3) For transportation charges imposed by any other municipality or entity for the transport of sewage via such other municipalities sewer mains, interceptors or lines.

- b. Such revenues from sewer rents shall not be used (1) to finance the cost of any extension or any part of a sewer system (other than any sewage treatment or disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of the real property especially benefited, or (2) for the payment of the interest on, and the amortization or payment of, indebtedness which is to be paid in the first instance from assessments upon the benefited real property.

Section 6. Amendments

Any amendments to or other action taken affecting such sewer rents shall be accomplished in the same manner as provided in Article 14-F of the General Municipal Law for the original establishment of sewer rents.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this 7th day of December, 2023.

ATTEST:

Erin VanDamme
City Clerk