

**MINUTES**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**TUESDAY, APRIL 18, 2023, 7:00 PM**  
**COUNCIL CHAMBERS**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUAL: <https://us06web.zoom.us/j/84662898580>**  
**LIVE STREAM: <https://fingerlakestv.org/live/>**

**Environmental Committee:** Karen White, Chair  
Sim Covington, Jr.  
Erich Dittmar  
Renée Sutton

**Other Councilmembers Present:** Thomas Lyon  
Ellen Polimeni  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

**City Staff:** John Goodwin  
David Hou

Chair White opened the meeting and read the Core Values. She reviewed the first agenda items. Community Choice Aggregation (CCA). City Manager Goodwin reviewed, the City's third-party administrator, Joule Assets, for the CCA program has proffered two agreements for review and approval. The first is a proposed Electricity Supply Agreement between a TBD supplier, Joule Assets and the City. The second agreement involves selections of the type of CCA we would like to have for the re-start. As previously presented, the new CCA program is being bid with options for a conventional electricity product, blended (50% NYS renewable supply); or renewable (100% NYS renewable supply). It is also being bid with a fixed price or a variable price. Shannon Bellamy, from Joule presented and reviewed agreement details. Councilmember Sutton asked about what measures are in place to prevent what happened with the last supplier. Shannon said that there will be contract requirements in place for protection, Councilmember Sutton asked about the pricing options. Shannon said there were including all the potential pricing options so they are able to get a better baseline for pricing. Councilmember Uebbing asked about the options for the consumers. Shannon reviewed the details of the aggregate purchase for customers and how they will have more advantages having the ability to reach out to Joule for any issues or questions. Councilmember Sutton asked about the contract details. City Manager said they can discuss the contract details tonight and would need to vote on the contract on May 4th. Chair White reviewed the committees' preferences. Councilmember Dittmar would like to see 100% renewable. Councilmember Covington said that they need more details on the variable rates before moving forward. Previously, we all 100% renewable from the last agreement, said Mr. Goodwin. Shannon reviewed the pricing options. Councilmember Sutton would like to see fixed rate and 100% renewable, Councilmember Uebbing agrees.

Councilmember Covington agrees with fixed and 100% renewable. Councilmember Sutton moved to adopt the MOU with the terms fixed and 100% renewable rates, seconded by Councilmember Covington. Unanimously passed and carried.

Chair White added an agenda item. Kevin Olvany, Watershed Program Manager presented on the reasons behind purchasing a fluoroprobe to help with the blue/green algae. The purchase is outside of the City's procurement process since the nature of the purchase is that it is a sole source purchase. This is the state standard for equipment and has only one vendor. City Manager said that it has to be approved by City Council. Chair White asked if this is equipment is surface only. Mr. Olvany said they would use this at depth and in conjunction with the Finger Lakes Institute who has the same tool. They are able to collect the data on the blue/green algae to communicate what is happening with the Lake. Councilmember Sutton asked why it took so long to purchase as they approved the grant in 2018. Mr. Olvany said that it took more time than originally planned. Once the grant was approved and signed in 2019. The terms changed significantly. Councilmember Sutton motioned to approve the purchase fluoroprobe seconded by Councilmember Ditmar. Councilmember Polimeni asked what are the time issues involved as the grant has to be in by the 30th. Mr. Olvany said they just need an invoice dated ahead and wanting to be consistent with the Cities purchasing policy. Mr. Goodwin is comfortable with passing this tonight and have a resolution on May 4th. The motion passed unanimously. Councilmembers present took a straw vote and all members present voted affirmative for this to be on City Council's agenda for May 4<sup>th</sup> meeting.

Chair White moved onto City Public Safety Boat. She said that she was following up on the purchase as she felt it all moved very quickly. Mr. Goodwin said that they purchased the boat and the trailer for \$20,000, under the \$30K planned purchase. Staff at our Central Garage did some minor repairs, all under \$2500.00 and graphics has been purchased \$1300.00 to wrap the boat. Adding lighting and adjustments to where the boat will be docked at the City Pier will be next as hoist pricing were more expensive than planned. Mr. Goodwin noted and reviewed where the boat will be stored. Mr. Goodwin noted that this boat will be used to fight potential fires at the boathouses and water rescues, as we have not been able to do. The City has an official duty to respond for calls and had 12 times where boats were commended to which our insurance provider has said we can no longer due to the various risk and liabilities involved. Fire Chief said that the boat will be a great tool for the City, accessible 24/7 and the discussed how they respond to calls for service. County boat is used for patrols on the Lake and is not capable of providing this level of service, they will help in responding to calls, but do not have the ability to fight fire or help with any hazmat spills on the lake. Chair White expressed her deep skepticism for the boat. Chief explained that this is a tool and this will not add additional staff. Councilmember Uebbing said that he disagrees with Chair Whites comments and fully supports having this Boat on the lake. He feels that it's prudent to have this boat to respond to emergencies and thanked the Chief for his time. Mayor Palumbo said that this has been a long time coming and thanked Chief for his work on this and it's very scary to think what would happen without it. Councilmember Covington expressed how complex this issue is on both sides. Councilmember Polimeni said that this issue has been coming up for the last 25 years with the fire budget and every year it was cut until this past year. Chief said they worked very hard to find the right opportunity to purchase. Councilmember Polimeni said as a lakeside community we have to provide service. Chief noted that the County equipment does not have medical

capabilities and the City will be working with the County on these issues as they have been. Councilmember Lyon remembers when a firefighter commandeering a boat to help in an emergency and there were many issues when this happens, so it's nice that the City will have this ability. Chair White said that she got the information she needed. Ann Margaret Staley said that summers are very busy on the Lake and feels it is a needed, the County is able to do patrol but not having the medical service available. David Poteet, Park street said that as a trained nurse, asked about fire staff's training. Chief said that they are all trained on different kinds of water issues and have used the Academy pool and at the lake to do their training and the majority of the staff have been trained on water rescue issues. They David Poteet asked about the age of the boat and the motor assuming the boat is closer to retiring. Chair White said that the boat is old and outdated and will be a question for the new Council down the road. Steve Pfeffer, head of the Central Garage for the City said that they have gone through the motors and very optimistic in the for long term operation as the boat stands now. They are running fine at this point.

Chair White closed the meeting.

**Ordinance Committee:** Erich Dittmar, Chair  
Sim Covington, Jr.  
Renee Sutton  
Karen White

**Other Councilmembers Present:** Thomas Lyon  
Ellen Polimeni  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

**City Staff:** John Goodwin  
David Hou  
Rick Brown

Chair Dittmar opened the meeting reviewing the first agenda items. Tree Advisory Board, recommended Tree Removal Ordinance. Mr. Goodwin reviewed that about one year ago the Tree Advisory Board (TAB) proposed that the City Council consider an ordinance that would create some protection/regulations relative to trees located on private property. This came after a tree was taken down on the corner of Main Street and Scotland Road. The City Council tasked the TAB with outlining a draft ordinance for discussion. Over the year, the TAB has discussed and debated various different ideas and reached consensus on an ordinance that would require property owners to notify the City prior to removing a mature tree. Judy Cermack, Gibson Street, reviewed the details and noted that Canandaigua is an official Tree City. This draft ordinance that will help protect the historic trees. Dave Poteet, Park Street, said that TAB was tasked a few months back to review this and the discussions have been lengthy. The committee had to review both the historic and the regular district and the proposed guidelines will help direct residents to speak with City on the condition of the trees in their yards. He feels they City

should adopt the guidelines from the US Interior Department and when the trees were removed on Main/Scotland it really upset a lot of people. He noted that having the historic district more protected by following the Interior Guidelines are ideal. Councilmember Sutton said that she had hoped the ordinance would have strong language but understands the challenges the committee has faced just wish it went further. Councilmember Polimeni said that the committee reviewed other communities' ordinance. City Manager said that their concern was protecting the trees as well as property owners' rights. It became very complex very quickly. Chair Dittmar said that the ordinance does strike the right balance but would have liked to see more penalties. Councilmember Sutton asked about cataloging the legacy trees and Judy said that yes there is a legacy tree file. There is still lots of work to do, Charlotte and Howell Streets, where the Thompson's planted. Councilmember Sutton said that she really appreciates the work the committee has done and that everyone is in agreement that they would all like more to be done. Mike Yarger said that this is just government overreach and said that if he purchases a property, it should be up to him what to do with it and not inform any one of his decision. Mayor Palumbo asked what the process is if no one informs the City, asked about a fine, but if Code Enforcement comes out and reviews and the owner still take the tree down. Mr. Goodwin said that there is nothing to stop the owner for taking it down but hoping the ordinance will help start a dialogue with the homeowner on options as the City does employ an arborist. Councilmember Uebbing said that building a culture of preservation as opposed to mandating preservation, it will be a good thing and may have a lasting effect. City Manager said that the ordinances have the standard language for fines. David Hou said that if the committee takes this forward, subsection B will need to be reviewed for the historic districts. Councilmember Uebbing suggested education for property owners on this issue. Councilmember Sutton asked if the City Arborist could come and speak before voting. Chair Dittmar thanked the committee for their work and this will be an ongoing issue.

Chair Dittmar reviewed the next agenda item, Mandatory Inspection of Water Service Lines at Property Transfer. City Manager Goodwin explained the change from the EPA. Mr. Goodwin explained, at the October 18, 2022 Ordinance Committee meeting, City Staff discussed how the City protects residents and neighboring municipalities from exposure to lead with the utilization of a corrosion control system to reduce lead levels in water by reducing the corrosion of the lead service lines on. City Staff also informed the community that the United States Environmental Protection Agency (EPA) adopted regulations to further control lead and copper in drinking water and the New York State Department of Health has directed the City to replace lead service lines in accordance with the EPA's lead and copper rule. Part of this effort is identifying/inventorying every water service line within the City's water distribution system. To aid in with this endeavor, City Staff recommended a new ordinance that requires the inspection and certification of the water service upon the transfer of property. Where the water service is found to be composed of lead or galvanized metal, it must be replaced at the expense of the homeowner prior to the transfer of property. The Committee requested that a draft ordinance be presented at the January 17, 2023 which was done, but required some revision. Mayor Palumbo asked about the license requirements for plumbers, since there are no licensed plumbers in the City of Canandaigua. David Hou said that plumbers are licensed in the State of New York. Mr. Hou said they can delete the language on licensing. The idea was making sure the person is

qualified and may need to discuss that language. Councilmember Sutton read that plumbers must register with the State of New York and master plumbers must have a license. David Hou said they could change the language. Using DBA doesn't mean anything other than a filing process and not a certification of quality. Code Enforcement may have a preferred list of vendors for residents to contact. David Hou will revisit the section to try and find the right language. Mick Yarger, owns a building on South Main Street, asked how the City would determine the lead. City Manager said they have to know what the service line looks like and have to pot hole work at the curb and review how it is connected to the main. This is a huge unfunded mandate from the government and the proposed ordinance will help. The City is responsible for the line from the main to the curb stop and typical street is from the curb to the sidewalk. From the side walk to the property it is the home owner. if there is galvanized gooseneck, that may require replacement. There is a lot of variables but anything that is from the main to the curb stop the city is responsible for. The first part is the inventory and EPA is mandating a certain percentage that needs to be replaced when the home is transferred. This is a very complex issue. Chair Dittmar said that until these areas are better defined, no action will be taken tonight.

Chair Dittmar moved onto Short Term Rental, at the Planning Committee meeting on April 4", the City Council asked for a draft ordinance based upon the recommendations of the Planning Commission and Zoning Board of Appeals for review and consideration. Rick Brown was present and reviewed the draft and the map. Revisions of the definitions of short term, the updated ordinance clarified the difference. The overlay district is new with the draft. Councilmember Sutton has not changed her position and still disagrees with the proposed changes as well as the overlay district and plans to vote no. She encourages the community to come and express their concerns at the public hearing. Councilmember White is on the same page as Councilmember Sutton. She feels that the current ordinances haven't been well enforced. She feels that this is too restrictive and feels the current ordinance is enough. Ryan ??? a member of ZBA, disagrees with Councilmember White. They have been applying the law as it has been written and passed by Council. They are reviewing on a case-by-case basis. He has heard many people said that we are biased and that has not been the case. Councilmember Uebbing asked about adopting the new ordinance that are currently in place outside the district, Mr. Brown said that the issue would need to be looked at as it is outside the district with the change proposed. The transfer of the permit is also a part of the language. Mr. Brown said drafted the change so that the permit does not transfer with the property and the new owner would need to reapply. This would ensure that all the licensing areas would be addressed with the new owner. Council would still need to review what the new standards would involve. A local resident, Brian spoke and asked about how Code Enforcement would investigate claims. Mr. Brown said they regularly review Airbnb's website and others to see if local houses are listed who are without a permit. Councilmember Lyon said that there may be some concerns on how the ordinance is written, on recourse and having more language that speaks to this will be helpful. Having the renewal once the property transfer permit reapply will help navigate this issue, Mr. Brown. Mayor asked about section 3 section A, a complete dwelling unit is a home to differentiate between a B & B, Councilmember Uebbing said that this is complex and if it does

not go through ordinance it has to go back to Planning. Stan Taylor, Kennedy Street. what the commission is asking for is assistance in clearing up some of the language of the original ordinance and asking for help. Chair Dittmar isn't in favor of the overlay but yes to the other changes. Mr. Brown said that the other changes are in the ordinance may result in a change to a section of the code. David Hou said that one of the issues is to eliminate the ZBA from the process all together. There are ways to impose the changes that are looking to happen and Mr. Hou can help structure the language as needed for the ordinance. Councilmember Sutton would like to prevent short term rentals from corporations take over, the rest she approves of. She thanked Stan for his comments. Mayor Palumbo thanked Ryan and Stan for their comments. City Manager said they will scrap the overlay and make the other changes as recommended. City Manager said that the moratorium is still in progress, and the moratorium is applied for short term rentals in residential districts at the May 4<sup>th</sup> meeting. The moratorium can end if needed and reviewing the draft at the 4<sup>th</sup> will determine that. Chair Dittmar said hopefully this feedback is helpful. Mr. Brown said that grandfather properties would need to be worked out as well.

Chair Dittmar moved to close the meeting and moved into executive session to discuss the employment of a particular person.