

CITY COUNCIL MINUTES
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, (via Zoom)

City Staff: John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager (via Zoom)
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

The Mayor Palumbo called the meeting to order at 7:00 pm.

The Mayor read proclamation announcing November as Native American Indian Heritage Month.

Public Hearing: The Mayor opened the hearing on, Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7 at 7:03 pm. Mike Yarger spoke, he asked why this meeting wasn't advertised. City Manager Goodwin and City Clerk VanDamme, confirmed the ads ran in the Messenger Post. The Mayor closed the hearing at 7:05 pm.

Public Hearing: The Mayor opened the hearing on, Ordinance Amending Chapter §850 regarding Storage Structures at 7:05 pm. No one spoke but the Mayor requested the meeting remained open.

Public Hearing: The Mayor opened the hearing on Local Law to Amend Chapter 7 of the City Charter Relative to the Assessment Roll Calendar at 7:06 pm. No one spoke and the Mayor closed the hearing at 7:06 pm.

Review of Community Core Values: Councilmember-at-Large Polimeni read the 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.

Approval of Minutes:

October 5, 2023 Minutes

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Lyon

Vote Result: Carried unanimously by voice vote (9-0)

Committee Reports: There were no committee reports. Councilmember Ward 3 White spoke and hopes that Council will return to reporting on the committee meetings for the next term.

Guests: Andrew Fiorentino, 250 Bristol Street, appeared via Zoom to discuss Short Term Rentals. He discussed a letter he sent to Council on the topic and asked about the definition of the "primary dwelling unit." Mr. Goodwin responded and noted that with the primary dwelling unit and in the particular case of Mr. Fiorentino, he has a two-family house

where there is a first and second floor and should he receive his permits from the planning commission he could do a short-term rental for the unit that he resides in. Mr. Fiorentino asked if he could live on one side and rent the other and Mr. Goodwin said that no, not as a short-term rental. Councilmember Ward 1 Polimeni said that she voted against the ordinance because of this question. She believes it will have to be addressed by this Council or the next to firm up the definition. Councilmember-at-Large Uebbing agrees that the legislative intent may need to be revised and sent back to the Ordinance committee. Corporation Counsel, said that this Mr. Fiorentino is a pending application before the Planning Commission and Council should be mindful of that. The Mayor asked if what Mr. Fiorentino is looking to do would be acceptable. Mr. Hou said that his application is pending, how the Planning Commission addresses the current application is up to them. Mr. Fiorentino thanked Council for listening. Mr. Goodwin noted that the Short-Term Rental will take effect in a couple of days from today, and it may be the January new Council to address. Councilmember Covington asked how it could be. Mr. Goodwin noted they would have to address the Local Law, have a public hearing and allow for the 30 days. Special meetings could be arranged. The Mayor said that the intent is to change it and will be addressed with the January meeting.

Resolutions:

Resolution #2023-120:

Moved: Councilmember-at-Large Merrill
Seconded: Councilmember Ward 1 Polimeni

**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.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-121:

Moved: Councilmember-at-Large Lyon
Seconded: Councilmember-at-Large Uebbing

**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.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-122:

Moved: Councilmember-at-Large Uebbing
Seconded: Councilmember Ward 1 Polimeni

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 purchase 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

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-123:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 1 Polimeni

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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-124:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Covington

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 2024 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.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-125:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 1 Polimeni

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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-126:

Moved: Councilmember Ward 4 Dittmar
Seconded: Councilmember Ward 1 Polimeni

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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-127:

Moved: Councilmember-at-Large Merrill
Seconded: Councilmember Ward 2 Unrath

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

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-128:

Moved: Councilmember Ward 2 Unrath
Seconded: Councilmember-at-Large Merrill

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.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-129:

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Merrill

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING REGARDING THE NORTH ROAD TOWNHOMES PLANNED UNIT DEVELOPMENT

WHEREAS, the City Council received an application for sketch plan approval and supporting documentation from Chrisantha, Inc for a Planned Unit Development (PUD) for a 30-acre parcel located in the northeast quadrant of the City fronting Steward Place to the southwest and North Road to the north; and

WHEREAS, the City Council reviewed the submittal in accordance with Chapter 850, Article XII of the Municipal Code (Planned Unit Developments), accepted the application as complete and referred the application to the City Planning Commission, Ontario County Planning Board and City Staff via Resolution #2023-098; and

WHEREAS, the City Council via its Planning Committee reviewed the recommendations made by City Planning Commission, Ontario County Planning Board and City Staff at its October 10, 2023 meeting and recommended that the full City Council schedule a public hearing in accordance with 850-124.C.1;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing on for the purpose of considering PUD district designation for the aforementioned area and to obtain public input regarding the sketch plan approval or disapproval 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

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given and published as required by law.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-130:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION APPOINTING KATE OTT, RN, MPH AS LOCAL HEALTH OFFICER FOR THE CITY OF CANANDAIGUA

WHEREAS, in an effort to comply with the Shared Services Initiative Ontario County and the City of Canandaigua identified an opportunity to share and coordinate the services of Public Health Director of Ontario County, to act as the Local Health Officer for the City of Canandaigua; and

WHEREAS, on December 2, 2021 via Resolution #2021-095, the Canandaigua City Council re-appointed Public Health Director Mary Beer as the Local Health Officer for with a term beginning January 1, 2022 and ending December 31, 2025; and

WHEREAS, with the retirement of Mary Beer, the City must appoint her successor Kate Ott as the Local Health Officer fulfilling Mary's remaining term ending December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Canandaigua hereby appoints Ontario County Public Health Director Kate Ott, RN, MPH as the Local Health Officer for the remaining term ending December 31, 2025.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-131:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION RECOGNIZING AND THANKING
RETIRING MOTOR EQUIPMENT OPERATOR ROBERT OLSEN
FOR HIS 30+ YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Robert Olsen, served the City of Canandaigua from his initial appointment as Public Works Maintenance Assistant on February 2nd, 1993, and

WHEREAS, during his 30+ years, Rob worked where and when needed, including in the middle of the night on the snow fighting crew, in the sign shop preparing street signs, and on all manner of street maintenance assignments; and

WHEREAS, Rob served under six (6) City Managers, two (2) Mayors, and sixteen (16) City Councils; and

WHEREAS, on May 13, 1996, Rob's position was reclassified from Public Works Maintenance Assistant and he was appointed to Light Motor Equipment Operator and promoted to Motor Equipment Operator on June 18, 2007; and

WHEREAS, during his career Rob performed his duties with dedication and professionalism, and won the respect of his peers and coworkers;

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Robert Olsen for his 30+ years of dedicated service to the City of Canandaigua and wishes him many happy years of retirement.

Prior to the vote, Councilmembers present thanked Mr. Olsen for his dedicated service to the City of Canandaigua and said that he will be greatly missed.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-132:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AWARDED A CONTRACT FOR THE INSTALLATION OF EMERGENCY GENERATORS
AT THE WATER TREATMENT PLANT AND THE LAKESHORE DRIVE PUMP STATION**

WHEREAS, the need to replace the emergency generators at the water treatment plant and at the Lakeshore Drive pump station was identified through an engineering assessment of the City's inventory of emergency generators; and

WHEREAS, replacement emergency generators were purchased for these locations through the 2022 Capital Budget; and

WHEREAS, bids for the installation of these new generators were opened on October 25, 2023 with five contractors responding with a bid, with the lowest responsive bidder being O’Connell Electric, 830 Phillips Road, Victor, New York, with a total bid of \$578,227, broken down as,
Lakeshore Drive Pump Station, \$145,065
Water Treatment Plant, \$392,480
Alt. #1, Variable Frequency Drives for Lakeshore Drive Pump Station, \$40,682; and

WHEREAS, funding for this work is available through existing Water and Sewer 2023 Capital Budgets; however, additional appropriations from the Water and Sewer Funds Capital Reserves are necessary; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the contract for these installations to O’Connell Electric;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the installation of emergency generators at the Lakeshore Drive Pump Station and at the Water Treatment Plant to O’Connell Electric for a total amount of \$578,227; and

BE IT FURTHER RESOLVED, that the City Council appropriates \$122,747 from the Sewer Fund Capital Reserve, to be combined with \$63,000 from the 2023 Sewer Fund Capital Budget, to fund the portion of the work at the Lakeshore Drive Pump Station; and

BE IT FURTHER RESOLVED, that the City Council appropriates \$112,480 from the Water Fund Capital Reserve, to be combined with \$180,000 from the 2023 Water Fund Capital Budget, to fund the portion of the work at the Water Treatment Plant;

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-133:

Moved: Councilmember-at-Large Merrill

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION AWARDING A CONTRACT FOR THE ELECTRICAL INSTALLATION OF THE EMERGENCY GENERATOR AT THE YACHT CLUB COVE PUMP STATION

WHEREAS, the need to replace the emergency generator at the Yacht Club Cove pump station was identified through an engineering assessment of the City’s inventory of emergency generators; and

WHEREAS, a replacement emergency generator was purchased for this location through the 2022 Capital Budget; and

WHEREAS, bids for the electrical installation of this new generator were opened on October 25, 2023 with one contractor, Schuler-Hass Electric Corp., 240 Commerce Drive, Rochester, New York, responding with a bid, with a total bid of \$68,000; and

WHEREAS, funding for this work is available through the Sewer 2023 Capital Budget; however, an additional appropriation from the Sewer Funds Capital Reserves is necessary; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the contract for this electrical installation to Schuler-Hass Electric Corp.;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the electrical installation of an emergency generator at the Yacht Club Cove pump station to Schuler-Hass Electric Corp. for a total amount of \$68,000; and

NOW, BE IT FURTHER RESOLVED, that the City Council appropriates \$58,000 from the Sewer Fund Capital Reserve, to be combined with \$10,000 from the 2023 Sewer Fund Capital Budget, to fund this work.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-134:

Moved: Councilmember-at-Large Merrill

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION AUTHORIZING INSTALATION OF PUBLIC ART SIGNAGE AT LAKEFRONT PARK

WHEREAS, Roseland Park operated in the area of what is now Lakefront Park for 60 years until its closure in 1985 and included a Sky Ride that went out over part of Canandaigua Lake and involved two stanchions in the Lake; and

WHEREAS, via Resolution #2023-012, the City Council approved the installation of a sculpture, named *Ghosts of Roseland*, on the last unused Sky Ride stanchion in Canandaigua Lake off the shore of Lakefront Park that will be funded by private funds and/or grants; and

WHEREAS, at the October 17, 2023 Environmental Committee meeting, the group that is fundraising for the public art installation requested approval for a *Ghosts of Roseland* sign in Lakefront Park to promote the project; and

WHEREAS, a sign has been submitted for City Council review and approval and the location will be erected on the shoreline, in Lakefront Park, north of the stanchion; and

NOW, THEREFORE BE IT RESOLVED that City Council approves both the content and location of the sign which will be donated to the City, installed by City Parks and Recreation staff and replaced with a different sign about the sculpture and Roseland Park once the art is installed.

Prior to the vote, Councilmember-at-Large Uebbing thanked Councilmember Ward 1 Polimeni for her years of work installing public art around the City of Canandaigua. Councilmember Ward 1 Polimeni reminded residents that no tax payer dollars will be used for this project.

Vote Result: Carried unanimously by voice vote (9-0)

Ordinances:

Ordinance #2023-008: *(Councilmember-at-Large Lyon introduced the ordinance and motioned to place it on the table, seconded by Councilmember Ward 1 Polimeni, carried unanimously by voice vote 9-0)*

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Covington

An Ordinance Amending Chapter §850-30. B.4 and §850-28 Regarding 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.

Prior to the vote, Councilmember-at-Large Merrill motioned to amend the ordinance, Section 2 subdivision B to read 15 ft, not 25 ft in the maximum permitted height. Councilmember Polimeni seconded the motion and was passed by unanimously by voice vote (9-0). Councilmember-at-Large Lyon motioned to return the amended ordinance back to the Table and have the public hearing remain open for the December meeting, seconded by Councilmember-at-Large Merrill, passed by unanimously by voice vote (9-0).

Ordinance #2023-009: *(Councilmember-at-Large Covington motioned to lift the ordinance from the table, introduced at the October 5, 2023 meeting, Seconded by Councilmember Ward 2 White, unanimously passed and carried by voice vote 9-0.)*

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 1 Polimeni

An Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7

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 **Refuse Containers.**

All dumpsters, **totes, and other refuse containers** used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use shall be screened from public views **and views from all other properties at ground level** by landscaping or fencing

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

Vote Result: Carried unanimously by voice vote (9-0).

Ordinance #2023-010: *(Councilmember Ward 4 Dittmar, introduced the ordinance and motioned to place it on the table, Seconded by Councilmember Ward 1 Polimeni, unanimously passed and carried by voice vote 9-0.)*

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

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.

Local Laws:

Local Law #2023-004: *(Councilmember-at-Large Lyon read and introduced the Local Law and motioned to place it on the table, seconded by Councilmember Ward 1 Polimeni. Carried unanimously by voice vote 9-0)*

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 1 Polimeni

Local Law to Amend 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.

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.

Vote Result: Carried unanimously by voice vote (9-0).

Local Law #2023-005: *(Councilmember Ward 2 Unrath read and introduced the Local Law and motioned to place it on the table, seconded by Councilmember-at-Large Merrill. Carried unanimously by voice vote 9-0)*

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember-at-Large Merrill

**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 and 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.

Manager's Report: Mr. Goodwin reported on two watermain break projects that will begin work soon at Jefferson Street and West Avenue. He reports that residents who called in over the sewer smell in the Charlotte/Gorham/Gibson street area that everything is fine. Work is being done and everything is safe.

The new police station roof work is ongoing and leaf pick up has begun. Reminded residents that leaf pick up will be the opposite weeks from recycling and it is expected to have two full passes for residents before the snow may start.

Miscellaneous: The Mayor reported on the upcoming Veterans' Day service at the American Legion, as well as the Pickering Treaty ceremony at the Ontario County Courthouse and additional Veterans' Day observances are at FLCC. Councilmember Polimeni reminded Council of the anniversary of the passing of

Councilmember Nick Curti, and thanked him for his service to the City.

Executive Session: Councilmember Ward 3 White motioned to move into Executive Session, to discuss matters related to attorney/client privilege. Seconded by Councilmember-at-Large Covington, carried unanimously voice vote, 9-0. Meeting adjourned to executive session at 8:14 p.m.

Regular Session: Councilmember Ward 3 White motioned to return to regular session and adjourn, seconded by Councilmember Ward 1 Polimeni. Unanimously passed and carried by voice vote 9-0 at 8:18 pm.