

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, MAY 1, 2014 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Ian Boni
Councilmember Ward 3 Karen White
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 4 Cindy Wade (Arrived 7:10)
Councilmember-at-Large David Whitcomb (Arrived 7:20)

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Review Core Values: Councilmember-at-Large Terwilliger 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: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of April 3, 2014. Councilmember-at-Large Taylor seconded the motion.
Vote Result: Carried unanimously by voice vote (7-0)

Recognition of Guests: None

Committee Reports:

Environmental: Councilmember-at-Large Taylor reported that the Environmental Committee met on April 8th and discussed the following:

Minutes – Attachment 6A

- Floodplain Update
- “I Love My Parks Day”
- Snow Removal Policy
- Restricted use of Parkland and Adequate Consideration
 - L.L. Bean Proposal; Triathlon
- General Updates

- Transportation Alternatives Program

Ordinance: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on April 15th, and discussed the following:

- Phoenix Street Plaza Concept
- Pesticide Use Ordinance
- Hydrofracking Ordinance
- Amended Pawnbroker Ordinance

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on April 22nd, and discussed the following:

Minutes – Attachment 6B

- Temporary Fire Training Instructor Position
- Waste Water Treatment Plant Screw Pump #1 Installation
- Water Treatment Plant Filter Media Replacement
- Engineer Selection for the 2015 Road Reconstruction Design
- Stream Bank Restoration and Water Trail Grant
- Mortgage Subordination Agreement
- July 4th Event Coordinator
- Parks Seasonal Position

Planning: Councilmember Ward 4 Wade reported that the Planning Committee has not met since the last Council Meeting.

PUD: Councilmember-at-Large Whitcomb reported that the Planned Unit Development Committee met on April 17th and discussed the following:

- Cottages at Canandaigua

Resolutions:

Resolution #2014-036:

Councilmember, Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

**A RESOLUTION OFFERING A REVOCABLE LICENSE
TO LL BEAN TO USE A PORTION OF LAKEFRONT PARK
FOR THEIR 2014 WATER CLASSES**

WHEREAS, LL Bean conducts classes to promote a healthy lifestyle and encourages open water activities; and

WHEREAS, the City can allow the Park to be used for purposes that are incidental to the park's purpose and which promote the park and recreational use of the land provided that it is pursuant to a revocable license and the City receives adequate consideration (as determined by the City Council); and

WHEREAS, the Environmental Committee has considered the use of Lakefront Park for such purpose;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to offer to and execute with LL Bean a revocable license agreement to use Lakefront Park for 2014 under terms and conditions as specified by the City Manager, which shall include that adequate consideration shall be paid to the City and deposited in the Kershaw Park Reserve Fund.

Councilmember-at-Large Taylor recused himself due to his employee relationship with LL Bean.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-037:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF STATE**

WHEREAS, the City of Canandaigua and Canandaigua Lake Watershed Council, an intermunicipal organization consisting of the fourteen watershed and water purveying municipalities, are proud of their ongoing leadership and partnership in protecting Canandaigua Lake; and

WHEREAS, in 2012, the City sponsored a NYS Consolidated Funding Application on behalf of and in partnership with the Canandaigua Lake Watershed Council to implement numerous projects to promote and protect Canandaigua Lake; and

WHEREAS, in 2013, NYS announced that the City of Canandaigua in partnership with the Canandaigua Lake Watershed Council were successful in obtaining \$340,000 in state grant funds to implement the projects identified in the grant application including:

- stormwater management projects in the Sucker Brook subwatershed,
- stream and road bank protection projects throughout the watershed,
- educational outreach activities that will support the City and Town's MS4 requirements,
- evaluating and promoting the Natural Capital of the Watershed,
- develop a Water Trail on the lake for canoes and kayaks
- support the position of Watershed Program Manager; and

WHEREAS, in 2013 and early 2014 the grant plan of work and state grant contract was developed by the NYS Department of State to implement the various projects; and

WHEREAS, the City of Canandaigua, as a municipality, is considered an eligible grantee by New York State and will need to sign the grant contract as had been done on previous grant awards; and

WHEREAS, several of the projects in the grant will directly benefit the City of Canandaigua and its residents; and

WHEREAS, the Watershed Program Manager is assigned the responsibility of coordinating the implementation of the grant along with making sure all the various contract requirements have been met;

NOW THEREFORE, BE IT RESOLVED that the Canandaigua City Council hereby authorizes the Mayor to execute Contract No C1000209, "Promotion and Protection of Canandaigua Lake for \$340,000 with the New York State Department of State; and

BE IT FURTHER RESOLVED that the Canandaigua City Council hereby authorizes the City Manager to sign all payment requests related to Contract No. C100209, "Promotion and Protection of Canandaigua Lake; and

BE IT FURTHER RESOLVED that Canandaigua City Council authorizes the use of the Watershed Fund for revenue and expenditures related to this grant along with the use of City equipment and labor for grant related activities within the City of Canandaigua or the Sucker Brook subwatershed.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-038:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION FUNDING THE INSTALLATION
OF SCREW PUMP - NUMBER 1 AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Canandaigua purchased in 2013 a new screw pump for the Wastewater Treatment Plant; and

WHEREAS, the 2013 adopted sewer fund budget included funds for the installation of this screw pump which were not encumbered in 2013 due to the delays in the manufacture and delivery of the new screw pump, leading to those fund being returned to the sewer fund reserve; and

WHEREAS, the City has received three (3) written quotes for the installation of the new screw pump, which should be delivered in the near future; and

WHEREAS, funding for this installation is available in the sewer reserve fund due to the unencumbered funds from 2013; and

WHEREAS, the City will incur additional costs for crane and other specialized services needed to facilitate the installation of the new screw pump; and

WHEREAS, funding for these other costs is available in the sewer reserve fund due to the unencumbered funds from 2013; and

WHEREAS, the City Manager and the Director of Public Works recommend that \$40,000 be appropriated from the sewer reserve fund for the installation of screw pump - number 1;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the transfer of \$40,000 from the sewer reserve fund to the 2014 sewer capital fund for the installation of the new screw pump - number 1 at the Wastewater Treatment Plant.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-039:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO INSTALL NEW FILTER MEDIA AT THE WATER TREATMENT PLANT

WHEREAS, the City of Canandaigua Water Treatment Plant has four (4) filters to polish water which are still using the original filter media; and

WHEREAS, the City of Canandaigua has had the necessary engineering design completed to replace this filter media, and the proposed improvements have been approved by the New York State Department of Health; and

WHEREAS, the City publicly advertised for bids for the construction of the approved improvements, and directly contacted multiple potential bidders; and

WHEREAS, bids to install the proposed improvements were received on March 12, 2014, with one contractor submitting a bid; and

WHEREAS, the bid from RK Hydro-Vac, Inc., 322 Wyndham Way, Piqua, Ohio, 45356 in the amount of \$199,130 has been determined to be the lowest responsive bid; and

WHEREAS, \$190,000 in funding for this construction was appropriated in the City of Canandaigua 2014 water fund budget; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to RK Hydro-Vac, Inc., to complete the necessary improvements to the water treatment plant;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the appropriation of an additional \$10,000 from the water reserve account to supplement the funding for this contract; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with RK Hydro-Vac, Inc., 322 Wyndham Way, Piqua, Ohio, 45356, to complete the necessary filter media replacement to the water treatment plant for a fee not-to-exceed \$199,130.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-040:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT

WHEREAS, the City of Canandaigua has a program to complete a street reconstruction project every four years; and

WHEREAS, a collection of streets has been selected for reconstruction in 2015; and

WHEREAS, proposals to complete the required engineering and surveying for this project, and provide full time on-site observation during construction in 2015, were received on March 18, 2014; and

WHEREAS, funding for these engineering services was included in the adopted 2014 City of Canandaigua budget, distributed between the general, water and sewer funds; and

WHEREAS, of six proposals received, Chatfield Engineers, P.C. submitted the responsive proposal with the lowest proposed fee; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Chatfield Engineers, P.C. for engineering services to complete the design of the proposed 2015 multiple streets reconstruction project, and provide full-time observation during construction;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Chatfield Engineers, P.C., 2800 Dewey Avenue, Rochester, New York, 14616 to complete the necessary engineering design for a fee not-to-exceed \$230,000.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-041:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember-at-Large Whitcomb seconded the motion.

RESOLUTION #2014-041

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AN AMENDMENT TO THE ZONING ORDINANCE TO PROHIBIT NATURAL GAS EXTRACTION

WHEREAS, Section 850-8 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance, Chapter 850;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning amendment to prohibit natural gas extraction and related activities in all zones in the City of Canandaigua be held during the City Council Meeting held at 7:00 p.m. on June 5, 2014 in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York; and

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

BE IT FURTHER RESOLVED that the Zoning Officer shall cause a copy of the proposed Ordinance #2014-006 to be forwarded to the Ontario County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B).

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

Resolution #2014-042:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION AUTHORIZING THE CREATION OF TWO TEMPORARY, PART-TIME FIRE TRAINING INSTRUCTOR POSITIONS

WHEREAS, the City of Canandaigua desires to conduct a 27-hour Firefighter II Training Boot Camp; and

WHEREAS, the City must hire two temporary, part-time Fire Training Instructors; and

WHEREAS, the hourly rate will be \$29.45, which is equal to the State Fire Training Instructor rate; and

WHEREAS, the two positions will be funded by the Fire Department's SAFER Grant for volunteer recruitment and retention; and

WHEREAS, the Boot Camp is tentatively scheduled for Jul 31, August 1 and August 2, 2014;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the creation of two temporary, part-time Fire Training Instructor positions at a rate of \$29.45 per hour; and further authorizes the City Manager to fill these positions.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-043:

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

Amendment: Councilmember-at-Large Whitcomb moved to amend the resolution to add rate of pay of \$13.50 /hr to the “BE IT RESOLVED” paragraph of the resolution.

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

AMENDED
A RESOLUTION CREATING THE POSITION OF
PARKS MAINTENANCE ASSISTANT, SEASONAL

WHEREAS, the Parks Department is replacing the title of Laborer, Crew Leader, to Park Maintenance Assistant, Seasonal; and

WHEREAS, that the 2014 rate of pay for the position of Parks Maintenance Assistant, Seasonal, shall be \$13.50 per hour, and will not impact the approved 2014 Parks Maintenance budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby creates the position of Parks Maintenance Assistant, Seasonal, to replace the title of Laborer, Crew Leader at a rate of \$13.50 per hour.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-044:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A TRANSPORTATION ALTERNATIVES PROGRAM GRANT APPLICATION

WHEREAS, the City of Canandaigua has adopted an Active Transportation Plan and 2013 Comprehensive Plan Update, both of which promote alternative means of transportation; and

WHEREAS, the City desires to create a network of pedestrian and bicycle pathways that link people and neighborhoods to activity centers in the City and beyond; and

WHEREAS, the New York State Department of Transportation announced funding for the Transportation Alternatives Program; and

WHEREAS, the Transportation Alternatives Program provides funding for programs and projects defined as transportation alternatives, including on-and off-road pedestrian and bicycle facilities; and

WHEREAS, the City desires to construct a pedestrian and bicycle pathway linking West Lake Road and Main Street along State Routes 5 & 20;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to make application to the Transportation Alternatives Program for the purpose of securing funding for said pedestrian and bicycle pathway.

Vote Result: Carried by voice vote with Councilmember Ward 4 Wade against. (8-1)

Resolution #2014-045:

Councilmember Ward 2 Boni read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBORDINATION AGREEMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN RELATIVE TO FORT HILL HOUSING DEVELOPMENT

WHEREAS, in 1995 the City of Canandaigua received a Small Cities Community Development Block Grant ("CDBG") from the United States Department of Housing and Urban Development ("HUD") in order to rehabilitate the structure previously, known as the Canandaigua Junior Academy, into the Fort Hill Senior Apartments Project; and

WHEREAS, the City provided a portion of said grant to Fort Hill Housing Development Fund Company, Inc ("Borrower") in the form of a low interest loan, which loan was subordinate to a building loan mortgage and permanent loan mortgage; and

WHEREAS, Borrower is refinancing and consolidating its first mortgage and has requested the City of Canandaigua to subordinate its loan so as to remain in second position; and

WHEREAS, said request was reviewed by the City's Finance Committee on April 22, 2014 and recommended by Corporation Counsel;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute a Mortgage Subordination Agreement, which is attached hereto.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-046:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH
BREAK THE ICE MEDIA**

WHEREAS, each year the City of Canandaigua celebrates the 4th of July with a parade and other festivities; and

WHEREAS, organizing and coordinating these events is a time-consuming and elaborate endeavor; and

WHEREAS, the City desires to contract out the organization and coordination of the 4th of July festivities to a qualified third-party consultant; and

WHEREAS, two cost proposals were submitted for this work; and

WHEREAS, in the opinion of City staff the proposal submitted by Break the Ice Media best meets the needs of the City; and

WHEREAS, Break the Ice Media has the experience and qualifications necessary to perform this work; and

WHEREAS, Break the Ice Media's cost proposal of \$4,000 exceeds the amount of \$1,500 which was budgeted in the 2014 general fund for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to enter into a contract with Break the Ice Media for a not-to-exceed sum of \$4,000; and further resolves that \$2,500 of contingency funds be allocated to this project.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinances:

Ordinance #2014-003: *(Introduced and tabled at the April 3, 2014 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 748 OF THE MUNICIPAL CODE
RELATIVE TO HEATING REQUIREMENTS**

Lift from the table: Councilmember Ward 2 Boni moved to lift Ordinance 2014-003 from the table. Councilmember, Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote.

Vote: Councilmember Ward 2 Boni moved to approve Ordinance 2014-003. Councilmember, Ward 1 Cutri seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance #2014-004: *(Introduced and tabled at the April 3, 2014 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 802 OF THE MUNICIPAL CODE RELATIVE TO
REQUIRED IMPROVEMENTS IN MAJOR SUBDIVISIONS**

Lift from the table: Councilmember-at-Large Whitcomb moved to lift Ordinance 2014-004 from the table. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote.

Vote: Councilmember-at-Large Whitcomb moved to approve Ordinance 2014-004. Councilmember-at-Large Bucci seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance #2014-005:

Councilmember, Ward 1 Cutri read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 527 OF THE MUNICIPAL CODE,
"PAWNBROKERS, SECONDHAND DEALERS AND JUNK DEALERS"**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That chapter 527 of the Municipal Code, is hereby amended as follows [~~deletions stricken~~, additions in *italics*]:

§527-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUNK DEALER

Any person engaged in the business, retail or wholesale, or both, of buying, selling and trading in old metals, machinery, parts, paper, clothing, glass and other worn-out or unusable material, except primarily for salvage, as well as the definition contained in §60 of the General Business Law.

PAWNBROKER - Includes any person, partnership, or corporation:

- A. Collateral loan broker as per General Business Law §41; or.
- B. Loaning money on deposit or pledge of personal property, other than securities or printed evidences of indebtedness; or
- C. Dealing in the purchasing of personal property on condition of selling back at a stipulated price; or
- D. Designated or doing business as furniture storage warehousemen, and loaning and advancing money upon goods, wares or merchandise pledged or deposited as collateral security.

SECONDHAND BUSINESS

Any person or entity which performs the actions as defined in this Chapter as a "Junk Dealer", a "Pawnbroker", and/or a "Secondhand Dealer".

SECONDHAND DEALER

Any person engaged in the business, retail or wholesale, or both, of buying, selling and trading in used furniture, appliances, tools, household furnishings, clothing and other personal items used about the home or place of residence and primarily intended for resale and reuse of the same in the same manner and for the same purpose that such items were originally manufactured. Any business that buys and/or sells any precious metals, coins, jewelry or collectibles shall be considered a Secondhand Dealer.

§527-2. ~~Pawnbroker's license required.~~ Secondhand dealers, *Pawn Brokers, and Junk Dealers*; licenses and fees.

~~No person shall carry on the business of pawnbroker in the City without first having obtained from the City Manager a license authorizing such person, to carry on the same in the manner and upon the conditions stated in the succeeding sections of this chapter. All pawnbrokers' licenses shall expire on the 31st day of January next after the granting thereof.~~

A. No person shall conduct in the City, a business generally known as a secondhand business without first having obtained from the ~~City Manager~~ *City Clerk/Treasurer's Office* a license authorizing him to conduct such business. All licenses granted to a secondhand ~~dealers~~ *business* hereunder shall expire on the 31st day of January next after the granting thereof. The person to whom a license is granted hereunder shall pay to the City ~~the~~ *a fee set by Resolution of the City Council* sum of \$15, which sum fee is hereby fixed as the license fee to be paid for all licenses granted hereunder. The City Manager may revoke or suspend a secondhand ~~dealer's~~ *business* license for cause.

B. *Every such licensed pawnbroker shall be subject to all the restrictions and shall conduct his pawnbroker business in the same manner as provided by Article V of the General Business Law.*

C. *All junk dealers doing business in the City of Canandaigua shall comply with all the provisions of Article VI of the General Business Law, and for all violations thereof shall be subject to the same penalties, fines or other punishment imposed by §64 of said Article.*

D. *Exemptions.*

(1) Art dealerships, music stores, not-for-profits and secondhand clothing businesses are exempt from licensing fees and all reporting requirements set forth in this Chapter.

(2) Jewelry stores, whose primary business is the sale of jewelry, precious metal, and gems, which have not been purchased second-hand or acquired on consignment, and that have been in continuous operation in the City of Canandaigua for at least five years shall only be subject to the reporting requirements of this Chapter. Such qualified jewelry stores shall not be required to obtain a license in order to continue operations.

§527-3. Application for license.

The ~~City Manager~~ *City Clerk/Treasurer's Office* shall issue under the official seal of the City to such persons who shall produce satisfactory evidence of their good character, a license authorizing such person to carry on the *secondhand* business of a ~~pawnbroker~~, which license shall designate the place in which such person shall carry on said business.

§527-4. Conducting business without license prohibited.

No person shall carry on ~~the a~~ *secondhand* business of a ~~pawnbroker~~ without being duly licensed as aforesaid, nor in any place other than the one designated in such license.

§527-5. License fee.

Any person receiving such a license shall pay to the City ~~the a~~ *fee set by Resolution of the City Council* ~~sum of \$25~~, which is hereby fixed as the license fee for each of such licenses as may be granted hereunder.

§527-6. Bond required.

Before any license hereunder shall be issued, the person to whom the same is granted shall file with the Clerk/Treasurer a bond to the City of Canandaigua to be executed by such licensee and two responsible sureties, or a surety company, in the penal sum of \$10,000 and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed under the laws of New York State and the ordinances of the City. Before the granting of such license, said bond shall be approved by the Corporation Counsel as to form and sufficiency of sureties. The City Manager shall have full power to revoke for cause any license granted hereunder.

§527-7. Action on bond.

If any person shall be aggrieved by the misconduct of any such licensed ~~pawnbroker~~ *secondhand business*, he may maintain an action in his own name upon the bond of such licensed ~~pawnbroker~~ *secondhand business*, upon the conditions and in the manner, provided by ~~§42~~ of the General Business Law of the State of New York.

~~§527-8. Duties of pawnbrokers.~~

~~A. Every such licensed pawnbroker shall be subject to all the restrictions and shall conduct his pawnbroker business in the same manner as provided by Article V of the General Business Law.~~

~~B. No pawnbroker shall receive or purchase any article unless the person selling the same identifies himself or herself by means of a government issued picture identification, driver's license, police identification card or other means of identification approved by the Chief of Police.~~

~~C. Pawnbrokers shall report every Wednesday of each week, in writing to the Chief of Police, a description of all articles received by said pawnbroker within the 24 hours immediately preceding the delivery of such report. The report must be typed and include the name, date of birth and address of the person making the pledge. The report shall also include a brief description of the property, the time and day of the sale and a copy of the serial number of the property if applicable. The contents of such report shall not be communicated to any person for the purpose of publication, but shall be used expressly for protecting the public. No person shall make any false entry in such report, and, whenever the Chief of Police shall notify any pawnbroker not to sell or permit to be redeemed any property so received on deposit, such property shall not be sold or be permitted to be redeemed until the Chief shall so direct.~~

~~D. Every pawnbroker shall post his or her pawnbroker's license in a conspicuous location in his or her place of business.~~

~~§527-9. Junk dealers.~~

~~No person shall engage in the business of buying or selling old metal, which business is herein designated junk business and which person is herein designated junk dealer, unless or until such junk dealer shall have obtained a license from the City Manager City Clerk/Treasurer's Office in accordance with the provisions of §60 of the General Business Law relative to the licensing of junk dealers. All junk dealers doing business in the City of Canandaigua shall comply with all the provisions of Article VI of the General Business Law, and for all violations thereof shall be subject to the same penalties, fines or other punishment imposed by §64 of said Article.~~

~~§527-10. Secondhand dealers; licenses and fees.~~

~~A. No person shall conduct in the City a business generally known as a secondhand business without first having obtained from the City Manager a license authorizing him to conduct such business. All licenses granted to secondhand dealers hereunder shall expire on the 31st day of January next after the granting thereof. The person to whom a license is granted hereunder shall pay to the City the sum of \$15 which sum is hereby fixed as the license fee to be paid for all licenses granted hereunder. The City Manager may revoke or suspend a secondhand dealer's license for cause.~~

~~§527-11 8. Duties of Secondhand Businesses. pawnbrokers, junk dealers and secondhand dealers.~~

~~A. Every Secondhand Business pawnbroker, junk dealer and secondhand dealer on purchasing or receiving any article or property, including donated items, capable for use for the purpose originally intended, or bearing any device, name, initial or initials indicating any prior owner other than the manufacturer, or from which article or property it appears that any such device, name, initial or initials have been removed, obliterated or effaced, shall:~~

- ~~(1) Immediately complete a form documenting the details of the transaction. The form shall be promulgated by the Chief of Police and provided to all secondhand businesses.~~

(2) Secondhand businesses are further required to enter the required information into www.leadsonline.com, which is utilized by the City for on-line reporting requirements.

~~(1) Cause to be subscribed by the person from whom purchased or received a statement as to when, where and from whom he obtained such article or property.~~

~~(2) His age, residence by City, village or town, and the street and number thereof, if any, and otherwise such description as will reasonably locate the same.~~

~~(3) His occupation and name of his employer and place of employment or business.~~

~~B. Such statement shall be kept by all such pawnbrokers, junk dealers and secondhand dealers in a suitable book to be provided by them, and such books kept by them respectively shall at all times be open to the inspection of any member of the police force of the City.~~

~~C. Every pawnbroker, junk dealer and secondhand dealer shall append to such statement a further statement showing where and the date and hour when he purchased or received such article or property, and also a brief description of the person from whom he purchased or received the same.~~

~~D.B. Secondhand dealers shall not be required, however, to keep such record of articles purchased by them at private bona fide auction sales.~~

~~E.C. No engine, automobile, articles of jewelry, or silverware, or any precious metals including currency, coins, stamps or any item with a fair market value of 250 dollars or more, so purchased or received by any licensed junk dealer or secondhand dealer, Secondhand Business shall be altered, broken up, taken apart, defaced, sold or otherwise disposed of within five days from the day it was so purchased or received by them, excepting that such articles or property may be disposed of within said period of five days provided such junk dealer or secondhand dealer Secondhand Business shall have secured permission to do so from the Chief of Police or other officer in charge at police headquarters.~~

~~F.D. No pawnbroker Secondhand Business shall receive, purchase, or take any goods in pledge from any person who shall appear to be, or who shall be known to such pawnbroker, secondhand dealer, or junk dealer Secondhand Business, to be under the age of 18 years or intoxicated or an habitual drunkard; nor shall such pawnbroker secondhand business employ any clerk or other person under the age of 16 years to take any goods in pledge. No secondhand dealer shall purchase or receive any goods, articles or property from any person who shall appear to be, or shall be known to such secondhand dealer to be under the age of 18 years.~~

~~G. No junk dealer or secondhand dealer, excluding not-for-profit corporations that receive donated items, shall receive or purchase any item unless the person selling the item identifies himself or herself by means of a government-issued picture identification, driver's license or police identification card or other means of identification approved by the Chief of Police.~~

~~H. Every secondhand dealer, excluding not-for-profit corporations that receive donated items, shall make out, every business day, a record containing the details of all purchases of secondhand items during the preceding business day. The dealer shall deliver such record to the Chief of Police or his or her representative, by mail or in person, on the same day in which the record is completed. The details to be reported on each purchase shall include a brief description of the property, the time and day of the sale and a copy of the serial number of the property if applicable.~~

~~I. E. Every secondhand dealer, Secondhand Business, excluding not-for-profit corporations, that receives donated items, shall post his or her secondhand dealer-business license in a conspicuous location in his or her place of business.~~

§527-12 9. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, and in addition to any other penalties or procedures otherwise prescribed by law, be punishable by a fine not exceeding \$250 or imprisonment in the County Jail of Ontario County for not more than 15 days, or both such fine and imprisonment. Each day on which any such violation continues shall constitute a separate offense.

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

Ordinance #2014-006:

Councilmember-at-Large Bucci read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 850 OF THE MUNICIPAL CODE
TO PROHIBIT NATURAL GAS EXTRACTION**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That Chapter 850, section 850-10 of the Municipal Code (entitled “Preservation of Natural Resources”), is hereby amended to add the following language:

§850.10.1 Natural gas extraction.

A. Findings.

The City Council of the City of Canandaigua finds, declares and determines that the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes in the urban environment of Canandaigua poses a significant threat to its residents’ health, safety and welfare. If natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the City, this activity would endanger the health, safety and welfare of City residents through the deposit of toxins into the air, soil, water, environment and the bodies of residents within the City. Clean air and water are essential to most resources and

activities in the Canandaigua area, and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the City's water supply, and pollution of the water, soil, and air. This section is not directed at the regulatory scheme for the operation of natural gas wells under the Environmental Conservation Law §23-0101, the Oil, Gas and Solution Mining Law of New York State. It only addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the City of Canandaigua and the enhancement of its physical environment.

B. Definitions.

(1) "Exploration" shall mean geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas deposits.

(2) "Natural gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

(3) "Natural gas exploration and production wastes" shall mean any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from the exploration, drilling or extraction of natural gas.

C. Prohibited Uses.

(1) No person, firm or corporation shall conduct any exploration for natural gas; drill any well for natural gas; transfer, store, treat, or dispose of natural gas exploration or production wastes; or erect any derrick, building, or other structure or place any machinery or equipment for such purpose within the territorial boundaries of the City of Canandaigua.

(2) The storage, transfer, treatment and/or disposal of natural gas exploration and production wastes are hazardous wastes within the meaning of this Code. No person, firm or corporation shall engage in the storage, transfer, treatment and/or disposal of natural gas exploration and production wastes within territorial boundaries of the City of Canandaigua, including but not limited to the use of pipelines, flowlines, gathering lines, sweetening plants, separators, processing facilities, compression facilities, carbon dioxide removal facilities, bulk storage plants, hydrogen sulfide removal facilities, dehydration facilities, compressor stations, metering facilities, waste pits, chemical mixing or storage tanks, flowback pits or tanks, water and chemical mixture transfer and hauling stations. No permit issued after the effective date of this ordinance, by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this section, shall be deemed valid within the City of Canandaigua.

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

Local Law: (None)

Manager's Report:

- The transfer station in the Town of Canandaigua will be available for City residents to dispose of bulk items every 2nd and 4th Saturday of the month from 1 to 4 PM beginning on May 10th. Proof of residency is required and coupons are available at the City Clerk's Office or at DPW.
- DEC is accepting public comments on the North Shore Project Brownfield cleanup.
- Bryan White was recognized for his service as the Assistant City Manager for the City of Canandaigua and wished him the best of luck in his new position as Village Manager for the Village of Fairport.
- There will be open houses at the Sewer Treatment Plant, Water Treatment Plant, Police Station and Fire Station on May 31st from 10-2 PM where residents can tour the facilities and see the various services provided by the City.

Miscellaneous:

- Councilmember Ward 3 White reminded residents of the upcoming School budget vote May 20th. There is a public information meeting on the School budget on May 12th at 6:30 PM at the Operations Center.
- Councilmember-at-Large Bucci mentioned that there will be a meeting held in Ontario County by FEMA on May 14th to discuss how flood maps are put together and how they can be potentially modified. There will be other meetings held this fall by FEMA to discuss the flood insurance program.
- Councilmember-at-Large Taylor mentioned that the Watershed Association is seeking volunteers to be "Watercraft Stewards" who will be located at different docks to perform light inspections to ensure that no invasive species will enter the lake.

Executive Session:

Councilmember-at-Large Taylor moved to close the regular meeting to go into Executive Session at 8:20 PM to discuss "acquisition or disposition of real property and attorney-client communications. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote

Councilmember-at-Large Whitcomb moved to close the executive session and return to the regular meeting at 9:15 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote.

Regular Session:

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 9:15 PM. Councilmember, Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer