

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, NOVEMBER 6, 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 Ward 4 Cindy Wade  
Councilmember-at-Large Maria Bucci  
Councilmember-at-Large William Taylor  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Also Present:**

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

**Review Core Values:** Councilmember Ward 1 Cutri 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 October 2, 2014. Councilmember-at-Large Whitcomb seconded the motion.  
*Vote Result: Carried unanimously by voice vote. (9-0)*

**Recognition of Guests:**

- Joe Nacca, Chapel St., asked how much taxes would have been paid if properties did not receive PILOT (Payment In Lieu of Taxes) agreements or certain property tax exemptions.

**Committee Reports:**

**Environmental:** Councilmember-at-Large Taylor reported that the Environmental Committee met on October 14<sup>th</sup> and discussed the following:

- Review Strategic Plan Goals and Objectives for the Environmental Committee
- Toter Grant

**Ordinance:** Councilmember-at-Large Whitcomb reported that the Environmental Committee met on October 21<sup>st</sup> and discussed the following:

- Special Event – Information Cart

- Feral Cats
- Food Trucks
- Canandaigua Cardinals

**Finance:** Councilmember-at-Large Terwilliger reported that the Finance Committee met on October 28th and discussed the following:

**Minutes – Attachment 13**

- Property Tax Freeze Credit
- Recommended 2015 Budget
- Budget Amendment Request for Code Enforcement Vehicles
- Switchback Trail
- Canandaigua Lady Mooring Permit

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

**Resolutions:**

**Resolution #2014-083:**

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

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON  
THE CITY OF CANANDAIGUA'S PROPOSED 2015 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 2015 annual budget to the members of the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York at 7:00 p.m. on November 18, 2014; 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 #2014-084:**

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

**A RESOLUTION ISSUING A PERMIT TO MOOR  
THE CANANDAIGUA LADY TO THE CITY PIER**

**WHEREAS**, under Municipal Code §287-6 entitled Mooring or Beaching of Boats, the City Council may issue a permit to moor a commercial vessel to the City Pier, and;

**WHEREAS**, the owners of the Canandaigua Lady have requested permission to moor the boat to the west side of the City Pier until spring, and

**WHEREAS**, the City Manager has reviewed the request and recommends that City Council grant the request with the following conditions:

- 1) The owner shall provide the City with indemnification against all property and personal injury as well as meet all standard insurance requirements of the City.
- 2) The owner shall pay a fee of \$500 by November 1<sup>st</sup> of each year the boat is moored.
- 3) The City shall in no way be held responsible for the boat or its contents.

**NOW, THEREFORE, BE IT RESOLVED** that the Canandaigua City Council does hereby authorize the City Manager to issue a permit to the owners of the Canandaigua Lady to moor to the City Pier from November 1<sup>st</sup> through April 30<sup>th</sup> each year as deemed appropriate, upon satisfaction of the City Manager and Corporation Counsel that all three conditions have been satisfied; and

**BE IT FURTHER RESOLVED** that either party may terminate said agreement upon written notification 30 days prior to the commencement of the boat mooring date of November 1<sup>st</sup>.

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 #2014-085:**

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

**A RESOLUTION ADOPTING A NEW CITY LOGO**

**WHEREAS**, the 2014 budget provided \$5,000 for a City branding initiative; and

**WHEREAS**, the strategic plan adopted by City Council identifies branding as a priority goal; and

**WHEREAS**, the City appointed a project steering committee composed of residents and stakeholders to guide the branding process; and

**WHEREAS**, the City hired a consultant to assist the steering committee in the development of a new logo and tag line; and

**WHEREAS**, the new logo and tag line were introduced at the Planning Committee meeting held on October 7, 2014, and a majority of the committee recommended that the logo be formally adopted by City Council;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby adopts the logo and tag line introduced at the October 7, 2014 Planning Committee meeting.

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

**Resolution #2014-086:**

Councilmember Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**  
***Information Cart***

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

• ***Information Cart***

Dates: November 7, 2014-December 26, 2015

Location: City Pier, Kershaw Park & Commons Park

Days: City Pier & Kershaw Park-Saturday's, Commons Park-Friday's

Time: 10:00 a.m. – 2:00 p.m. @ each Location

Coordinator: Canandaigua Congregation of Jehovah's Witnesses

Purpose: Educational Program for Jehovah's Witnesses

**WHEREAS**, this request was reviewed and approved at the October 21, 2014 Ordinance Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event at the time and locations listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and

- 3) that if the event coordinator intends to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinator for reimbursement.

**BE IT FURTHER RESOLVED** that the organizer of the Special Event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout this event.

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.

Councilmember-at-Large Taylor read the following Resolutions 201-087, 2014-088, 2014-089, and 2014-090 and moved for their adoption. Councilmember Ward 2 Boni seconded the motion.

**Resolution #2014-087:**

**A RESOLUTION AWARDED A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the City of Canandaigua opened bids for the supply of approximately 12,000 gallons of poly aluminum chloride (PAC), to be delivered to the Water Treatment facility via bulk tanker truck, on October 10, 2014 with four bidders participating; and

**WHEREAS**, the lowest qualified bid was submitted by Kemira Water Solutions, 4321 W. 6<sup>th</sup> Street, Lawrence, KS 66049 at a unit price of \$1.77 per gallon; and

**WHEREAS**, funding for this approximately 12,000 gallons of PAC, is included in the Proposed 2015 Water Treatment Facility Operating Budget; and

**WHEREAS**, the Director of Public Works and the City Manager recommend that a contract be awarded to Kemira Water Solutions, 4321 W. 6<sup>th</sup> Street, Lawrence, KS 66049, to supply PAC, subject to budget appropriations in the 2015 budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a contract with Kemira Water Solutions, 4321 W. 6<sup>th</sup> Street, Lawrence, KS 66049, subject to the appropriations in the adopted 2015 City of Canandaigua Budget, for the purchase of PAC during the 2015 calendar year at a unit price of \$1.77 per gallon.

**Resolution #2014-088:**

**A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the City of Canandaigua opened bids for the supply of approximately 9,000 gallons of 50% sodium hydroxide, membrane grade, solution to be delivered via tanker truck to the Water Treatment facility, on October 10, 2014 with six bidders participating; and

**WHEREAS**, the lowest bid was submitted by Amrex Chemical, 117 E. Frederick Street, PO Box 642, Binghamton, NY 13902, with a unit price of \$2.15/gallon; and

**WHEREAS**, funding for this chemical usage is included in the Proposed 2015 Water Treatment Facility operating budget; and

**WHEREAS**, the Director of Public Works and the City Manager recommend the contract be awarded to Amrex Chemical, 117 E. Frederick Street, PO Box 642, Binghamton, NY 13902, to supply sodium hydroxide solution, subject to budget appropriations in the 2015 budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a contract with Amrex Chemical, 117 E. Frederick Street, PO Box 642, Binghamton, NY 13902, subject to the appropriations in the adopted 2015 City of Canandaigua Budget, for the purchase of sodium hydroxide solution during the 2015 calendar year at a unit price of \$2.15 per gallon.

**Resolution #2014-089:**

**A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the City of Canandaigua opened bids for the supply of approximately 32,000 pounds of chlorine, to be delivered to the Water Treatment facility in one ton cylinders, on October 10, 2014 with three bidders participating; and

**WHEREAS**, the lowest bid was submitted by Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, at a unit price of \$0.3750/pound; and

**WHEREAS**, funding for this chemical usage is included in the Proposed 2015 Water Treatment Facility Operating Budget; and

**WHEREAS**, the Director of Public Works and the City Manager recommend the contract be awarded to Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, to supply chlorine, subject to budget appropriations in the 2015 budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a contract with Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, subject to the appropriations in the adopted 2014 City of Canandaigua Budget, for the purchase of chlorine during the 2015 calendar year at a unit price of \$.375 per pound.

**Resolution #2014-090:**

**A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the City of Canandaigua opened bids for the supply of approximately 5,500 gallons of fluorosilicic acid to be delivered to the Water Treatment facility via bulk tanker truck, on October 10, 2014, with three bidders participating; and

**WHEREAS**, the lowest bid was submitted by Slack Chemical Co., Inc., 465 S. Clinton Street, PO Box 30, Carthage, NY 13619, at a unit price of \$3.744 per gallon; and

**WHEREAS**, funding for this approximately 5,500 gallons of fluorosilicic acid is included in the Proposed 2015 Water Treatment Facility Operating Budget; and

**WHEREAS**, the Director of Public Works and the City Manager recommend the contract be awarded Slack Chemical Co., Inc., 465 S. Clinton Street, PO Box 30, Carthage, NY 13619, to supply fluorosilicic acid, subject to budget appropriations in the 2015 budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a contract with Slack Chemical Co., Inc., 465 S. Clinton Street, PO Box 30, Carthage, NY 13619, subject to the appropriations in the adopted 2015 City of Canandaigua Budget, for the purchase of fluorosilicic acid during the 2015 calendar year at a unit price of \$3.744 per gallon.

**Vote on Resolutions 2014-087, 2014-088, 2014-089, and 2014-090**

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 #2014-091:**

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

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON STEAMBOAT LANDING HOTEL AND CONFERENCE CENTER AMENDED FINAL DETAILED SITE PLAN**

**WHEREAS**, the City Council has received a request to amend a previously approved amended final detailed site plan on the Steamboat Landing Hotel and Conference Center Project, said amendment concerning the size of the proposed berm to be located in the Rosepark Planned Unit Development; and

**WHEREAS**, Section 850-125 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the approved amended final detailed site plan; and

**WHEREAS**, City Council has determined that the proposed amendment is consistent with and in accordance with the elements and intent of the amended final site plan as approved, and pursuant to section 850-125(F) of the Code;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding an amendment to the Steamboat Landing Hotel and Conference Center Amended Final Detailed Site Plan be held during the City Council Meeting held at 7:00 p.m. on Tuesday, November 18, 2014 at the 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 proposed amendment to the Amended Final Detailed Site Plan shall be submitted to the Ontario County Planning Commission for review in accordance with § 850-125(F).

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 #2014-092:**

**A Resolution Approving the Sketch Plan for  
*The Cottages @ Canandaigua Residential Community*  
Planned Unit Development**

Councilmember-at-Large Whitcomb moved that Resolution 2014-092 be sent back to the Planned Unit Development Committee. Councilmember Ward 2 Boni seconded the motion.

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

**Resolution #2014-093:**

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

**A RESOLUTION CONSENTING TO THE ASSIGNMENT OF THE MORTGAGE NOTE, MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, AND PREFERRED MORTGAGE BETWEEN SARAH-FRANK, LLC AND THE CITY OF CANANDAIGUA**

**WHEREAS**, The City of Canandaigua agreed to provide \$2,100,000.00 of U.S. Housing and Urban Development - 108 (“HUD”) monies to Steamboat Landing, LLC to acquire real property and construct a restaurant/conference facility and cruise boat operation; and

**WHEREAS**, to secure said indebtedness a Mortgage Note, Mortgage, Assignment of Leases and Rents, and Preferred Mortgage, (“the Mortgage Documents”) all dated July 13, 2000 were properly executed by Christopher N. Iverson, President of Steamboat Landing, LLC; and

**WHEREAS**, in 2006 Steamboat Landing, LLC sold its property and assets secured by said Mortgage Documents to Sarah-Frank, LLC subject to the assumption of all debts and obligations of Steamboat Landing, LLC relative to and subject to the same terms and conditions as set forth in the Mortgage Documents; and

**WHEREAS**, Sarah-Frank, LLC is desirous of transferring said property to Canandaigua Finger Lakes Resort, LLC who is willing to assume all debts and obligations of Sarah-Frank, LLC relative to and subject to the same terms and conditions as set forth in the Mortgage Documents; and

**WHEREAS**, the City of Canandaigua maintains and manages the HUD-108 account relative to this indebtedness but the security was assigned to the U.S. Department of Housing and Urban Development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Council hereby consents to the assignment of the Mortgage Documents from Sarah-Frank, LLC to Canandaigua Finger Lakes Resort, LLC, which is owned jointly by David Genecco and Robert Murphy subject to:

- 1) All accounts of Sarah-Frank, LLC, including the HUD-108 account, being brought current and remaining current through the transfer; and
- 2) Certification from Mr. Genecco and Mr. Murphy that they intend to maintain a public restaurant/conference facility and cruise boat operation on the property; and
- 3) Approval of the assignment by HUD under whatever terms and conditions HUD may require.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the attention of John Heimbeck in the HUD Buffalo office.

*Discussion: Councilmember-at-Large Bucci moved that the word “Hotel” be added to Item #2 in the Now, Therefore section of the resolution. Councilmember-at-Large Taylor seconded the resolution. Corporation Counsel Michele O. Smith explained that this is the exact wording from the HUD documentation for this loan. This motion was withdrawn.*

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 #2014-012:** *(Introduced and tabled at the September 4 Council Meeting)*

**AN ORDINANCE AMENDING  
CHAPTER 292 OF THE MUNICIPAL CODE  
TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY**

This Ordinance remains on the table.

**Local Law:** None

**Manager's Report:**

City Manager David Forrest reported on the following:

- DPW will be picking up leaves during the month of November. Please do not rake the leaves into the street, but keep them between the curb and the sidewalk.
- Please put other yard waste in a receptacle which will be picked up on Friday's. Please call the Department of Public Works if you have other yard waste to be picked up.
- DPW has been busy putting up Christmas Decoration in the downtown area for the holiday season.
- City of Canandaigua was selected by the Genesee Transportation Council to conduct a walkability study. This will kick off on November 24<sup>th</sup> with a walking tour then a brainstorming session.

**Miscellaneous:**

- Councilmember-at-Large Taylor moved to change the meeting date for the next Council Meeting from Thursday November 20<sup>th</sup> to Tuesday November 18<sup>th</sup>. Councilmember Ward 1 Cutri seconded the motion.

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

**Regular Session**

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:10 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote*

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Nancy C. Abdallah  
City Clerk-Treasurer