

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
TUESDAY, NOVEMBER 18, 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 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

Members Present: Councilmember Ward 1 Nick Cutri

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

Mayor Polimeni stated that Councilmember Ward 1 Cutri will be absent tonight due to a family event.

Review Core Values: Councilmember-at-Large Whitcomb 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.

Public Hearings:

Proposed 2015 Budget:

Mayor Polimeni opened the public hearing at 7:01 PM

- Joe Nacca, Chapel St. – Mr. Nacca stated that he was not here as an adversary of City Council or to criticize the budget. He had asked the following questions:
 1. Why do million dollar companies receive a property tax exemption? Over the last 10 years the City lost \$242,000 in taxes due to exemptions.
 2. Who receives the PILOTS? This has been answered by the City. He stated that this was originally supposed to be for nonprofits to pay taxes when they do not have to pay taxes. These taxpayers do not fit that profile and are among the most able to pay the taxes and they should be paying twice as much.
- Alison Grems, President of the Chamber of Commerce – Spoke about the visitors services center and the economic development contract. This was a three year contract in which a solid foundation has been laid.

- Denise Chaapel, President of the BID –Talked about the BID and how, over the past year, down sized to a part time manager but will evaluate that position and the services it provides in the next year.
- Colony caregivers, Lynn Broan (Treasurer) Geneseo NY – Spoke about this organization and the large amount of community cats in the City of Canandaigua.
- Kyle Krenzer, Director of FLTV – Thanked the City Council for the partnership and the many years of support that has allowed the public access channel to exist. FLTV services just under 60,000 homes and if anyone has material they can broadcast it on FLTV.
- Mike Yarger, property owner on South Main St., thanked City Council for all the hard work on the budget and the hard decisions that need to be made.

Mayor Polimeni closed the public hearing at 7:25 PM

Steamboat Landing hotel and Conference Center Amended Final Detailed Side Plan:

Mayor Polimeni opened the public hearing at 7:25 PM

- Jerry Goldman, Rochester NY, Doug McCord engineering consultant and project manager, and Bob Murphy principal on this project, explained that changes of any magnitude must be presented to City Council. The primary change is an enhancement of the berm adjacent to Rosepark near the entrance to the site. Asking that this be enhanced to make it higher which will provides a better buffer. There is also a requested change in driveway for construction vehicles.
- No public comments

Mayor Polimeni closed the public hearing at 7:30 PM

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of November 6, 2014. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of November 11, 2014. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Recognition of Guests:

- Mayor Polimeni introduced Mike Murphy, our new Daily Messenger reporter.

Committee Reports:

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee has been meeting on the 2015 Budget and will report on the meetings at the next Council Meeting.

Resolutions:

Resolution #2014-095:

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

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
LOCAL LAW #2014-05 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 the City Council of the City of Canandaigua that a public hearing on Local Law #2014-05 shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York beginning at 7:00 p.m. on Thursday, December 4, 2014.

Vote Result: Carried unanimously by voice vote. (8-0)

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:

Local Law #2014-005

Councilmember-at-Large Whitcomb read the following local law and placed it on the table.

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

Section 1. Statement of Policy.

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

Section 2. Definitions

- a. "Sewer System" - The sewer system of the City of Canandaigua includes all sewer pipes and other appurtenances which are used or are useful in connection with the collection, treatment, or disposal of sewage, industrial waste, and other wastes which are owned, operated or maintained by the City of Canandaigua, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal, if any.

- b. "Part" - As used in relation to the term "sewer system" - all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including pumping systems.
- c. The terms "sewage", "industrial wastes", and "other waste" shall have meanings as set forth in Section 451 of the General Municipal law, as the same may be amended from time to time.

Section 3. Basis for Sewer Rent Computation

- a. Sewer rent charges shall be based either (1) upon the consumption of water on the premises connected with and served by the sewer system, or any part or parts thereof, or (2) upon the basis of actual discharge to the sewer system. Such actual discharge shall be based upon the measurement of an actual flow measuring device recording the actual flow of sewage to the sewer system.
- b. No user may elect to pay sewer rent charges on the basis of actual discharge unless a flow measuring device and control manhole have been installed and approved by the Director of Public Works. Such approval of the flow measuring device and control manhole shall be based upon measuring devices shall be subject to periodic inspection, testing, and reading by the Director of Public Works. The cost of installation, maintenance and testing of the flow measuring device and control manhole shall be borne solely by the system user.
- c. Sewer rent charges shall be \$4.00 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 \$44.80

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: No Report

Miscellaneous:

- Councilmember Ward 3 White reminded everyone to be very careful when crossing Main Street, especially with all the distractions and lights.

Regular Session

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 7:35 PM. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer