

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, NOVEMBER 21, 2013 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 David Whitcomb
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 Meg McMullen Reston
Mayor Ellen Polimeni

Vacant Seat: Councilmember Ward 2

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

Public Hearing: Public Hearing on the Proposed 2014 City Budget

Mayor Polimeni opened the public hearing at 7:01 PM.

Councilmember-at-Large Terwilliger gave a short summary of the budget. The City Manager presented a base case budget with a constant level of services along with a list of “a la carte” items to be considered by the Council. The two largest items were proposals from the fire and police departments.

Public Comments:

Lenore Friend, FLCC and FLTV – Asked the City Council to restore the funding for FLTV back to \$20,000 from \$19,000. FLTV has invested in new equipment which has resulted in better image quality and can preview archive programming on the web.

Randall Farnsworth, Representing the Chamber of Commerce – asked for continued support of the contract for Economic Development.

Mayor Polimeni closed the public hearing at 7:12 PM.

Review Core Values: Councilmember-at-Large Reston 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: No minutes to approve.

Committee Reports: No Committee Reports

Resolutions:

Resolution #2013-082:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON LOCAL LAW #2013-002 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 #2013-002 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 5, 2013.

Vote Result: Carried unanimously by voice vote.

Resolution #2013-083: Unused number

Resolution #2013-084:

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

A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT

WHEREAS, the existing City of Canandaigua water distribution system has multiple locations where inter-connecting existing water mains would improve the hydraulic performance of the distribution system and the ability to isolate sections of the system for maintenance operations, four of which have been identified as priority locations; and

WHEREAS, adding these inter-connections to the water distribution system requires New York State Department of Health, and potentially other State or Federal agencies, approval; and

WHEREAS, securing contractors to install these inter-connections will require having detailed plans and specifications describing the required construction; and

WHEREAS, proposals to provide these engineering services were received 31 October 2013; and

WHEREAS, funding for these engineering services was included in the adopted 2013 City of Canandaigua water fund capital budget; and

WHEREAS, of five 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 inter-connections within the existing distribution system;

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, NY 14616 to complete the necessary engineering design for a fee not-to-exceed \$21,049.60 to be paid from the City of Canandaigua Water Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: None.

Resolution #2013-085:

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

A RESOLUTION AWARDED A FERROUS CHLORIDE SUPPLY CONTRACT FOR THE WASTEWATER TREATMENT FACILITY

WHEREAS, the Wastewater Treatment Facility uses ferrous chloride to assist in the treatment of sewage; and

WHEREAS, a bid opening was scheduled on November 7, 2013, to supply ferrous chloride for 2014 with two one-year mutually agreed upon extensions; and

WHEREAS, four bidders were contacted, one failed to respond, one choose not to bid and two submitted bids; and

WHEREAS, Kemira Water Solutions, Inc. submitted the low bid of \$0.435 per gallon; and

WHEREAS, funds for this purchase were included in the requested 2014 Wastewater Treatment Facility operations budget; and

WHEREAS, the City Manager and the Director of Public Works recommends a contract award to Kemira Water Solutions, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Kemira Water Solutions, Inc., 3211 Clinton Parkway Court, Lawrence, Kansas 66047, to supply ferrous chloride to the City of Canandaigua for the period January 1, 2014 to December 31, 2014, at a unit price of \$0.435 per gallon.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: None.

Ordinances:

Ordinance #2013-009: *(Introduced and tabled at the September 5th Council meeting)*

Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

**AN ORDINANCE CREATING
CHAPTER 560 OF THE MUNICIPAL CODE,
"RENTAL REGISTRATION HOUSING LAW"**

This ordinance remains on the table.

Local Law:

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

LOCAL LAW #2013-002

**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 \$3.69 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 \$41.33

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.

Regular Session:

Councilmember-at-Large Terwilliger moved to adjourn the regular session at 7:20 PM. Councilmember Ward 3 White seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer