

**CITY COUNCIL AGENDA  
MONDAY, JANUARY 3, 2022  
7:00 P.M.**

<https://us06web.zoom.us/j/83905291995>

**(Meeting will be held virtually)**

**City Council:**     **Bob Palumbo, Mayor**  
                          **Nick Cutri, 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**  
                          **Renée Sutton, Councilmember-at-Large**  
                          **Steve Uebbing, Councilmember-at-Large**

**John Goodwin, City Manager**  
**Erin VanDamme, City Clerk**  
**David Hou, Corporation Counsel**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Hearings:**
- 4. Review of 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.
- 5. Approval of Minutes:           December 2, 2021**
- 6. Recognition of Guests:**
- 7. Committee Reports:**  
Planning Committee, next meeting: Tuesday, January 4<sup>th</sup>  
Finance Committee, next meeting: Tuesday, January 4<sup>th</sup>  
Environmental Committee, next meeting: Tuesday, January 18<sup>th</sup>  
Ordinance Committee- next meeting: Tuesday, January 18<sup>th</sup>
- 8. Items For Action**
  - A. City Council Rules and Procedures**

- B. Election of City Council President**
- C. Appointment of Standing Committees**
- D. Designation of Official Newspapers**
  - a. Daily Messenger**
- E. Appointment of City Historian**
  - a. Lynn Paulson**
- F. Appointments of BID Representatives**
  - a. City Council – Ellen Polimeni**
  - b. City Manager – Rick Brown**
  - c. Mayor – Stephen Cole**
- G. Establishing Time for Regularly Scheduled Meetings**
- H. Miscellaneous**

**9. Resolutions:**

**Resolution #2022-001:**            **A Resolution Setting the Time and Place of a Public Hearing on a Proposed Local Law Amending Chapter 714 of the Municipal Code to Add Provisions for a Local Energy Code (NYStretch Energy Code-2020)**

**10. Ordinances:**

**11. Local Laws:**

**Local Law #2022-001:**            **A Local Law Amending Chapter 714 of the Municipal Code to Add Provisions for a Local Energy Code (NYStretch Energy Code-2020)**

**12. Manager's Report:**

**13. Appointments:**

**Board of Assessment Review:**  
**Planning Commission:**

**Emily Palumbos**  
**J. Richard Manley**

**Zoning Board of Appeals:**  
**Canandaigua LDC:**

**Ryan Wilmer**  
**Bob Palumbo – Elected City Representative**  
**Bob Taylor – 2<sup>nd</sup> Term**

**14. Miscellaneous:**

**14. Adjournment**

# CANANDAIGUA CITY COUNCIL RULES AND PROCEDURES

## 1. ORGANIZATION

The City Council shall consist of the Mayor and eight Councilmembers, one to be elected from each of the City's four (4) Wards and four (4) to be elected from the City at large. The members of the City Council shall meet biennially on the first Monday of the year or, if that day is a Public Holiday, on the next day thereafter, and organize. They shall, at said organizational meeting, elect a President of the City Council from their number, whose term of office shall expire with that of his/her term of office as a Councilmember and said President shall preside over all meetings of the City Council in the absence of the Mayor and have a voice therein. At all meetings of the City Council, the Mayor, when present, shall preside and have a voice therein.

## 2. CLERK

The City Clerk shall be the Clerk of the City Council.

## 3. MEETINGS

The City Council shall hold at least one (1) regular meeting each month of the calendar year; the day and time to be decided upon at the organizational meeting. The City Council shall hold adjourned or special meetings in its chambers or location that is otherwise designated, at such times as it shall designate. The Mayor, or in his/her absence, the President of the City Council or a majority of its members may call a special meeting by causing a written notice thereof, specifying the date, time and the object thereof, to be served by the City Manager, or his/her designee, upon each member personally at least three (3) hours before the time specified in such notice for such meeting or by mail or electronic mail directed to the member of the Council at his place of residence or place of business at least twelve (12) hours before the time specified in such notice for said meeting.

4. **VOTING**

- a. Each member of the City Council shall vote on every duly offered and properly seconded motion.
- b. The order of voting will be as follows:
  - (1) The Councilmember representing the First Ward.
  - (2) The Councilmember representing the Second Ward.
  - (3) The Councilmember representing the Third Ward.
  - (4) The Councilmember representing the Fourth Ward.
  - (5) Each of the four (4) Councilmembers-at-Large.
  - (6) The Mayor.
- c. A member of the City Council will be excused from voting by the presiding officer, only if, in the judgment of the presiding officer or the Corporation Counsel, such vote would be in a conflict of interest of the Councilmember.
- d. No motion shall be discussed or put to vote unless properly seconded. When a motion is properly seconded, it shall be stated by the presiding officer before discussion.
- e. After motion is stated, it shall be before the Council, but may be withdrawn at any time by the member who offered the motion before decision or amendment.
- f. When a motion is under discussion, no motion shall be honored except a motion to amend, to put it to vote, to lay it on the table or to adjourn the Council.
- g. A motion to adjourn, properly seconded, is always in order.
- h. A roll call vote shall be called and recorded on all motions or Resolutions involving the expenditure of funds (money).
- i. Affirmative vote of at least five (5) members of the Council shall be necessary to adopt any Local Law, Ordinance, Resolution or Order.

5. **COMMITTEES**

The Mayor, for the purpose of aiding and assisting the City Council and City Manager, shall appoint the following Standing Committees at the time of the organizational meeting:

- a. Finance Committee
- b. Ordinance Committee
- c. Environmental Committee
- d. Planning Committee

**Note:** The Mayor and City Manager shall be members ex-officio of any and all appointed committees.

6. **CONDUCT OF COUNCIL MEETINGS**

- a. Six (6) members of the City Council will constitute quorum.
- b. Order of Business
  - (1) Pledge of Allegiance
  - (2) Roll Call
  - (3) Review of Core Values
  - (4) Approval of Minutes of last regular meeting.
  - (5) Recognition of Guests
  - (6) Committee Reports
  - (7) Resolutions
  - (8) Ordinances
  - (9) Local Laws

- (10) Manager's Report
  - (11) Appointments
  - (12) Miscellaneous
  - (13) Adjournment
- c. The presiding officer shall preserve order and decorum.
  - d. Each member, prior to his speaking, shall raise his hand and await recognition from the presiding officer and address himself to the presiding officer.
  - e. No member shall speak more than once on any question until every member wishing to speak shall have spoken.
  - f. Any and all members called to order by the presiding officer shall immediately come to order.
  - g. Any citizen shall have the right to come before the City Council at any meeting to speak on any subject before the Council or to request information or action on any City matter. All meetings and proceedings of the City Council shall be public except as designated by State law. A person wishing to address the Council must:
    - (1) Be recognized by the presiding officer.
    - (2) After recognition, state his or her name and address.
    - (3) Present any information or request action in a polite, businesslike manner.
    - (4) Be seated and silent upon request of the presiding officer.
  - h. All questions of order not covered by the Rules of City Council shall be decided by the Corporation Counsel based on the provisions of Robert's Rules of Order.

## 2022 City of Canandaigua City Council Committees

Council President: Nick Cutri

Corporation Counsel: Boylan Code

City Historian: Lynn Paulson

### Standing Committees

#### ENVIRONMENTAL:

Chair – Karen White  
Sim Covington  
Erich Dittmar  
Renée Sutton

#### FINANCE:

Chair – Steve Uebbing  
Nick Cutri  
Thomas Lyon  
Dan Unrath

#### ORDINANCE:

Chair – Renée Sutton  
Sim Covington  
Erich Dittmar  
Karen White

#### PLANNING:

Chair- Thomas Lyon  
Nick Cutri  
Steve Uebbing  
Dan Unrath

### Special Committees

#### PUD (Planned Urban Development):

Chair: Bob Palumbo  
All Council Members

WATERSHED COUNCIL- Bob Palumbo

# 2022 CITY COUNCIL & COMMITTEE MEETING DATES

## City Council Meetings-7:00PM

Hurley Building

January	3
February	3
March	3
April	7
May	5
June	2
July	7
August	4
September	1
October	6
November	3
November	17
December	1

## Special Committees

TBA

## Budget Workshops

6 – 9:00PM- Hurley Building

November 1	November 22 (if needed)
November 10	November 29 (if needed)
November 15	

## Planning Committee & Finance Committee Meeting

7 – 9:00PM – Hurley Building

(1<sup>st</sup> Tuesday of the Month)

January	4	July	5
February	1	August	2
March	1	September	6
April	5	October	4
May	3	November	-
June	7	December	-

## Environmental Committee & Ordinance Committee Meeting

7 – 9:00PM- Hurley Building

(3<sup>rd</sup> Tuesday of the Month) \*4<sup>th</sup> Tuesday

January	18	July	19
February	15	August	16
March	15	September	27*
April	19	October	18
May	17	November	-
June	21	December	-



**RESOLUTION #2022-001**

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 714 OF THE MUNICIPAL CODE TO ADD PROVISIONS FOR A LOCAL ENERGY CODE (NYSTRETCH ENERGY CODE-2020)**

**WHEREAS**, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law.

**NOW, THEREFORE, BE IT RESOLVED**, by City Council that a public hearing on proposed Local Law #2021-001 amending Chapter 714 of the Municipal Code to add provisions for a local energy code (NYStretch Energy Code-2020) shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and virtually at <https://us06web.zoom.us/j/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, February 3, 2022; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

**ADOPTED** this 3rd day of January, 2022.

**ATTEST:**

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Erin VanDamme  
City Clerk

**LOCAL LAW # 2022-001**

**A LOCAL LAW AMENDING CHAPTER 714 OF THE MUNICIPAL CODE TO ADD PROVISIONS FOR A LOCAL ENERGY CODE (NYSTRETCH ENERGY CODE-2020)**

**WHEREAS**, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code–2020 (“NYStretch”); and

**WHEREAS**, a stretch energy code is simply more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that is 10 to 12% more efficient than the minimum requirements of the 2020 Energy Conservation Construction Code of New York State (“2020 ECCCNY”); and

**WHEREAS**, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for residents and businesses; and

**WHEREAS**, under NY Energy Law § 11-109, the City of Canandaigua is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

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

**Section 1. Recitals and Legislative Intent**

The New York State Energy Conservation Construction Code (hereinafter referred to as the “State Energy Code”) is adopted by the State Fire Prevention and Building Code Council (hereinafter referred to as the “Code Council”) pursuant to Article 11 of the Energy Law.

The State Energy Code includes the provisions contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations (“Part 1240”) and the publications incorporated by reference in Part 1240.

The publications currently incorporated by reference in Part 1240 include, but are not limited to, the 2020 ECCCNY and the 2016 edition of ASHRAE 90.1 (“ASHRAE 90.1-2016”).

The 2020 ECCCNY is based on the 2018 edition of a publication entitled International Energy Conservation Code (“2018 IECC”).

NYSERDA has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (“NYStretch”). NYStretch modifies (i.e., amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (i.e., adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1-2016; and adds certain new sections to ASHRAE 90.1-2016.

Studies commissioned by NYSERDA indicate that modifying the State Energy Code in the manner contemplated by NYStretch can result in significant savings in energy usage and energy costs.

Article 11 of the Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code.

The City of Canandaigua desires to adopt as its local energy conservation construction code the State Energy Code as modified in the manner contemplated by NYStretch.

## **Section 2. Adoption of Local Energy Conservation Construction Code**

The City of Canandaigua hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch. Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240; provided, however, that the 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:

- (a) in each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner;
- (b) in each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY;
- (c) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
- (d) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.

A copy of NYStretch is annexed hereto and made part hereof.

## **Section 3. Amendment**

§714-2 Definitions is amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

Energy Code

*The New York State Energy Conservation Construction Code as modified in the manner contemplated by the NYStretch Energy Code-2020.* ~~NYStretch Energy Code—2020 (NYStretch) developed by the New York State Energy Research and Development Authority (NYSERDA).~~

## **Section 4. Applicability**

The local energy conservation construction code, as hereby adopted, shall be applicable to all buildings constructed, substantially renovated, or altered in the City of Canandaigua on or after the effective date of this local law and to all additions to buildings in the City of Canandaigua made on or after the effective date of this local law. However, pursuant to Energy Law § 11-109(2):

(a) if a copy of this local law is filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, and if the Code Council shall subsequently determine that the local energy conservation construction code as hereby adopted is not more restrictive than the State Energy Code, then on and after the date of such determination the local energy conservation construction code as hereby adopted shall no longer be enforced and the State Energy Code shall be applicable and shall be enforced in the City of Canandaigua; and

(b) if a copy of this local law is not filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, then the local energy conservation construction code as hereby adopted shall not be enforceable until and unless the Code Council shall determine that such local energy conservation construction code is more restrictive than the State Energy Code, and until and unless the Code Council shall make such determination the State Energy Code shall be applicable and shall be enforced in the City of Canandaigua.

#### **Section 5. Severability**

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

#### **Section 6. Authority**

This local law is adopted pursuant to Energy Law § 11-109(1) and Municipal Home Rule Law § 10.

#### **Section 7. Effective Date**

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.