

CITY COUNCIL AGENDA
MONDAY, JANUARY 26, 2026 6 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Council: **Thomas Lyon, Mayor**
 Michael Mills, Councilmember Ward I
 Guy Turchetti, Councilmember Ward II
 Donna Cator, Councilmember Ward III
 Erich Dittmar, Councilmember Ward IV
 Sim Covington, Councilmember-at-Large
 J.T. Squires, Councilmember-at-Large
 Doug Merrill, Councilmember-at-Large
 Gwen Van Laeken, Councilmember-at-Large

John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Hearings:** A Public Hearing on a Local Law Establishing and Imposing Sewer Rents in the City of Canandaigua
- 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: January 6, 2026**
- 6. Recognition of Guests:**
- 7. Manager’s Report:**

8. Resolutions:

Resolution #2026-002: A Resolution Recognizing and Thanking Don Semans for his Dedicated Forty Plus Years of Service to the City of Canandaigua

Resolution #2026-003: A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter 585 Solid Waste Regarding the Regulation of Temporary Dumpsters

Resolution #2026-004: A Resolution Setting the Time and Place of a Public Hearing on a Local Law Amending Chapter 612 of the Canandaigua Municipal Code Providing for a Partial Tax Exemption for Real Property in the City of Canandaigua Owned by Certain Persons with Limited Income who are Sixty-Five (65) Years Old or Over Pursuant to Section 467 of New York State Real Property Tax Law

Resolution #2026-005: A Resolution Accepting the Donation of a Public Art Sculpture

- Resolution #2026-006:** A Resolution Authorizing an Agreement with the Ontario-Wayne Stormwater Coalition
- Resolution #2026-007:** A Resolution Expressing Support for the City of Canandaigua's Application to the New York State Municipal Parks and Recreation Grant Program and Authorizing Submission of all Required Application Materials
- Resolution #2026-008:** A Resolution Accepting a Water Quality and Flood Resiliency Easement and Right of Way
- Resolution #2026-009:** A Resolution Authorizing an Exception to the Noise Ordinance
- Resolution #2026-010:** A Resolution Appropriating Funding from the Police Asset Seizure and Forfeiture Reserve
- Resolution #2026-011:** A Resolution Electing to Provide Pension Benefit Section 384-E of the Retirement and Social Security Law
- Resolution #2026-012:** A Resolution Re-Appointing a City Marriage Officer

9. Local Law:

Local Law #2026-001: A Local Law Establishing and Imposing Sewer Rents in the City of Canandaigua

Local Law #2026-002: A Local Law Amending Chapter 612 of the Canandaigua Municipal Code Providing for a Partial Tax Exemption for Real Property in the City of Canandaigua Owned by Certain Persons with Limited Income who are Sixty-Five (65) Year Old or Over Pursuant to Section 467 of New York State Real Property Tax Law

10. Ordinances:

Ordinance #2026-001: An Ordinance Amending Chapter 585 Solid Waste Regarding the Regulation of Temporary Dumpsters

11. Miscellaneous Strategic Planning Discussion

12. Adjournment

RESOLUTION #2026-002

A RESOLUTION RECOGNIZING AND THANKING DON SEMANS FOR HIS DEDICATED FORTY PLUS YEARS OF SERVICE TO THE CITY OF CANANDAIGUA

WHEREAS, Don Semans has faithfully served the City of Canandaigua since his initial appointment as a Laborer in the Waste Water Treatment Facility on February 6, 1984, beginning a career marked by a commitment to public service; and

WHEREAS, Don's forty-two (42) years of service to the City began with three (3) years at the Waste Water Treatment Facility, continued with twenty (20) years in the Public Utilities Bureau, and concluded with nineteen (19) years in the Streets Bureau, including sixteen (16) years serving as the Working Supervisor of the Streets Bureau, reflecting a career built on experience and longevity; and

WHEREAS, throughout his more than forty (40) years of service, Don consistently demonstrated a willingness to work wherever and whenever needed in order to best serve the City, including responding to overnight snow-fighting operations, addressing critical infrastructure repairs, and leading his crews through the successful completion of numerous in-house construction and maintenance projects; and

WHEREAS, Don's tenure with the City spans an extraordinary period of institutional history, during which he served under seven (7) City Managers and six (6) Mayors, providing continuity, institutional knowledge, and leadership through decades of change; and

WHEREAS, during his career, Don performed his duties with an exceptional depth of institutional knowledge and practical experience, drawing upon decades of service to guide decision-making, support his colleagues, and serve the City of Canandaigua.

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize, commend, and sincerely thank Don Semans for more than forty (40) years of service to the City of Canandaigua, and extends its best wishes to him for many years of happiness, good health, and fulfillment in his well-earned retirement.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-003

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 585 SOLID WASTE REGARDING THE REGULATION OF TEMPORARY DUMPSTERS

WHEREAS, the City Council desires, although not required by law, to hold a public hearing on changes to Chapter 595; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on an ordinance amending Chapter 585 ‘Solid Waste’ shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 6 p.m. on February 23, 2026;

BE IT FURTHER RESOLVED, although not required, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-004

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A LOCAL LAW AMENDING CHAPTER 612 OF THE CANANDAIGUA MUNICIPAL CODE, PROVIDING FOR A PARTIAL TAX EXEMPTION FOR REAL PROPERTY IN THE CITY OF CANANDAIGUA OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE (65) YEARS OF AGE OR OVER PURSUANT TO SECTION 467 OF NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, the City Council is required by law, to hold a public hearing on changes to Chapter 612; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on a Local Law Amending Chapter 612 shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 6 p.m. on February 23, 2026;

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

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-005

A RESOLUTION ACCEPTING THE DONATION OF A PUBLIC ART SCULPTURE

WHEREAS, Barron Naegel, sculptor, has offered to donate a sculpture for public art to be installed in a public park on Gibson Street; and

WHEREAS, Mr. Naegel attended the January 5, 2026 Environmental Committee to explain the creation and details of the piece; and

WHEREAS, the proposed sculpture measures approximately 8'–10' in height by 3' x 3', and is constructed of modified mortar (with pigment and stain), mosaic, and steel; and

WHEREAS, the City Council recognizes the value of public art in enhancing public spaces, fostering cultural enrichment, and contributing to the aesthetic and civic character of the City; and

WHEREAS, the City Council has reviewed the proposed donation and finds that acceptance of the sculpture is in the best interests of the City, subject to appropriate placement, installation, and maintenance considerations;

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby accepts the donation of the sculpture.

BE IT FURTHER RESOLVED, that the City Council graciously extends its heartfelt gratitude to Barron Naegel for his outstanding generosity and commitment to fostering the enjoyment of public art.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-006

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ONTARIO-WAYNE
STORMWATER COALITION**

WHEREAS, the Phase II federal stormwater regulations require that regulated municipal separate storm sewer system (MS4) operators comply with the SPDES General Permit for Stormwater Discharges issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Phase II federal stormwater regulations require that for each regulated MS4 the municipality must prepare and implement a stormwater management program that includes six minimum control measures; and

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II federal stormwater regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition is for member municipalities and agencies to work collaboratively to meet Phase II Federal Stormwater (MS4) regulations and permit requirements; and

WHEREAS, Coalition activities include protecting and improving local water quality, coordinating the use of existing and future resources, researching and implementing appropriate funding mechanisms, and ensuring compliance with applicable Federal, State, County, and local water quality policies; and

WHEREAS, this agreement establishes a five-year term for participation in the Ontario-Wayne Stormwater Coalition with the City paying an annual membership fee of \$5,000 to support stormwater compliance activities.; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to enter into an Agreement with the Ontario-Wayne Stormwater Coalition.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

INTERMUNICIPAL AGREEMENT

REGARDING COOPERATION TO COMPLY WITH THE FEDERAL PHASE II STORMWATER REGULATION IN ONTARIO AND WAYNE COUNTIES

An INTERMUNICIPAL AGREEMENT among the Ontario-Wayne Stormwater Coalition members of the City of CANANDAIGUA 2 N. Main St Canandaigua, NY 14424, Towns of CANANDAIGUA, 5440 Routes 5 & 20 West, Canandaigua, NY 14424, FARMINGTON, 1000 County Road 8, Farmington, New York 14425, MACEDON, 32 Main Street, Macedon, New York 14502, ONTARIO, 1850 Ridge Road, Ontario, New York 14519, VICTOR, 85 East Main Street, Victor, New York 14564, WALWORTH, 3600 Lorraine Drive, Walworth, New York 14568, hereinafter referred to as "Towns", the Coalition members of the Village of VICTOR, 60 East Main Street, Victor, New York 14564, hereinafter referred to as "Village"; ONTARIO COUNTY on behalf of its Department of Public Works with offices at 2962 County Road 48, Canandaigua, New York 14424; and WAYNE COUNTY on behalf of its Highway Department with offices at 7227 Route 31, Lyons, New York 14489, as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the Phase II federal stormwater regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (latest version) issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Phase II federal stormwater regulations require that for each regulated municipal separate storm sewer system the municipality must prepare and implement a stormwater management program that includes six minimum control measures; and

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II federal stormwater regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition started holding meetings beginning in 2004 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of this agreement shall be from February 1, 2026 through January 31, 2031. At such time, this agreement may be renewed, amended, or terminated. Any party may withdraw from this agreement upon 60 days written notice to the other parties with or without cause.
2. The work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to:
 - a. Comply with the latest Phase II Federal Stormwater Regulations and permit conditions placed on municipal separate storm sewer system operators and any future permit guidelines;

- b. Protect and/or improve the water quality of local water ways in accordance with State, County, and local water quality planning documents and policies
- c. Facilitate the use of existing or future resources, organizations, and programs for the provision of the services necessary to comply with the Phase II regulations
- d. Research and implement an appropriate funding mechanism to meet the financial needs resulting from compliance with the Phase II Federal Stormwater Regulations
- e. Report annually to the Ontario County Board of Supervisors, Ontario County Water Resources Council, Wayne County Board of Supervisors, and Wayne County Water Quality Coordinating Committee on the Coalition's progress with compliance and funding issues.

3. Each Coalition member (Municipality or Agency) will pay an annual membership fee to the Coalition to fund the implementation of compliance activities, which are part of each Coalition member's stormwater management plan. This fee will be determined annually by the Stormwater Coalition and approved by the full membership of the Stormwater Coalition. The fee schedule is included in Appendix 'A'.

4. Each Coalition member will designate an official representative to serve on the Stormwater Coalition. The designee shall be responsible to attend and participate in bimonthly meetings of the Coalition and the task groups created to facilitate compliance with different aspects of the regulations, and to transmit stormwater policy issues to his or her Coalition member. The designee shall also be responsible to obtain opinions on stormwater policy issues from the Coalition member and to share such opinions with the Stormwater Coalition membership. Every Coalition member entitled to vote or attend a meeting of the Stormwater Coalition may authorize another person to act by signed proxy.

5. The officers of the Stormwater Coalition shall be the Chair and Vice-Chair. The officers shall be elected to two-year terms by a majority of the members present at a regularly scheduled meeting. The duties and responsibilities of the Chair shall be to preside at meetings of the Coalition, and function as the official spokesperson for the Coalition. The Vice-Chair shall assist the Chair and subsequently assume the Chair position for a two-year term.

6. Membership fees, which are outlined in Appendix A, should be paid to the Ontario County Soil and Water Conservation District by the date established by the Coalition. If payment is not received within 30 days of this date (Feb 1), then membership will be revoked unless the Coalition has agreed to other payment arrangements.

7. Stormwater Coalition decisions and recommendations are generally made by consensus. Consensus is defined as all members of the Coalition being able to support the decision or recommendation.

When the Coalition cannot reach consensus, voting will be used for decision-making. Each Coalition member (municipality or agency), that has paid its Coalition membership fee in-full, shall have one vote. All decisions requiring voting shall be made by the majority of the members (or their officially designated alternates) present at a regularly scheduled meeting. In the case of a tie vote, the Chair shall cast the tie-breaking vote.

8. Staff from the local, regional, and state agencies may provide staffing services to the Ontario-Wayne Stormwater Coalition. This will include coordination of the Coalition, the task groups, management of Coalition projects, applying for grant funding, and coordination of awarded grants. The Coalition or its designated service provider may, with the approval of the Coalition, also manage the implementation of the membership fee and develop a template for the annual reports that must be submitted by each regulated Coalition member. The Ontario- Wayne Stormwater Coalition shall not be the employer of such staff.

9. This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.

10. Each party shall defend, indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this Agreement. The obligations of this paragraph shall survive the expiration or termination of the Intermunicipal Agreement, whether occasioned by this Intermunicipal Agreement's expiration or earlier termination.

11. This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior Agreements between the parties hereto for the services herein to be provided. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

12. Each Coalition Member shall be solely responsible and liable for its own activities under this Agreement, for obtaining its permit coverage under the SPDES General Permit for Stormwater Discharges from MS4s (current permit) and for the preparation, implementation, operation and maintenance of its own stormwater management program including, but not limited to, the required minimum control measures.

Signatories

City of CANANDAIGUA City Manager:

Date:

Town of CANANDAIGUA Supervisor:

Date:

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title:

Signature:

Date:

APPENDIX A

Ontario-Wayne Stormwater Coalition

2026-2031 Annual Membership Fee Schedule:

Type of Coalition Member	Annual Membership Fee	
<ul style="list-style-type: none">• MS4 Cities• MS4 Towns• Ontario County Highway Department• Wayne County Highway Department• MS4 Villages• Non-Traditional MS4's to include School Districts	\$5,000.00	

RESOLUTION #2026-007

A RESOLUTION EXPRESSING SUPPORT FOR THE CITY OF CANANDAIGUA'S APPLICATION TO THE NEW YORK STATE MUNICIPAL PARKS AND RECREATION GRANT PROGRAM AND AUTHORIZING SUBMISSION ALL REQUIRED APPLICATION MATERIALS

WHEREAS, the City of Canandaigua recognizes Baker Park as an important community asset that provides recreational opportunities for residents and visitors of all ages and abilities; and

WHEREAS, the City has developed a proposed project to enhance Baker Park, including improvements to walking trails, construction of two fields for youth baseball and softball programs, development of a new park building, and related ADA-compliant improvements; and

WHEREAS, the City Council of the City of Canandaigua strongly supports this project and the submission of an application to the New York State Office of Parks, Recreation and Historic Preservation through the Municipal Parks and Recreation (MPR) Grant Program; and

WHEREAS, the City Council wishes to formally express its support for the project and authorize the City Manager to act on behalf of the City in connection with the grant application;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Canandaigua hereby expresses its strong support for the City's application to the MPR Grant Program for improvements at Baker Park; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to sign and submit the grant application and any associated forms, certifications, and materials necessary to support the City's application; and

BE IT FURTHER RESOLVED, that this resolution demonstrates the City Council's commitment to advancing accessible, inclusive, and high-quality recreational facilities for the benefit of the Canandaigua community.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-008

A RESOLUTION ACCEPTING A WATER QUALITY AND FLOOD RESILIENCY EASEMENT

WHEREAS, as part of the on-going flood mitigation efforts within the Sucker Brook Sub-Watershed multiple projects within the City along Sucker Brook have been identified; and

WHEREAS, one specific project at 111 North Street involves building a stormwater detention facility that will mitigate flooding downstream and the 8.99-acre portion of parcel 70.19-1-4.2 requires an access easement from its southwestern corner to provide the City with fifty (50) feet of access to a private road; and

WHEREAS, E. & J. Gallo Winery has agreed to grant an easement area and the City of Canandaigua has requested control of the easement for a water quality and flood resiliency project involving construction of a flood mitigation/storage area; and

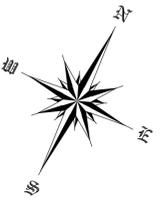
NOW, THEREFORE, BE IT RESOLVED, the City Council hereby accepts the easement and graciously extends its heartfelt gratitude to E. & J. Gallo Winery for their outstanding generosity and commitment to assisting in flood mitigation; and

BE IT FURTHER RESOLVED, that the City Council of the City of Canandaigua that the City Manager is authorized to execute any and all documents necessary to accept the easement from E. & J. Gallo Winery to the City of Canandaigua.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk



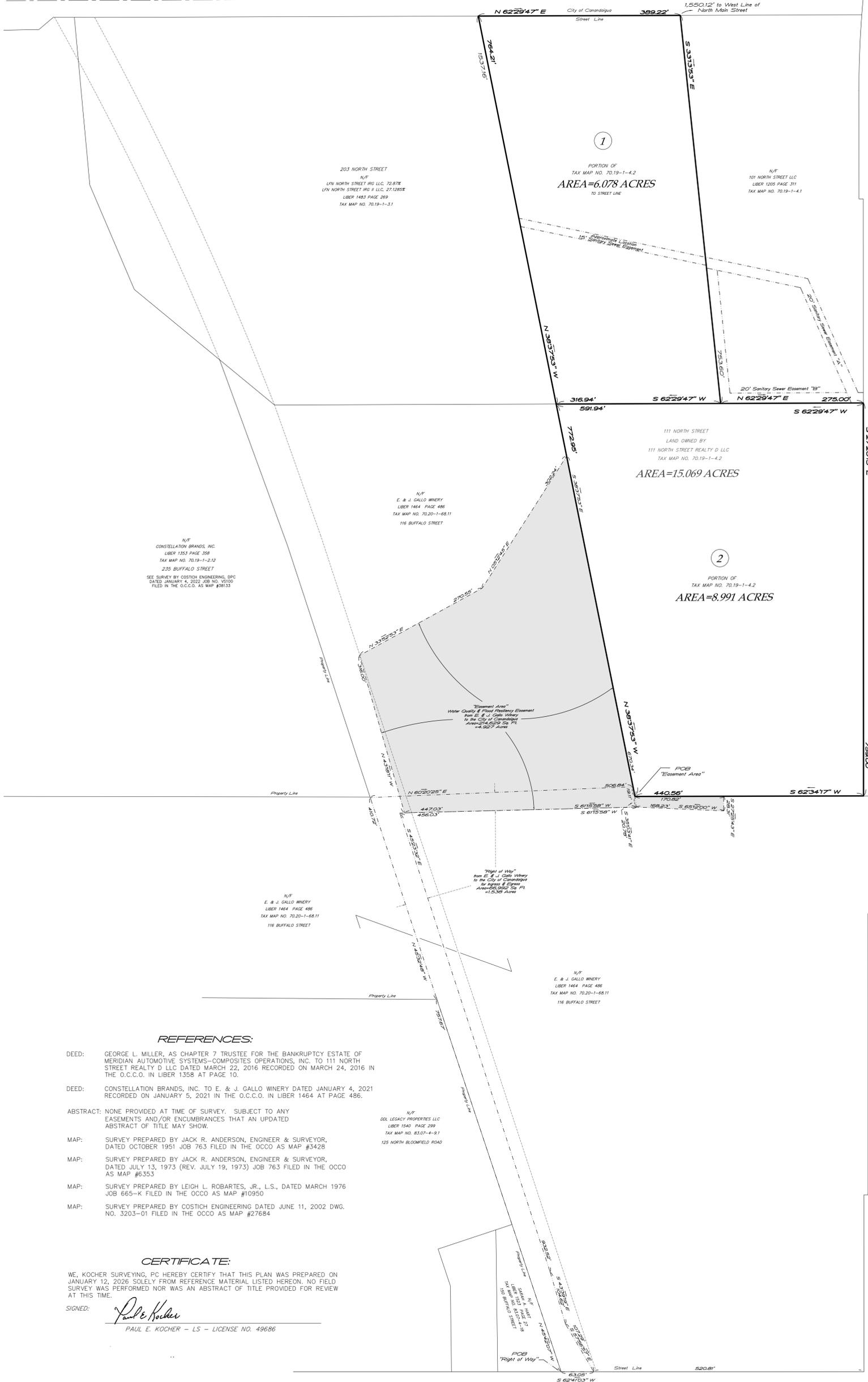
NORTH (66) STREET

Centerline & Corporation Line

City of Canandaigua

Street Line

1,550.12' to West Line of North Main Street



REFERENCES:

- DEED: GEORGE L. MILLER, AS CHAPTER 7 TRUSTEE FOR THE BANKRUPTCY ESTATE OF MERIDIAN AUTOMOTIVE SYSTEMS-COMPOSITES OPERATIONS, INC. TO 111 NORTH STREET REALTY D LLC DATED MARCH 22, 2016 RECORDED ON MARCH 24, 2016 IN THE O.C.C.O. IN LIBER 1358 AT PAGE 10.
- DEED: CONSTELLATION BRANDS, INC. TO E. & J. GALLO WINERY DATED JANUARY 4, 2021 RECORDED ON JANUARY 5, 2021 IN THE O.C.C.O. IN LIBER 1464 AT PAGE 486.
- ABSTRACT: NONE PROVIDED AT TIME OF SURVEY. SUBJECT TO ANY EASEMENTS AND/OR ENCUMBRANCES THAT AN UPDATED ABSTRACT OF TITLE MAY SHOW.
- MAP: SURVEY PREPARED BY JACK R. ANDERSON, ENGINEER & SURVEYOR, DATED OCTOBER 1951 JOB 763 FILED IN THE OCCO AS MAP #3428
- MAP: SURVEY PREPARED BY JACK R. ANDERSON, ENGINEER & SURVEYOR, DATED JULY 13, 1973 (REV. JULY 19, 1973) JOB 763 FILED IN THE OCCO AS MAP #6353.
- MAP: SURVEY PREPARED BY LEIGH L. ROBERTS, JR., L.S., DATED MARCH 1976 JOB 665-K FILED IN THE OCCO AS MAP #10950
- MAP: SURVEY PREPARED BY COSTICH ENGINEERING DATED JUNE 11, 2002 DWG. NO. 3203-01 FILED IN THE OCCO AS MAP #27684

CERTIFICATE:

WE, KOCHER SURVEYING, PC HEREBY CERTIFY THAT THIS PLAN WAS PREPARED ON JANUARY 12, 2026 SOLELY FROM REFERENCE MATERIAL LISTED HEREON. NO FIELD SURVEY WAS PERFORMED NOR WAS AN ABSTRACT OF TITLE PROVIDED FOR REVIEW AT THIS TIME.

SIGNED:

Signature of Paul E. Kocher, License No. 49686

BUFFALO (67.74) STREET

DRAWING ALTERATION: THE FOLLOWING IS AN EXCERPT FROM THE NEW YORK EDUCATION LAW ARTICLE 145 SECTION 7209 AND APPLIES TO THIS DRAWING.

IT IS A VIOLATION OF THIS LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED. THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Project No. N25-045

Sheet No. 1 of 1

Kocher Surveying, P.C.

Formerly Hamish & Lookup Associates

116 West Miller Street Newark, N.Y. 14513

Phone 315-331-2800 Fax 315-331-2445



Drawn By: PEK Checked By: TDW Scale: 1" = 100 Date: 1-12-26

Project Title: SUBDIVISION OF LAND OWNED BY 111 NORTH STREET REALTY D LLC AND EASEMENTS TO BE GRANTED BY E. & J. GALLO WINERY TO THE CITY OF CANANDAIGUA FOR WATER QUALITY AND FLOOD RESILIENCY & RIGHT OF WAY STATE IN THE CITY OF CANANDAIGUA ONTARIO COUNTY NEW YORK

No.	Revisions and Descriptions	By	Date

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RESOLUTION #2026-009

A RESOLUTION AUTHORIZING AN EXCEPTION TO THE NOISE ORDINANCE

WHEREAS, Peacemaker Brewing and Rio Tomatlan are planning two concerts to take place in the parking lot of Rio Tomatlan on Friday June 26, 2026 and Saturday, June 27, 2026; and

WHEREAS, the concerts will take place from 6:00 PM to 11:00 PM, both evenings, and are expected to create noise levels that exceed those generally permitted by the City's Noise Ordinance; and

WHEREAS, § 494-6(F) of the Municipal Code of the City of Canandaigua provides that the City Council may grant exemptions to the Noise Ordinance through a resolution on the basis of special or unusual circumstances and that the City Council, if it grants a special exemption, may apply restrictions such as the Council deems appropriate; and

WHEREAS, both facilities have received exemptions from Council in the past for such events; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua hereby grants a special exemption to the Noise Ordinance to Peacemaker Brewing and Rio Tomatlan for concerts to be held on Friday, June 26, 2026 and Saturday, June 27, 2026; and

BE IT FURTHER RESOLVED that a representative from Peacemaker Brewing and/or Rio Tomatlan shall provide written notice at least two weeks in advance of the event to the surrounding neighborhood on Bemis, Chapin, Bristol, Coach and Coy Streets and Ellis Place.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme, City Clerk

RESOLUTION #2026-010

A RESOLUTION APPROPRIATING FUNDING FROM THE POLICE ASSET SEIZURE & FORFEITURE RESERVE

WHEREAS, a radio associated with the Downtown camera network is not functioning properly and needs replacement; and

WHEREAS, the radio is part of a larger public safety system that aids in crime fighting and prevention; and

WHEREAS, this purchase will be primarily used by the Police Department as a tool to enhance law enforcement and public safety activities and as such, funds from the Police Asset Seizure & Forfeiture Reserve can be utilized to fund the purchase;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves this capital purchase and appropriates \$25,000 from the Police Asset Seizure & Forfeiture Reserve.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-011

A RESOLUTION ELECTING TO PROVIDE PENSION BENEFIT SECTION 384-E OF THE RETIREMENT AND SOCIAL SECURITY LAW

WHEREAS, Section 384-e of the New York State Retirement and Social Security Law authorizes a participating employer to elect to provide an optional pension benefit for certain uniformed personnel who are members of the New York State and Local Police and Fire Retirement System; and

WHEREAS, the City of Canandaigua is a participating employer in the New York State and Local Police and Fire Retirement System; and

WHEREAS, the recently executed Collective Bargaining Agreement between the City and the Canandaigua Fire Fighters Association Local 2098, I.A.F.F. (Association) includes the provision of the retirement benefit authorized by Section 384-e of the New York State Retirement and Social Security Law; and

WHEREAS, the Collective Bargaining Agreement also stipulates that the Association shall contribute 75% of the annual amortization payments for past service costs (estimated by the Comptroller to be \$73,985 per year for 10 years) with the City paying the remaining 25% along with the estimated additional annual cost;

WHEREAS, there are sufficient funds available in the employee benefits accounts to cover the City's estimated portion of the costs \$18,496.25 for past service and \$8,687 for additional annual costs, the City Manager recommends recognizing the expenditure for past services credit totaling \$73,985 and the revenue from the Association totaling \$55,488.75;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Canandaigua does hereby elect to provide the pension benefit of Section 384-e of the Retirement and Social Security Law for any member of its Fire Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED, that the effective on February 1, 2026; and

BE IT FURTHER RESOLVED, the City Council recognizes the additional annual retirement costs estimated to be \$8,687, the past service credit cost amortization cost of \$73,985 with 75% of which (\$55,488.75) being paid for by the Association and that there are sufficient funds with the aforementioned revenue, available in the employee benefit accounts in the 2026 Budget.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

MEMORANDUM OF APPROVAL

EFFECTIVE DATE: January 1, 2026

PARTIES: The City of Canandaigua ("the City") and the Canandaigua Benevolent Association ("the Association")

SUBJECT: Funding Allocation for Section 384-E Retirement Benefit

I. Purpose and Authority

In accordance with the Collective Bargaining Agreement (CBA) for the years 2026-2028, both parties have agreed to adopt the **Section 384-E retirement benefit**. Under the authority of the Trustees of the Canandaigua Benevolent Association, this document provides formal authorization to utilize Foreign Fire Insurance Tax funds (commonly known as "2% Funds") to facilitate this benefit.

II. Allocation of Past Service Costs

The Trustees hereby approve the use of 2% Funds to satisfy the annual amortization payments (estimated at \$73,985) for **past service costs** as follows:

- **Association Contribution:** The Association shall contribute **75%** of the annual amortization payments. These funds shall be drawn from the associations 2% monies held/administered by the City. Any remaining funds from the City or Town 2% after contribution will be given to the Association.
- **City Contribution:** The City shall contribute the remaining **25%** of the annual amortization payments for past service costs.

III. Future Costs and Lateral Transfers

Any and all additional costs resulting from the change in benefit moving forward shall be the sole responsibility of the City of Canandaigua. This includes, but is not limited to:

- Ongoing increased contribution rates.
- Costs associated with future **lateral transfers**.
- Any administrative cost beyond the initial past service amortization.

IV. Formal Approval

- The Trustees of the Canandaigua Benevolent Association hereby approve the use and distribution of these funds as outlined above, effective January 1, 2026, to remain in

effect until the aforementioned past service obligations are satisfied, at which time the Association will continue to receive 100% of all 2% money.

- In accordance with association guidelines, the City shall provide yearly documentation verifying the **2% annual revenue received** alongside the applicable **75% deduction**.
-

Execution

For the Canandaigua Benevolent Association (Trustees):

Max Mahoney

Keghan Kelly

Aaron Fitzgerald

Office of the New York State Comptroller
Thomas P. DiNapoli



New York State and Local Retirement System
110 State Street, Albany, New York 12244-0001

Phone: 518-474-0167
Fax: 518-474-8357
Email: RTEmpSer@osc.ny.gov
Web: www.osc.state.ny.us/retirement

Kimberly Zeto, Director, Member & Employer Services Bureau

November 18, 2025
Location Code: 20008

Julie DeRue
Payroll Clerk
City of Canandaigua
2 N. Main St.
Canandaigua, NY 14424

Re: Section 384-e cost request
Firefighters

Dear Julie DeRue:

This letter is in response to the request for information regarding the retirement benefit plan improvement of Section 384-e, and the cost associated with the possible adoption of this plan, for eligible firefighters with the City of Canandaigua.

[Section 384-e](#) of the Retirement and Social Security Law grants an additional 1.66% of the members' final average earnings (FAE) for each year of service beyond 20 years, as required under Section 384-d. Only those firefighters in Section 384-d are eligible to benefit from this adoption.

Section 384-e allows Tier 1 Police and Fire Retirement System members a maximum pension of 75% of the FAE after completing 35 years of allowable Special Plan service. Tier 2, 5, and 6 Police and Fire Retirement System members' maximum pension under this plan is 70% of the FAE after completion of 32 years of allowable special plan service.

Please note employees whose date of membership is between July 1, 2009 and January 8, 2010, may be eligible for the benefits of this plan (Chapter 751, Laws of 2019).

Based on the salaries reported by the City and applicable billing rates for the New York State fiscal year, the *estimated additional annual* cost will be **\$8,687**.

In addition, there will be a *past service cost* in the amount of **\$579,405**.

The past service cost may be paid in a lump sum or amortized over 5 or 10 years. The estimated 5- and 10-year annual amortization payments, including interest, would be **\$129,534**, or **\$73,985**, respectively.

The amount(s) quoted in this letter is valid through **September 30, 2026**.

The benefit of Section 384-e may be adopted for a limited or unlimited period of time, but not for less than one year. If this benefit is adopted for an *unlimited* period of time, all current and future firefighters, who participate in Section 384-d will automatically be covered by this plan.

If an employer adopts the plan for a *limited* period of time (no less than one year), members who enter employment after the expiration date of the adoption are not eligible for this benefit.

Enclosed are two separate resolutions for Section 384-e. If the City is interested in providing this benefit to eligible employees, the appropriate resolution (limited or unlimited) and the affidavit must be completed and submitted. Employers adopting this benefit for a limited period must use the resolution which stipulates the beginning and ending date.

Benefit adoptions cannot become effective until certified copies of the resolution and affidavit are filed with the Retirement System. Language in these documents may not be altered or amended.

Once elected, the benefit can never be rescinded.

Submit completed documents to the Retirement System to the attention of: **Member & Employer Services Bureau, Mailstop 5-3'**.

If adopted, an invoice for the estimated annual cost will be sent prior to the end of the City's fiscal year in which the plan becomes effective.

The most current information regarding plans available, as well as any retirement related information, may be found on our website at www.osc.state.ny.us/retirement. If you have any questions or require additional information, contact our office at (518) 474-0167, or by email at RTEmpSer@osc.ny.gov.

Regards,

Member & Employer Services Bureau
New York State & Local Retirement System

KZ:JG:rmv

Enclosures

RESOLUTION #2026-012

A RESOLUTION RE-APPOINTING A CITY MARRIAGE OFFICER

WHEREAS, §39 of New York State Domestic Relations Law permits the governing body of any city to appoint one or more marriage officers authorized to solemnize a marriage in addition to the Mayor; and

WHEREAS, former Mayor Ellen Polimeni expressed an interest in continuing to serve the community as a marriage officer as it was one of the more pleasurable aspects of her role as mayor; and

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council hereby establishes the position of Marriage Officer for the City of Canandaigua with a term of four (4) years; and

BE IT FURTHER RESOLVED, that the Marriage Officer shall receive no salary or wage for his/her work;

BE IT FURTHER RESOLVED, re-appoints Ellen Polimeni as a marriage officer for the City of Canandaigua with a term commencing January 1, 2024 and ending December 31, 2027.

ADOPTED this 26th day of January, 2026.

ATTEST:

Erin VanDamme
City Clerk

45 N.Y. Jur. 2d Domestic Relations § 39

New York Jurisprudence, Second Edition | November 2019 Update

Domestic Relations

Keith A. Braswell, J.D.; Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.; Elizabeth M. Bosek, J.D.; Tracy Bateman Farrell, J.D.; Paul M. Coltoff, J.D.; Christine M. G. Davis, J.D., LL.M.; Glenda K. Harnad, J.D.; Laura Hunter Dietz, J.D.; John A. Gebauer, J.D.; Stephanie A. Giggetts, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc.; Tammy E. Hinshaw, J.D.; Thomas M. Fleming, J.D.; Rachel M. Kane, M.A., J.D.; Amy L. Kruse, J.D.; Andrew Lee, J.D.; Lucas Martin, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D.; Jeanne Philbin, J.D.; Caralyn M. Ross J.D.; Kimberly C. Simmons, J.D.; Jeffrey J. Shampo, J.D.; Eric C. Surette, J.D.; Susan L. Thomas, J.D.; Theodore Wyman, J.D.; Lisa A. Zakolski, J.D.; Judy E. Zelin, J.D. and Stephanie Zeller, J.D.

PART ONE. FAMILY RELATIONSHIPS, IN GENERAL

I. Marriage

C. Creation of Marital Status

3. Celebration or Solemnization of Marriage

b. Who May Solemnize Marriages

§ 39. Marriage by marriage officer

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

- West's Key Number Digest, [Marriage](#) § 27

The governing body of any village, town, or city may appoint one or more **marriage officers** authorized to solemnize a **marriage**, which **marriage** will be valid if performed in accordance with other provisions of law.¹ This does not nullify the authority of other persons authorized to solemnize **marriages**.²

The number of **marriage officers** appointed is to be determined by the governing body of the municipality.³ Such **marriage officers** must be 18 years of age or over, and reside in the municipality by which they are appointed.⁴ A **marriage officer** has the authority to solemnize a **marriage** within the territory of the municipality which makes the appointment.⁵

A **marriage officer** may receive a salary or wage in an amount to be determined by the governing body of the municipality.⁶ In the event that a **marriage officer** receives such a salary or wage, he or she may not receive any remuneration or consideration from any other source for performing his or her duties.⁷ In the event that a **marriage officer** does not receive a salary or wage, he or she may receive up to \$75 for each **marriage** at which he or she officiates, paid by or on behalf of the persons married.⁸

The term of office of a **marriage officer** is to be determined by the governing body which makes the appointments, but may not exceed four years.⁹ A **marriage officer** serves at the pleasure of the appointing authority and may be removed from office with or without cause on 10 days written notice filed with the clerk of the municipality and sent by registered mail, return receipt requested, to the **marriage officer**.¹⁰

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Footnotes

- 1 DRL § 11-c(1).
- 2 DRL § 11-c(1).
- 3 DRL § 11-c(2).
- 4 DRL § 11-c(2).
- 5 DRL § 11-c(2).
- 6 DRL § 11-c(3).
- 7 DRL § 11-c(3).
- 8 DRL § 11-c(3).
- 9 DRL § 11-c(4).
- 10 DRL § 11-c(4).

End of Document

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ORDINANCE #2026-001

**AN ORDINANCE AMENDING CHAPTER 585 “SOLID WASTE”
REGARDING THE REGULATION OF TEMPORARY DUMPSTERS**

WHEREAS, at their meeting on January 5, 2026, the City Council’s Ordinance Committee reviewed considerations regarding the regulation of temporary construction dumpsters, and

WHEREAS, the City Council’s Ordinance Committee endorsed the following proposal,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 585-3 shall be amended to add the following:

J. Temporary dumpsters or roll-off trash containers may be used on private residential property without a permit:

- 1. When located on site for a period of less than 14 days during a calendar year, and**
- 2. When located more than 5 feet from a property line.**

K. Temporary dumpsters or roll-off trash containers may be used on private residential property when associated with an active Building Permit, with the conditions of placement set forth by said permit, for a period not to exceed 90 days during a calendar year.

Sec. 2. § 585-6 shall be amended to add the following:

D. No dumpsters and roll-off containers shall be used as herein provided without first obtaining approval from the Code Enforcement Officer or the Director of the Department of Public Works, except for the use of temporary dumpsters as regulated by § 585-3.J and K.

Sec. 3 This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2026

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW NO. 2026-002

A LOCAL LAW AMENDING CHAPTER 612 OF THE CANANDAIGUA MUNICIPAL CODE, PROVIDING FOR A PARTIAL TAX EXEMPTION FOR REAL PROPERTY IN THE CITY OF CANANDAIGUA OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE (65) YEARS OF AGE OR OVER PURSUANT TO SECTION 467 OF NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, the effects of continually growing inflation are particularly hard-felt by persons with limited income age sixty-five or over, and

WHEREAS, current legislation authorizes the municipality to afford a certain tax exemption to property owners over age sixty-five with limited income, and

WHEREAS, the City desires to afford the exemption to persons qualified by age and income;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, New York, that Chapter 612, Article VI of the Municipal Code of the City of Canandaigua is amended as follows (new language shown in italics, omitted language shown with strikethrough):

Section 612-25. Conditions.

In addition to any other conditions that may be set forth in said §467, and as the same may be amended from time to time, the exemption shall be granted pursuant to said §467, providing the income of the owners of the property for the income tax year immediately preceding the date of making application for exemption is less than the sum of ~~§38,900~~ *§36,400*. Income shall be determined in accordance with said §467. *Income shall incorporate the taxable portion of individual retirement account distributions.*

Section 612-26. Tax Reduction Schedule.

The above-mentioned exemption shall be granted according to the graduated property exemption schedule.

Graduated Property Exemption Schedule

<u>Annual Income of Property Owner(s)</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
<i>Less Than or Equal to \$25,000</i>	65%
<i>\$25,000 or More But Less Than \$26,000</i>	60%
<i>\$26,000 or More But Less Than \$27,000</i>	55%
Less Than or Equal to \$30,500 <i>\$27,000 or More but Less Than \$28,000</i>	50%
More Than \$30,500 <i>\$28,000 or More but Less Than \$31,500</i> \$29,000	45%
\$31,500 <i>\$29,000 or More but Less Than \$32,500</i> \$30,000	40%
\$32,500 <i>\$30,000 or More but Less Than \$33,500</i> \$31,000	35%
\$33,500 <i>\$31,000 or More but Less Than \$34,400</i> \$31,900	30%
\$34,400 <i>\$31,900 or More but Less Than \$35,300</i> \$32,800	25%
\$35,300 <i>\$32,800 or More but Less Than \$36,200</i> \$33,700	20%
\$36,200 <i>\$33,700 or More but Less Than \$37,100</i> \$34,600	15%
\$37,100 <i>\$34,600 or More but Less Than \$38,000</i> \$35,500	10%
\$38,000 <i>\$35,500 or More but Less Than \$38,900</i> \$36,400	5%
\$38,900 <i>\$36,400 or More</i>	0%

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk