

CITY COUNCIL AGENDA
THURSDAY, JUNE 2, 2022, 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/85999209422>

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: May 12, 2022**
- 6. Recognition of Guests: DPW Director Jim Sprague – MS4 Annual Report**
- 7. Committee Reports:**
Planning Committee next meeting: June 7, 2022
Finance Committee next meeting: June 7, 2022
Environmental Committee held on May 24, 2022, next meeting: June 21, 2022
Ordinance Committee held on May 24, 2022, next meeting: June 21, 2022

8. Resolutions:

Resolution #2022-030:

A Resolution Authorizing an Exception to the Noise Ordinance

Resolution #2022-031:

A Resolution Awarding a Contract for Hurley Building Roof Replacement and Water Resource Recovery Facility Roof Replacement

Resolution #2022-032:

A Resolution Setting the Time and Place of a Public Hearing on a Local Law Establishing Videoconferencing Procedures for Public Meetings Pursuant to NY Public Officers Law §103-a

9. Ordinances:

Ordinance #2022-002:

An Ordinance Amending Chapter 271 Relating to Bicycles, Skateboards, Scooters and Skates

10. Local Laws:

Local Law #2022-004:

A Local Law Establishing Videoconferencing Procedures for Public Meetings Pursuant to NY Public Officers Law §103-a

11. Manager's Report:

12. Appointments:

13. Miscellaneous:

14. Adjournment

RESOLUTION #2022-030

A RESOLUTION AUTHORIZING AN EXCEPTION TO THE NOISE ORDINANCE

WHEREAS, the Peacemaker Brewing Company and Rio Tomatlan are planning a concert to take place in the parking lot of Rio Tomatlan on October 8, 2022; and

WHEREAS, the concert will take place from 6:00 PM to 10:00 PM followed by an after party at the brewery (no music at brewery) and is 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 exceptions 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, the Peacemaker Brewing Company and Rio Tomatlan requested such an exemption and said request was reviewed and approved by the Ordinance Committee at its May 24, 2022 meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a special exemption to the Noise Ordinance is hereby granted to the Peacemaker Brewing Company and Rio Tomatlan for a concert to be held on October 8, 2022; and

BE IT FURTHER RESOLVED that the Peacemaker Brewing Company and 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 2nd day of June, 2022.

ATTEST:

Erin VanDamme, City Clerk

§ 494-6 Exceptions.

[Amended 10-4-2007 by Ord. No. 2007-019; 10-1-2009 by Ord. No. 2009-011; 11-19-2009 by Ord. No. 2009-016]

The provisions of this chapter shall not apply to:

A.

The emission of sound for the purpose of alerting persons to the existence of an emergency; or

B.

The emission of sound in the performance of emergency work; or

C.

Public speaking and public assembly activities conducted on any property or right-of-way, which is owned by a municipality.

D.

Noise on City property when the City Council has authorized and permitted a function pursuant to a special event permit, unless otherwise prohibited by the special event permit.

E.

Any function carried out by the City of Canandaigua or its employees or agents. Further, any road work carried out by state employees or their contractors.

F.

Any person that obtains a special exemption from City Council, as granted through a resolution based on special or unusual circumstances (i.e, the work can only be performed at night or due to the kind of equipment used). The City Council, if it grants a special exemption, may apply restrictions, such as the petitioner must notify area residents of the anticipated noise or any other restrictions Council deems appropriate.

G.

The act of lawn care during the hours of 0700 - 2000 hours, provided that the muffler device is in proper working order on the lawn care equipment.

H.

The act of snow removal.

RESOLUTION #2022-031

**A RESOLUTION AWARDING A CONTRACT FOR
HURLEY BUILDING ROOF REPLACEMENT AND WATER RESOURCE RECOVERY
FACILITY ROOF REPLACEMENT**

WHEREAS, during the Hurley Building renovation project, the need to replace the roofing systems of the building was identified and a four phased roof replacement plan was developed with Phase 1 taking place in 2019; and

WHEREAS, during the review of bids to award Phase 2, the City Council requested that Phase 2 and all remaining phases be bundled together and a bundled project was added to the Capital Plan and is included in the 2022 Capital Budget with \$700,000 budgeted; and

WHEREAS, the 2022 Sewer Fund Capital Budget included \$228,500 to replace a roof at the Water Resource Recovery Facility;

WHEREAS, bids were opened on May 2, 2022 with one vendor responding with a bid, J&B Installations of Skaneateles Falls, NY with a bid of \$571,000 for the Hurley Building and \$378,000 for the Water Resource Recovery Facility; and

WHEREAS, the City Manager recommends that an additional \$149,500 be appropriated from the Sewer Fund Capital Reserve to fund the difference between the bid and budgeted amount for the roof at the Water Resource Recovery Facility; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the bids to J&B Installation and said recommendations were reviewed and approved at the May 24th Environmental Committee meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the Hurley Building Roof Replacement and Water Resource Recovery Facility Roof Replacement to J&B Installations for \$571,000 and \$378,000 respectively; and

BE IT FURTHER RESOLVED, that City Council hereby appropriates an additional \$149,500 from the Sewer Fund Capital Reserve towards the Water Resource Recovery Facility Roof Replacement.

ADOPTED this 2nd day of June, 2022.

ATTEST:

Erin VanDamme
City Clerk

CITY OF CANANDAIGUA

BID TABULATION

Hurley Building and WRRF Roof Replacement RFP
 Pre-bid Meeting: Monday, May 2, 2022 8:30 a.m.
 Bid Opening: Tuesday, May 10, 2022 at 10:00 a.m.

| <u>BIDDER</u> | <u>Bid Amount</u> |
|--|---|
| Elmer W. Davis, Inc. Roofing 1217 Clifford Avenue Rochester, NY 14621 585-546-2846 www.elmerdavis.com jeffdewd@aol.com rcurran@elmerdavis.com | No Bid Due to family emergency- Will bid if we re-bid it |
| Harvey Strassner Contracting, LLC 3035 Ridgeway Avenue Rochester, NY 14606 585-270-8761 sales@harveystrassnercontracting.com harvey@harveystrassnercontracting.com | No Bid- Left message- no response |
| JJ Construction 2075 Dewey Avenue Rochester, NY 14615 585-865-5428 officemanager@teamjjconstruction.com | No Bid- Didn't receive bid- email and company name have changed to Matco Builders |
| D.E. Miller Co. Roofing 34 Oak Street Seneca Falls, NY 13148 315-568-1949 www.demillerroofing.com dmiller11@rochester.rr.com | No Bid- due to Asbestos Abatement needed- don't do anymore |
| Titan Roofing 200 Tapley Street Springfield, MA 01104-2827 jelmer@titanroofing.com Jennifer elmer 413-536-1624 413-328-2615 Jim Papa 518-391-1562 jpapa@titanroofing.com | At pre-bid meeting No Bid- Didn't feel they had enough spec information to bid- would bid w/more info if we re-bid it |

| | |
|--|---|
| <p> Apple Roofing Corp. 124 Pickard Drive East Syracuse, NY 13211 315-463-5482 David Dietz ddietz@applerroofing.com </p> | <p> No Bid- due to asbestos abatement- do anymore-also didn't fit into their schedule </p> |
| <p> J&B Installations 732 Visions Drive PO Box 188 Skaneateles Falls, NY 13153 Tony Cevallaro Tony@jbinstallation.com 315-685-8993 </p> | <p> At pre-bid meeting Hurley Building Non-collusive- yes 5% Bid Bond No exceptions \$571,000.00 WRRF Non-collusive- yes 5% Bid Bond No exceptions \$378,000.00 </p> |

RESOLUTION #2022-032

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A LOCAL LAW ESTABLISHING VIDEOCONFERENCING PROCEDURES FOR PUBLIC MEETINGS PURSUANT TO NY PUBLIC OFFICERS LAW §103-a

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

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on a local law establishing videoconferencing procedures for public meetings pursuant to NY Public Officers Law §103-a 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/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, July 7, 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 2nd day of June, 2022.

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2022-002

**AN ORDINANCE AMENDING CHAPTER 271
RELATING TO BICYCLES, SKATEBOARDS, SCOOTERS AND SKATES**

WHEREAS, the City of Canandaigua is committed to protecting the general health, safety, and welfare of its residents and visitors; and

WHEREAS, the City has determined that the existing ordinance regulations regarding the use of bicycles, skateboards, scooter and skates in the Downtown Business District and the penalties associated therewith should be amended;

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

SECTION 1. Chapters §271-4 and §271-5 are hereby amended as follows (new language in italics, deleted language in strikethrough):

Section 271-4 Bicycles, skateboards and scooters in Downtown Business District.

- B. Whenever a law enforcement officer has probable cause to believe *a bicycle*, skateboard or scooter was used or is being used in violation of this section, such device may be seized by the law enforcement officer and held at the Police Department for at least 48 hours and until the owner of the device appears in person at the Police Department and signs a request for its release. If the owner is a minor, as defined in § 514-2, the parent or legal guardian of the minor must accompany the minor and also sign for the release of the device. Seizure of the device does not preclude the issuance of an appearance ticket for violation of this section.

Section 275 Penalties for offenses; assumption of risk.

- A. Except as otherwise provided, any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding ~~\$50.250~~ or imprisonment in the ~~County Jail of Ontario County for not more than 15 days~~, or both such fine and imprisonment. Each day on which any such violation continues shall constitute a separate offense.

SECTION 2. All other provisions of the aforementioned sections not revised as provided here shall not be amended, continue to exist, and be in full force and effect.

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

ADOPTED this ___ day of _____, 2022

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW #4

A LOCAL LAW ESTABLISHING VIDEOCONFERENCING PROCEDURES FOR PUBLIC MEETINGS PURSUANT TO N.Y. PUBLIC OFFICERS LAW § 103-a.

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

Section 1. Legislative Intent

It is the intent of this local law to authorize the use of videoconferencing to conduct public meetings, in accordance with Public Officers Law § 103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes municipalities to authorize the use of videoconferencing in the conduct of public meetings.

Section 3. Legislation

A. Authorization

The City Council, Planning Commission, Zoning Board of Appeals, sub-boards, committees and sub-committees are hereby authorized to use videoconferencing to conduct its public meetings.

B. Written procedures for member and public attendance

The City Council shall establish, via resolution, written procedures governing member and public attendance, which procedures shall be posted on the City website. All members of the public body shall be physically present at meetings unless such member is unable to be physically present due to extraordinary circumstances, which shall include, but not be limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this ___ day of _____, 2022.

ATTEST:

Erin VanDamme
City Clerk