

ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, MAY 9, 2023, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/84936309067>
LIVE STREAM: <https://fingerlakestv.org/live/>

Ordinance Committee: Erich Dittmar, Chair
Sim Covington, Jr.
Renée Sutton
Karen White

Other Councilmembers Present: Ellen Polimeni
Daniel Unrath
Steve Uebbing
Thomas Lyon
Mayor Palumbo

City Staff present: John Goodwin, City Manager
David Hou, Corporation Counsel

Chair Dittmar opened the meeting, welcomed members present and reviewed the first agenda item, a continued discussion regarding the Tree Removal Ordinance. Councilmember Polimeni, said that the Tree Committee asked that this be withdrawn from discussion tonight due to their own meeting on May 10th at 6:30 pm. They would like to review what is proposed and review the ordinance again. They will continue to work on this, she added that the Tree Council is an advisory council to City Council. She would like to see them have the opportunity to work on this issue and bring it back to the committee for review. Chair Dittmar said that those that at the meeting in person or on line, encouraged them to attend the meeting at Hurley Building.

Chair Dittmar moved onto the Local Natural Gas Ban and reviewed the New York State Budget includes the elimination of fossil-fuel equipment and building systems (natural gas hookups) in new residential buildings of seven stories or less and commercial buildings under 100,000 square feet on or after December 31, 2025 and prohibits the installation in all new buildings after December 31, 2028. He is interested in considering a local law and adopting this ahead of schedule. Councilmember Sutton said she was open to discussing and if it is in our best interest for discussing. Councilmember Covington said he is open to discussing. Mayor Palumbo said that if it is discussed, he would like other stakeholders present at the meeting since more information is needed, he is concerned that the State is putting something out there and there are too many questions at this point. Councilmember Uebbing said that this is a really complicated issue, but he believes that it is so complex with all the legalities, letting the State develop their case first. Chair Dittmar, said that he understands the concerns and is hoping that Corporation Counsel would be able to shed more light. Mr. Hou said that he would review, the 9th Circuit of Appeals recently had a decision. What was said has a lot of weight and there is difference within the Supreme Court and something he is happy to review. Councilmember Polimeni, keeping in touch of NYCOM will be critical to the conversation as they will be working on this as well. Mr. Hou said that he is

in regular communication with them. Fred McCormack, 81 Phelps Street Canandaigua, he spoke on a tree issue that occurred in this neighborhood where limbs from the tree had fallen, it could have been awful. He called all over the City to get help and RGE was able to come and take the limbs down. He said that he is very frustrated by reaching out to the City and not getting a response. He also spoke to the Climate Control issue and should have been reviewed a long time ago. Before we have a plan in place, feels solutions should be in place. He has three dead trees in his property that has to come down, he doesn't want to report to the City to have the possibility of the City saying no. He said that if they make rules it needs to be for all. As far as Gas Stoves, if we go to Electric, it's more issues on the utilities. He urged Council to really review this and he said that they should get the answers before they present what they are planning. Joe Nacca, 109 Chappel Street, spoke and said his first observation that people are not paying attention, didn't see the invitation or simply have given up. The issues are not inconsequential. They own a gas stove. He is wondering what kind of government dictate what kind of stove a person can cook on and also if they have to check in with authorities before removing a maple tree from his or her backyard, he believes we are reaching a type of control that makes a mockery of the idea of freedom. Local government far from getting ahead of the State, needs to protect the right of the citizens and the needs of the State legislature. He feels that the rights of the local citizens can run counter to the beliefs of some members of Council. He encourages Council to immediately abandon these ordinances and for them not to carry out the wishes of the New York State Legislature, Council's duty is to the citizens of Canandaigua only. Michael Yarger, 127 S. Main St. He said that in 1991 during the ice storm and that hundreds of area residents without power, and for some that lasted two weeks, if all these houses are converted. What would they do? Citizens need to make their own choices and the City needs to stay in their own lane. Chair Dittmar said he is not proposing this to help the State out and that he is proposing this as we are in a climate disaster, this is not converting, this is for new building only. There are lots of reasons he would consider this and to carry out the State's agenda isn't one of them. Councilmember Sutton said that she appreciates Mr. Nacca's comments and feels it is Council's job to balance the needs of the community for the common good. She said that as far as the tree ordinance is concerned, all she wanted is for residents to keep the City informed and was not to be used to stop a homeowner from taking a tree down. They would like to see engagement from the public with the City. Councilmember White agrees with Councilmember Sutton and said that the proposed tree ordinance is an overreach. She cited outside locations where they have a tree ordinance, citing that residents in these locations would have to replace by diameter of what is taken down. Councilmember Unrath said that the planet is burning down and both sides of the aisle agree. He believes that Chair Dittmar is acting in the best interest of his children and future grandchildren. He feels that these issues are similar to what was done previously than what they did with the building codes. Mayor Palumbo, feels that he is aware of houses are getting mold and houses being so wrapped so tight. His bigger concerns are where the power is coming from and is it going to work. Rolling blackouts would be a problem. He disagrees with this measure and would prefer to wait until more information and review all angles before moving forward. Chair Dittmar thanked those for coming and speaking. Joe Nacca spoke again and said that he has come to various meetings for more than 12 or 13 years and this is the first time that national politics are affecting people thinking. He hopes that he is wrong and hopes that political ideology stays out of local politics.

Chair Dittmar moved onto reviewing Mandatory Inspection of Water Service Lines at Property Transfer. Chair Dittmar reviewed that the Committee has discussed this ordinance and at issue

was the language with Plumbers having a New York State license to practice. He asked David to speak on what he was able to garner. Mr. Hou spoke reviewed that he took a further look into and we are authorized to certify plumbers under local law, similar to what Rochester and other cities do. He said that City Council can choose to go down that path or eliminate the requirements, which is at the discretion of Council. Councilmember Sutton motion to approve the adoption with the plumber language removed to be passed onto to the full Council for adoption, seconded by Councilmember Covington. Unanimously passed and carried. After the vote, Joan Houle spoke, she has property on South Pearl Street. Back in January when this was discussed, she has asked for a copy of it and there is no copy available. She asked if these are easily accessible to the public. Mr. Goodwin said that the website has all the details on the full agendas for City Council. She asked how to get feedback to Council and she is able to email Council with feedback.

Chair Dittmar moved onto Short Term Rentals, The City Council enacted a six (6) month moratorium on short rental approvals at their May 4, 2023 meeting. Recommendations and draft proposed changes have been presented to the Council. At the Council meeting, only the first point of the six presented was reviewed by Council, noted Councilmember Lyon. Councilmember White asked about the acceptable number of days. Mr. Goodwin noted the Planning Committee opted for sixty days, but it is up to the full Council to decide the limit. Chair Dittmar said that he thinks that 30 days make sense. Chair Dittmar reviewed the primary resident requirement, in the RO and RI zones, it would apply and not apply in the mixed-use zone. Councilmember Uebbing said that he is moved against any in R1 and RO STRs. He feels that residential neighborhoods should not be filled with tourists. Long Term Renters have rights but he understands that they are not as profitable. He is concerned with implications of long-term housing units out of the local housing stock, transforming them into short term rentals in residential neighborhoods. He reviewed this Nationally and would like to see us protect the neighborhoods and keep Long Term rental stock for working-class families that are facing a hard and harder time to find housing. He cited the new hotel on Main Street that will offer short term rentals and feels that this is the ideal location for short term rentals and not on Holiday Lane or Dorset Drive. Councilmember Lyon spoke and R1 And B and Residential Lake front, it would be a primary resident. It would be the RO and R1 that may need to change. Chair Dittmar moved onto three, four and five recommendations. The STR Special Use permit, he is not in favor of it transferring in with the property. The majority of Council agrees. Councilmember Lyon asked if this is a Code Officer issue, all agreed is that it is administrative review for the City. Councilmember White asked about B & Bs and if they should be transferable. Council discussed, if that is how they are categorized at the time of sale, that's how they should stay, because it is a business. The new owner would have to reapply for the license. Mr. Goodwin confirmed that yes, they currently are transferrable. Chair Dittmar moved onto item 5, previously approved STRs, should they be allowed to continue as they are now or should they go under the new schedule to review the license and reapply to renew when the current expires. Chair Dittmar said to put them on the renewable schedule. Mike Yarger commented, that regarding renewal time period, these properties are required to be reinspected every three years and wants to know why not change that to two years. If he owns a B & B and transfers to a new owner, it stays a B & B. If he sells a short-term rental, there is no guarantee that it would stay that way, according to what he is hearing tonight. Patrick Rhodes, Buffalo Street, he has heard a lot of conversations around the amount of time in point one, is it 30 days or a number of stays within the given time frame, might be a compromise in this area. Further discussions will take place.

Chair Dittmar moved into the Solid Waste Collection Program discussion and reviewed that at the May 4, 2023 City Council meeting, the Solid Waste Ordinance was tabled to work on the definition of mixed-use with a primary commercial use. Mr. Goodwin reviewed and proposed that the mixed use and primary commercial properties be determined by the Zoning Officer and each property is unique, the ZBA would be able to appeal any decision. Councilmember Sutton asked what criteria would they use. Mr. Goodwin noted a downtown building would be considered commercial but a residence that has an AirBnB would be considered mixed use. It would be a case-by-case review by the Zoning Officer. Councilmember Sutton feels that this is entirely too subjective. Councilmember Lyon reviewed the definitions of the code as per what the City Manager is saying. Councilmember White cited an example of a beauty salon that has an apartment, how is that define. Mr. Goodwin said that they use New York State's Assessment codes to determine the use of a property. This is what was used to come up with the list and mixed-use properties in the previous ordinance were not picked up, in reality, the City wasn't following that. This is a way to clean up what was done, to make it straightforward and still be fair to those primary residents. Councilmember Sutton said that she can live with Mr. Goodwin's proposal since there is an appeals process. Councilmember Covington moved to draft the language for the ordinance to review at the next Council meeting. Councilmember White seconded to review the proposal once drafted, unanimously passed and carried.

Environmental Committee: Karen White, Chair
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Chair White opened the meeting and welcomed members present. She reviewed the first agenda item and update from Joule on the CCA program. Glen Wineberg from Joule presented via Zoom. Joule has received pricing based on Council's request on the three potential areas for suppliers for the updated program for the community. Joule believes that these suppliers are very strong players in the market, each very long-term suppliers to the area. Councilmembers stated their continued plan to work with a supplier that is 100% renewable energy. The final round of bidding will be on May 19th. Mr. Goodwin stated that a special City Council meeting would need to take place as with the pricing options will finalize as fixed once the contract is executed. Contract terms of the selected supplier could run between 15 and 27 months. The next steps will be to draft a resolution and finalize the MOU for Council's review. Chair White thanked Mr. Wineberg for the update. Council will be meeting on May 11th for the special meeting.

Chair White moved onto the Kershaw Concessions and asked Mr. Goodwin to provide an update and the history of the RPF, with only one bidder that was rejected. One of the vendors that he contacted for the space was Kix on Main. The owners had expressed their wish to have concessions at the Park, and once contacted to see about the space, they agreed. They will be offering their traditional concession items, hot dogs and the like. They came in with a bid of \$1500. Councilmember Sutton said that she is in favor of this arrangement as is the rest of the committee. Councilmember Covington motioned to approve the contract, seconded by Councilmember Dittmar, unanimously passed and carried. Mr. Goodwin will put together a resolution for the special meeting for the committee to review on the 11th.

Chair White asked for an update on the pontoon boat, owners of the Canandaigua Lady had request for a pontoon boat to be potentially docked at the public dock near the Lady. Owners of the Canandaigua Lady anticipates taking guests from the Canandaigua Hotel around the Lake, the one of the owners of the Lady has a minority stake in the Hotel. Councilmembers had urged the owners of the Lady to consider purchasing an electric boat to avoid more environmental concerns for the Lake. Mr. Goodwin shared an update via email to Council on this topic from the owners. Councilmember Lyon agrees and said that that after the meeting, it was confusing who was purchasing the boat.

Chair White review the next agenda item, some concerns she has on the mooring of the City's Fire Boat. She shared her concerns with the location of the boat. Mr. Goodwin showed how the City of Rochester moors their explained that our City's Boat will have a very similar mooring, with all the proper safeguards. Mr. Goodwin showed pictures of the motors of the City's boat and they have not leaked. Steve Pfeiffer from Central Garage was available to speak but was not called upon to address Chair White's concern on the motors. Councilmember Uebbing asked where would the boat be docked, would it be in Captain Grey's old area and Mr. Goodwin showed on the map where the boat will be and shared that it will be monitored by law enforcement with security cameras. Chair White said that she believes the County boat will be able to provide the same rescue functions as what the City has purchased. Mr. Goodwin said that the Sheriff have attended meetings about the boat in the past and confirmed to Council they cannot do what the City's Fire Boat is capable of.

Councilmember Sutton motioned to adjourn the meeting, seconded by Councilmember Covington. Unanimously passed and carried at 8:38 pm.

Next Meeting: June 20th