

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
205 SALTONSTALL STREET, CANANDAIGUA NEW YORK 14424
May 12, 2022
7:00 P.M.

Mayor Palumbo called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call:

Members Present:

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

Also Present:

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

Review of Community Core Values: Councilmember-at-Large Sutton read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

April 7, 2022 Council Meeting

Moved: Councilmember Ward 1 Curti

Seconded: Councilmember Ward 3 White

Vote Result: Carried unanimously by voice vote (9-0)

April 19, 2022 Council Meeting

Moved: Councilmember Ward 1 Curti

Seconded: Councilmember Ward 3 White

Vote Result: Carried unanimously by voice vote (9-0)

Recognition of Guests: No guests were present. Mayor Palumbo read Denise Chaaple's upcoming events for the BID office. June 4th Canandaigua In Bloom Event, opening day of the Farmer's Market and the 4th of July registration are being taken for the parade. The Central on Main is opening.

Committee Reports:

Environmental Committee May 24, 2022 (See Appendix A)

Ordinance Committee May 2022 (See Appendix A)

Resolutions:

Resolution #2022-022:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 1 Cutri

A RESOLUTION AWARDING A CONTRACT FOR RE-PAINTING BAKER PARK TENNIS AND BASKETBALL COURTS

WHEREAS, as a part of its on-going maintenance of City parks re-painting of tennis and basketball courts are scheduled to occur every five (5) to seven (7) years; and

WHEREAS, the 2022 Capital Budget includes funding to re-paint the Baker Park tennis and basketball courts and the City publicly advertised for bids; and

WHEREAS, bids for the required work were received on April 19, 2022, with four contractors submitting bids; and

WHEREAS, the lowest cost bid from Copeland Coating & Sport Surface did not conform with the bid specifications; resulting in the lowest responsible bidder E-Z Paving from Fulton, NY with a total bid of \$61,700; and

WHEREAS, an additional \$11,700 needs to be appropriated from the Capital Reserve in addition to the \$50,000 funding for this project that was included in the 2022 Capital Budget; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to E-Z Paving to complete the re-painting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with E-Z Paving, 1860 State Route 3, Suite B, Fulton NY 13069, to re-paint the Baker Park Tennis and Basketball Courts for a fee not-to-exceed \$61,700; and

BE IT FURTHER RESOLVED that the City Council hereby appropriates an additional \$11,700 from the Capital Reserve to fund the completion of this project.

The motion CARRIED UNANIMOUSLY on the following Roll Call vote: (9-0)

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2022-023:

Councilmember-at-Large Uebbing read the resolution into the record. Councilmember-at-Large Lyon motioned to approve the motion, seconded Councilmember-at-Large Covington. During discussion, prior to the vote, Councilmember-at-Large Uebbing motioned to amend the resolution to delay the purchase of the garbage toters until City Council is able to review the impact on the community and to continue with the purchase of the recycling toters. Councilmember-at-Large Sutton recommended tabling the motion wanting to see more documentation on the details. Councilmember-at-Large Uebbing said he understood the need to table but due to the safety concerns expressed by City Manager Goodwin, wanted to at least purchase the recycling toters. Councilmember Ward 3 White seconded, the motion. City Manager reported that they are still experiencing failures with private toters that can still bring injury. He clarified removing \$187,000.00 out of the adjusted total of \$450,00.00, would result in approving \$263,000.00 for the recycling toters.

The motion to Amend was CARRIED UNANIMOUSLY on the following Roll Call vote: (9-0)

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

Councilmember-at-Large Uebbing motioned to approve the resolution as amended, seconded by Councilmember Ward 3 White, seconded the motion.

A RESOLUTION APPROPRIATING 2021 SURPLUS FUNDS TO GENERAL FUND CAPITAL RESERVE FOR RECYCLING AND GARBAGE TOTERS

WHEREAS, the City finished the 2021 fiscal year with a surplus and the City Manager has recommended utilizing said surplus for one-time capital projects; and

WHEREAS, one such project is the purchase and distribution of replacement recycling containers, new ~~garbage containers~~ and the collection and recycling of current recycling containers; and

WHEREAS, the current recycling toters as well as privately owned toters are experiencing severe failures to the extent of causing injury to City employees and need to be replaced to prevent property damage and injury or worse from occurring to employees and the general public; and

WHEREAS, the approximate cost to purchase toters made from 100% recycled materials with a 12 year warrantee, delivery to every location that the City collects solid waste from with ~~one 64-gallon garbage toter~~ and one 96-gallon recycling toter each; the collection and recycling of all current City recycling toters, and an RFID tag system to facilitate/manage the repair and replacement when/if the new toters break during the 12 year warrantee period is ~~\$580,000~~-\$263,000; and

WHEREAS, the Finance Committee reviewed this recommendation at its May 9, 2022 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby appropriates ~~\$580,000~~ \$263,000 from the 2022 General Fund, Fund Balance (2021 surplus) to the Capital Reserve to be utilized toward the purchase and distribution of replacement recycling containers, ~~new garbage containers~~ and the collection and recycling of current recycling containers.

The motion CARRIED on the following Roll Call vote: (8-1)

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: Councilmember-at-Large Sutton

Resolution #2022-024

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 3 White

A RESOLUTION APPROVING AMENDMENT TO THE BYLAWS OF THE CANANDAIGUA LOCAL DEVELOPMENT CORPORATION

WHEREAS, the Canandaigua Local Development Corporation (LDC) has requested the approval of amendments to its Bylaws relating to potential expansion of the Board of Directors; and

WHEREAS, the most significant amendment would allow the existing five (5) member board to expand to a maximum of nine (9) with any expansion occurring in pairs via appointment of the Town Board and City Council; and

WHEREAS, other amendments deal with terms of officers, filling successor officer unexpired terms, defining the LDC's fiscal year and a prohibition against sharing in corporate earnings; and

WHEREAS, the Planning Committee reviewed the proposed amendments to the Bylaws for the LDC at its May 9th meeting; and

NOW THEREFORE BE IT RESOLVED, that City Council of the City of Canandaigua hereby approves the proposed amendments to the Bylaws of the Canandaigua Local Development Corporation, Inc.

Vote Result: Carried unanimously by Voice Vote (8-0) Councilmember-at-Large Lyon abstained.

Resolution #2022-025

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION NAMING THE COORDINATOR OF
THE CLIMATE SMART CANANDAIGUA TASK FORCE**

WHEREAS, the City of Canandaigua continues to be a leader in New York State in the Clean Energy Communities (CEC) and Climate Smart Communities (CSC) programs as a means to continue promoting environmental stewardship and reducing our impact on the environment; and

WHEREAS, on January 3, 2019 City Council passed Resolution #2019-001 officially creating the Climate Smart Canandaigua Task Force, which continues to meet monthly, as part of its pursuit of CSC certification; and

WHEREAS, as part of the CSC certification process, a member of staff must be appointed via formal resolution to lead the initiative and ensure continued progress towards achieving certification; and

WHEREAS, the City Manager has appointed himself as the Climate Smart Canandaigua Task Force Coordinator to lead the initiative, facilitate the process, and support the work of the committee;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby confirms the City Manager's appointment of himself (John D. Goodwin) as Coordinator of the Climate Smart Canandaigua Task Force.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2022-026

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AUTHORIZING THE CLIMATE SOLUTIONS ACCELERATOR OF THE
GENESEE-FINGER LAKES REGION CLIMATE ACTION PLEDGE**

WHEREAS, the City of Canandaigua continues to be a leader in New York State by implementing programs and projects to that reduce energy usage, reduce waste generation and reduce greenhouse gas emissions while promoting environmental stewardship; and

WHEREAS, the Climate Solutions Accelerator of the Genesee-Finger Lakes Region requested that the City of Canandaigua sign its Climate Action Pledge (attached hereto) which involves the City pledging to

- Identify the specific ways the City contributes to the climate program
- Developing a plan with specific, measurable, time-bound goals for how the City will reduce its greenhouse gas emissions and shift to renewable energy
- Seeking out tools and resources necessary to facilitate the City’s transition to clean energy and participation in a regional clean energy economy
- Familiarizing with the regional climate action strategy and plugging into opportunities for local climate action
- Advocating for local, state and federal policies that equitably reduce greenhouse gas emissions and contribute to the creation of an inclusive clean energy economy
- Engaging in conversations with staff, constituents and partner organizations about how climate change related to the work we do and impacts the community
- Providing recurrent educational and professional development opportunities for staff and constituents to build their capacity to implement climate solutions/take action on climate
- Establishing partnerships with other appropriate organizations to collaboratively advance systems-level climate solutions,
- Measuring and publicly reporting on our progress to promote accountability and transparency,
- Allocating adequate financial and human resources to accomplish commitments; and

WHEREAS, the Environmental Committee reviewed and approved the request at its April 19th meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to sign the Climate Action Pledge on behalf of the City of Canandaigua.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2022-027

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION WAIVING THE CENTRAL ON MAIN FROM §246-2 – OPEN CONTAINER ORDINANCE

WHEREAS, §246-2 of the City Code restricts the open possession and public consumption of alcoholic beverages in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place; and

WHEREAS, The Central on Main is a public outdoor dining space during the summer that is supported by the City, BID, and restaurants along Main Street, and which has been a successful new amenity to our Downtown allowing City restaurants to extend their dining rooms into this public outdoor dining space; and

WHEREAS, The Central on Main is located on the east side of South Main Street in the public sidewalk and parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and extending eastward through said parking lot to Lafayette Avenue; and

WHEREAS, City Staff and the BID are pursuing options to facilitate the continuation of The Central on Main that includes guest breweries, wineries and restaurants selling beverages and according to the State Liquor Authority (SLA), the City must waive §246-2 specifically for The Central on Main including the days and duration which will allow the BID or the City to then apply for a special event permit from the SLA; and

WHEREAS, the City Manager recommended waiving §246-2 for The Central on Main for Thursday, Friday and Saturday nights from 4 PM to 9 PM from June 2, 2022 to October 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby waives §246-2 of City Code entitled “Restrictions on Possession and Public Consumption” for The Central on Main, from 4 PM to 9 PM on the following dates (Thursdays, Fridays, and Saturdays) in 2022:

June 2, 3, 4	July 28, 29, 30	September 22, 23, 24
June 9, 10, 11	August 4, 5, 6	September 29, 30
June 16, 17, 18	August 11, 12, 13	October 1, 6, 7, 8
June 23, 24, 25, 30	August 18, 19, 20	October 13, 14, 15
July 1, 2	August 25, 26, 27	October 20, 21, 22
July 7, 8, 9	September 1, 2, 3	October 27, 28, 29; and
July 14, 15, 16	September 8, 9, 10	
July 21, 22, 23	September 15, 16, 17	

BE IT FURTHER RESOLVED, that the waiver of § 246-2 shall apply only to the area of The Central on Main, specifically, the public sidewalk and public parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and extending eastward through said parking lot to Lafayette Avenue; and

BE IT FURTHER RESOLVED, that all other provisions of Chapter 246 shall continue in full force and effect.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2022-028

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

A RESOLUTION AWARDING A CONTRACT FOR WATER DISTRIBUTION SYSTEM AND WASTEWATER COLLECTION SYSTEM PARTS

WHEREAS, on Tuesday, April 19, 2022 the Department of Public opened bids for a variety of water distribution system and wastewater collection system parts including pipe, fittings, valves, hydrants, etc. required to complete various upcoming projects and maintain City infrastructure; and

WHEREAS, three vendors responded to the solicitation, with one offering to provide all of the requested materials; and

WHEREAS, Blair Supply Corporation, located at 785 Beahan Rd, Rochester, NY 14624 offered the lowest responsible bid for all of the requested materials, with a total cost of \$39,162.94; and

WHEREAS, City Staff deems it in the best interest of the City to award the purchase of the requested materials to Blair Supply Corporation; and

WHEREAS, funding for these purchases was distributed across several operational expense and capital accounts included in the City of Canandaigua 2022 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards the 2022 purchase of water distribution system and wastewater collection system parts to Blair Supply Corporation, located at 785 Beahan Road in Rochester, NY.

The motion CARRIED UNANIMOUSLY on the following by Roll Call Vote (9-0):

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2022-029

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 3 White

A RESOLUTION ESTABLISHING WATER FEE AND SEWER RENT PENALTY GRACE PERIOD POLICY

WHEREAS, §564-4 of City Code states that the payment of sewer rents are due within 20 days of rendering of the bill without penalty, but shall accrue a penalty of 15% of the amount due for any payment received after 20 days; and

WHEREAS, §669-7 of the City Code states that the payment of water bills are due within 20 days of rendering the bill without penalty, but shall accrue a penalty of 15% of the amount due for any payment received after 20 days; and

WHEREAS, at the May 9, 2022 Finance Committee meeting, City Staff recommended and the Committee approved instituting a five (5) business day grace period prior to the application of the penalty and that the most recent penalties be waived if the property owner signs up for the Canandaigua Automatic Payment System (CAPS); and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby establishes a policy, effective immediately, instituting a five (5) business day grace period prior to the application of the penalty and that the most recent penalties be waived if the property owner signs up for the Canandaigua Automatic Payment System (CAPS).

AN ORDINANCE AMENDING CHAPTER 648-9 PROHIBITION OF LEFT TURNS

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 left hand turns off of the City Pier causes unnecessary traffic back-up and creates potentially hazardous conditions for pedestrians and motorists;

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

SECTION 1. Chapter §648-9 is hereby amended as follows (new language in italics, deleted language in strikethrough):

The left turning of vehicles is hereby prohibited as follows:

- A. Vehicles proceeding west on Phoenix Street to proceed south on Main Street.
- B. Vehicles proceeding west on Lakeshore Drive to proceed south on City Pier (westerly leg).
- C. Lakeshore Drive (west bound) at the Kershaw (west) parking lot exit.
- D. *Vehicles proceeding north on the City Pier roadway to Lakeshore Drive*

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.

The motion CARRIED UNANIMOUSLY on the following by Roll Call Vote (9-0):

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Ordinances:

Ordinances 2022-002:

Councilmember-at-Large Sutton introduced the ordinance and placed it on the table.

**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 271-5 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.

Ordinance 2022-003:

Councilmember-at-Large Uebbing introduced the ordinance and placed it on the table. Councilmember Ward 3 White motioned to lift the ordinance from the table, seconded by Councilmember Ward 1 Cutri, unanimously passed and carried by voice vote. (9-0)

**AN ORDINANCE AMENDING CHAPTER 648-9
PROHIBITION OF LEFT TURNS**

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 left hand turns off of the City Pier causes unnecessary traffic back-up and creates potentially hazardous conditions for pedestrians and motorists;

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

SECTION 1. Chapter §648-9 is hereby amended as follows (new language in italics, deleted language in strikethrough):

The left turning of vehicles is hereby prohibited as follows:

- E. Vehicles proceeding west on Phoenix Street to proceed south on Main Street.
- F. Vehicles proceeding west on Lakeshore Drive to proceed south on City Pier (westerly leg).
- G. Lakeshore Drive (west bound) at the Kershaw (west) parking lot exit.
- H. *Vehicles proceeding north on the City Pier roadway to Lakeshore Drive*

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.

Councilmember Ward 3 White motioned to approve the ordinance, Seconded by Councilmember-at-Large Sutton.

The motion CARRIED UNANIMOUSLY on the following by Roll Call Vote (9-0):

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Local Laws: None

Manager's Report: City Manager Goodwin did not have a report, is currently away attending a leadership conference in Gettysburg, PA.

Miscellaneous: Mayor Palumbo reported that he, Councilmember Ward 3 White and Councilmember-at-Large Covington attending the NYCOM Conference in Albany. All found the conference very informative. The Mayor thanked Finger Lakes Television for all the help with City Manager Goodwin being away.

Adjournment: Councilmember Ward 3 White to move to adjourn. Seconded by Councilmember Ward 4 Dittmar. Unanimously passed and carried. Meeting adjourned at 8:11 pm. *Vote Result: Carried unanimously by voice vote (9-0).*

**APPENDIX A
MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**

**HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/83871733845>**

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

Other Councilmembers Present: Steve Uebbing
Thomas Lyon
Dan Unrath
Mayor Palumbo

Councilmember excused: Nick Cutri

City Staff: John Goodwin, City Manager

City of Canandaigua Council Meeting May 12, 2022
David Hou, Corporation Counsel
James Sprague, Director of Public Works
Steve Pfeffer, Public Works

Guests: Shawn Howard, Clearly Aquatics

Chair White opened the meeting and welcomed members present and reviewed the night's agenda.

Chair White reviewed the 2022 Capital Budget included the replacement of the remaining unreplaced portions of the Hurley Building roof and the bids received are under budget from what was set aside. The project was delayed when the pandemic hit and is now ready to be underway. Bids were opened on May 10th with the only responding bidder J&B Installations of Skaneateles Falls, NY, bidding \$571,000, where \$700,000 was originally set aside in the Budget. Slightly opposite situation for the repairs needed at the Water Resource Recovery Facility. Goodwin explained the Sewer Fund Capital Budget included \$228,500, leaving a short-fall of \$149,500; however, there is sufficient savings from other capital projects and a higher resale value of surplus equipment to cover this short-fall. James Sprague reviewed the bid details with Council. Initially, bids were sent to 8 or 9 firms and only one bid for both projects were received. The choice of moving forward with J & B Installations is because they purchased quite a bit of material ahead of time and have been warehousing the materials, which helped their numbers. Councilmember Sutton motioned to approve the projects and award the bid to J & B Installations, seconded by Councilmember Dittmar, unanimously approved and carried.

Chair White reviewed, request to install an aerator in Lagoon Park. A contractor working with Wegman recently contacted DPW to inquire about installing an aerator in the lagoon behind the Canandaigua Wegmans store. The intended purpose is to control odors from the lagoon that are perceived negatively by patrons using the outdoor dining patio at the store. City Manager Goodwin reviewed the area at Lagoon Park to show the committee the area in question at the park. One area of the park is standing shallow water, with no water moving in and out of the lagoon. Shawn Howard from Clearly Aquatics (representing Wegmans) spoke, the company is located in Bloomfield and he lives in Canandaigua. They have been working with Wegmans for 14 years with stores that have retention ponds, they remove garbage from the ponds plus providing other maintenance services as needed. Mr. Howard explained that due to the shallow stagnant water at the location, the water can get an off-odor due to the overgrowth of weeds, algae and produces mosquitoes. The request is to install aerator fountain which is four foot tall and 15 feet wide fountain. The fountain would be an umbrella, which is an open spray pattern, it would increase the biological oxygen demand, deter mosquito propagation as they do not like moving water. It will be a very small unit and will help the water quality improvement. Councilmember Sutton asked if Wegmans would be paying for this project and the maintenance moving forward and Howard confirmed. The unit itself would come out and be in storage seasonally. Councilmember Sutton asked about the type of legal agreement in place to move forward. City Corporation Council, David Hou, suggested completing a maintenance agreement to cover liability needs should be included with the contract. Concern raised over what would happen to the fountain should Wegman's leave the space and City Staff working with Wegmans would work out the details. Noting that the fountain can be removed should they leave the location. Councilmembers discussed putting forth a motion and are in favor of the project, but decided to wait to see all the agreements and permits before call the item to a vote, will follow up with City Manager and Corporation Counsel to move forward.

Chair White discussed the Perks of the Parks Event, which is occurring on June 4th the City and Town of Canandaigua are hosting a number of different recreational organizations that our community has to offer while also highlighting the wonderful assets that our parks are. This free event starts at 10 AM and will take place in Blue Heron Park, Outhouse Park, Pierce Park, Miller Park, West Lake Schoolhouse/Butler Beach, Onanda Park,

Baker Park, Sonnenberg Park, Jefferson Park, The Commons, Lagoon Park, Kershaw Park, and City Pier. Activities will be going on at these parks and encourages residents to attend.

Chair White review the Garbage and Recycling Toters, a continued discussion from the previous Council meeting on May 14, 2022. She noted that the 2022 Adopted Budget included funding for a phased in approach to provide every location that the City collected refuse from with a garbage toter which was to be followed by replacing the recycling toters. Council has been discussing the size of the toters for garbage collection, the timeframe for implementation and the cost. City Manager Goodwin reviewed the funding plan as the main goal to reduce the heavy lifting, injuries and to get ahead of the wear and tear of the current toters in use. He reported that on Monday May 23rd, 14 tons of garbage was lifted, for the employees on the truck doing the work meant about 14,000 lbs. per person. This happens every day in the City as it is a daily service. Due to severe failures of current recycling toters, with the metal bars breaking and launching from the truck and some privately owned garbage toters that have also failed in a similar way, these issues have caused injury, to City employees as well as the public. City Manager reported finding a new lift for the garbage trucks that will hopefully prevent an injury and will allow for more time for Council to discuss the garbage toter replacement plans further. Goodwin explained that with these new lifts, they will be put on every truck and it will cost about \$26K of the 50K that was initially budgeted. Councilmember Sutton asked about the injuries as well as the cost savings on the RFID tags for the new toters. City Manager Goodwin notes that three to five injuries are happening per day with the current state of the toters. He noted that there were always some failures but began to see more increases the last six months as the age of the toters seemed to detreated their conditions. Staff injuries have been a serve concussion as well as stitches above the eye. Currently, there isn't a replacement system for the current toters and having the RFID on the new toters would create one. City Staff can instantly identify a problem; create a work order and replace the damaged item far faster with the new RFID system. Currently, there isn't a good system for replacement, some toters are held together with duct tape. The warranty on the current toters was only for five years and we have gotten seven to eight years out of the existing toters in use. Councilmembers discussed the size of the solid waste toter noting that some residents do not have the storage for a bigger unit and may not have enough waste from time to time. Councilmember Dittmar said that he reviewed the garbage on his street and area, he has come to the conclusion that most residents do need the 96-gallon toter for their solid waste. He has changed his mind from earlier and also agrees with the recommendation from DPW to purchase the 96-gallon solid waste toters for residents. Councilmember Sutton said that she appreciates residents being able to choose a toter that works best but for more families they will need the 96-gallon. Mayor Palumbo was concerned about residents that have to purchase a new toters. Questions around accommodating the size of a 32 gallons solid waste toters. Shop Supervisor, Steve Pfeffer said that 32 gallons will work for yard waste once the trucks are retrofit to do this but believes the 96-gallon toters for solid waste pick up is ideal. City Manager said that all the toters would be picked up for recycling upon replacing. Councilmembers noted other concerns on bulk pick up items that are currently being pick up by City Staff. Goodwin noted that with the current ordnance, large items should be going up to the Town Transfer Stations on the days that City residents are able to disprove of those items. Councilmembers advocated for public education to start, informing residents of the plan and giving them the option of the toters. City Manager Goodwin confirmed that is the plan. Chair White asked if there was any more discussion and the next steps would be putting this before the finance committee. City Manager Goodwin said that given the new stop gap of the new lifts, they will help mitigate the current immediate issue of the injuries to City Staff, discussion will continue at the other committees.

Chair White motioned to close the meeting.

Ordinance Committee:

Renée Sutton, Chair
Sim Covington, Jr.

Erich Dittmar
Karen White

Other Councilmembers Present: Steve Uebbing
Thomas Lyon
Dan Unrath
Mayor Palumbo

City Staff: John Goodwin, City Manager
David Hou, Corporation Counsel
James Sprague, Director of Public Works

Guests: Todd Reardon, Peacemaker Brewing Company
William Mehls, Canandaigua Resident
David Poteet, Canandaigua Resident

Chair Sutton opened the meeting and welcomed those present. She reviewed the core values of the City. She reviewed the Noise Ordinance Exemption application from Peacemaker Brewing Company as they are interested in putting together a concert in the Rio Tomatlan parking lot as they have several times prior to COVID, with the proposed date for the concert being October 8, 2022. Similar to past years, the event will require a noise ordinance exemption from City Council. The noise ordinance allows for the City Council to grant special exemptions based on special or unusual circumstances. The event organizers have complied with all City requests and there have been no major issues for any of the past events. The concert will have a hard stop of 10 PM, but the event organizer is concerned about the potential noise from people talking after the event. City Manager Goodwin explained that this is not part of a special event permit since the concert is on private property. The event will have private security. Goodwin continued to explain that Council is able to add any restrictions they feel the exemption needed. Councilmember White said that she is in favor as the request is an hour earlier than the noise ordinance stands now. Councilmember White motioned to approve the request, Councilmember Covington seconded, unanimously passed and carried.

Chair Sutton reviewed Videoconferencing Procedure, Open Meeting Law Changes. The New York State 2022 Budget included changes to the Open Meetings Law relative to videoconferencing. Provided that a quorum of the public body is physically present at one or more locations where the public can also attend in person, public bodies are permitted to conduct meetings using videoconferencing technology. The City must adopt a local law authorizing the use of videoconferencing. This will apply to all public meetings for the City. City Manager Goodwin explained that the quorum is the City Council physically present, quorum change meeting by meeting and for City Council meetings themselves quorum is six members present. With Committee meetings for Council, quorum is three members present. Corporation Counsel, David Hou explain that the new law is a small step in allowing the ability for video conferencing. It will not allow to continue to do what was done during COVID and what this eliminates is the requirement that any member of the public that wants to come to your house to watch you participate in the meeting via video. He confirmed that the majority of what the City has been doing during COVID, in terms of recording meetings and making meetings available to the public to watch virtually is in line with the new law. Goodwin clarified there needs to be a legit reason as to why a Councilmember is unable to attend, like illness. A physical presence is required. Councilmember discussed what would a qualified absence would entail. Councilmember White motioned to move the ordinance before City Council. Councilmember Covington seconded, unanimously passed and carried.

Chair Sutton discussed Regulation of Trees on Private Property. The Tree Advisory Board, at its May 4, 2022 meeting, discussed proposing an ordinance that would create some protection/regulations relative to trees located

on private property, possibly modeled on ordinances/local laws that exist within communities. The discussion was triggered after all of the trees and landscaping was removed from 228 North Main Street by the new property owner. Councilmembers reviewed information from a plan that Westchester County communities that discussed their local laws/ordinances to provide some background information on a similar plan to what the Advisory Board has been discussing. William Mehls, who sits on the Tree Advisory Board but is representing himself only, resides at 33 Scotland Road and his home connects with 228 Main Street where the trees were removed. He said that residents were outraged that the owner at 228 clear cut his property. He shared photos of the property that had a large horse chestnut beach tree that was removed, and noted the tree was healthy. In his opinion that the removal of the trees He discussed how the changes to the home on Main Street have caused issues in the neighborhood as the house is in the historic district and caused bigger questions on whether or not historic trees can simply be removed at will. What is unknown is why the trees were removed and it is estimated that the age of the tree was easily 200 years old. There are rules and regulations about changes to homes in the historic district. He is advocating for a local ordinance that trees on private property, should need a permit to be removed, that only applies to the historic district. Councilmember Covington asked about the policy surrounding the trees and whether or not the City can do something. City Manager Goodwin clarified that the trees between the sidewalk and the curb are the City's tree and the trees that this is addressing is on private property. Chair Sutton noted that there are several areas that permits are required from the City such as putting in a pool or a shed. Discussion between Councilmembers on whether or not this is something that Council should address because of the issue of the trees on private property in this case along with the issue of the trees being in the historic district. Chair Sutton said that a starting discussion point might be for the Tree Advisory Board to make some recommendations about what a possible ordinance should entail, potentially protecting heritage trees be subject to a process to ensure the removal of the tree is done with the utmost care. Councilmember Lyon asked to clarify what the process is for tree removal now or any landscaping changes for any new construction. City Manager Goodwin said that with new construction, landscaping plans are brought before the planning commission but in this case, there is no new construction the homeowner bought the house and took down trees. There is no permit required and no review required. The home is before the planning commission currently because they have a fence in the back of the property that needs to be reviewed that is original and questions on whether it is an historic structure. The Mayor wondered whether or not this is Council's place to weigh in. David Poteet, a 120 Park Street, resident, who is also on the Tree Advisory Board said that there is a plan for when there are issues with heritage trees and a rubric, they created to address these issues. The Committee would like to see more dialog on this issue before moving forward. Councilmembers advocated for all sides of these issues be considered when looking at language.

Chair Sutton reviewed her requested the added agenda item to discuss a vacancy tax. The premise of such a tax is that vacant commercial property is a blight on the community and property owners should be influenced/incentivized to fill storefronts. Chair Sutton reviewed news articles and whitepapers from other communities that has been sent to the other committee members regarding this matter and encouraged Councilmembers to review. She asked if the BID would be able to come and join at the next meeting or large property owners to share their thoughts. She would open to this at the next meeting.

Chair Sutton motioned to close the meeting and the next meeting of the committee is June 21st.