

APPENDIX A
MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, MAY 24, 2022, 8:00 PM
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
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.

*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.*

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.