

MINUTES
CITY COUNCIL MEETING
TUESDAY AUGUST 9, 2022 7:00 P.M.
HURLEY BUILDING, 205 SALTONSTALL STREET
<https://vimeo.com/channels/cdga>

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

Pledge of Allegiance

Roll Call:

Members Present:

Councilmember Ward 1 Nicholas Cutri
Councilmember Ward 2 Dan Unrath (via Zoom)
Councilmember Ward 3 Karen White
Councilmember Ward 4 Erich Dittmar
Councilmember-at-Large Thomas Lyon
Councilmember-at-Large Renee Sutton
Mayor Bob Palumbo

Also Present:

City Manager John D. Goodwin
Corporation Counsel, Robert Marks

Necessarily Absent:

Councilmember at-Large Stephen Uebbing
Councilmember-at-Large Sim Covington, Jr.

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:

July 7, 2022 and July 23, 2022 Council Meeting

Moved: Councilmember Ward 1 Curti

Seconded: Councilmember Ward 3 White

Vote Result: Carried unanimously by voice vote (7-0)

No guests were in attendance.

Committee Reports: Councilmember-at-Large Lyon motioned to accept the committee minutes as distributed in the minutes. Councilmember-at-Large Sutton seconded

The motion CARRIED on the following vote:

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

NOES: Councilmember Ward 3 White (6-1)

Planning Committee: No meeting – next meeting September 6, 2022

Finance Committee: No meeting – next meeting September 6, 2022

Environmental Committee August 16, 2022 (See Appendix A)

Ordinance Committee August 16, 2022 (See Appendix A)

Resolutions:

Resolution #2022-048:

Moved: Councilmember Ward 4 Dittmar
Seconded: Councilmember Ward 3 White

**RESOLUTION ACCEPTING STREETS FOR DEDICATION
COVINGTON SUBDIVISION: SECTION 3**

WHEREAS, Section 20(3) of the New York State General City Law authorizes the City to take by gift and to hold and administer real property upon such terms and conditions as may be prescribed by the grantor and accepted by the City; and

WHEREAS, the developer for the Covington Place subdivision, Section 3, has completed certain infrastructure work for the streets shown on the development plans named Saxton Lane and Sibley Court; and

WHEREAS, under Chapter 802-6 of the City of Canandaigua Code, the City Council is authorized to accept dedications of real property on behalf of the City of Canandaigua; and

WHEREAS, the proposed dedications have been reviewed by the Director of Public Works to ensure that they adhere to the applicable site plans and subdivision application as approved by the City;

NOW THEREFORE, BE IT RESOLVED that City Council hereby accepts the permanent dedication of the right of ways, streets and public utility improvements described on the subdivision plans approved by the City of Canandaigua Planning Commission on March 28th, 2006.

BE IT FURTHER RESOLVED that the City Council hereby accepts the permanent dedication of the wet land and stormwater management facility associated with this subdivision, which is located on the parcel with tax map number 71.13-3-23, and is addressed as 224 Sibley Court.

BE IT FURTHER RESOLVED that the City manager is authorized to execute any documents necessary to effectuate said transfer of the aforementioned property interests.

Prior to the vote, Councilmember Sutton asked about the stormwater facilities. City Manager Goodwin explained that the City's Department of Public Works assumes the maintenance to ensure the storm drains are maintained, as there are other older subdivision's where that has not happened. This allows for the preventative measure on the City's part.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

Resolution #2022-049:

Moved: Councilmember-at-Large Lyon
Seconded: Councilmember-at-Large Sutton

**BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA,
ONTARIO COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ISSUANCE OF
\$31,500,000 SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC
IMPROVEMENTS AND PURPOSES**

WHEREAS, THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE "CITY") PROPOSES TO AUTHORIZE THE ISSUANCE OF \$31,500,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS AND PURPOSES, AS DESCRIBED HEREIN, APPROPRIATE FUNDS FOR SUCH PURPOSES AND MAKE CERTAIN DETERMINATIONS IN CONNECTION WITH SUCH PURPOSES; AND

WHEREAS, THE CITY COUNCIL NOW WISHES TO APPROPRIATE FUNDS FOR SUCH VARIOUS PUBLIC IMPROVEMENTS AND PURPOSES AND TO AUTHORIZE THE ISSUANCE OF THE CITY'S BONDS AND BOND ANTICIPATION NOTES TO BE ISSUED TO FINANCE SAID APPROPRIATION.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF SUCH BODY), AS FOLLOWS:

SECTION 1. THE CITY IS HEREBY AUTHORIZED TO ISSUE \$1,500,000 PRINCIPAL AMOUNT OF SERIAL BONDS PURSUANT TO PURSUANT TO THE PROVISIONS OF THE LOCAL FINANCE LAW, CONSTITUTING CHAPTER 33-A OF THE CONSOLIDATED LAWS OF THE STATE OF NEW YORK (THE "LAW") TO FINANCE THE ACQUISITION OF ONE FIRE FIGHTING VEHICLE AND APPARATUS, INCLUDING ANY OTHER APPURTENANT OR INCIDENTAL COSTS AND EXPENSES. THE ESTIMATED MAXIMUM COST OF THE AFOREMENTIONED SPECIFIC OBJECT OR PURPOSE, INCLUDING ALL COSTS INCIDENTAL THERETO OR IN CONNECTION WITH THE FINANCING THEREOF, IS \$1,500,000 AND SAID AMOUNT IS HEREBY APPROPRIATED THEREFOR. THE PLAN OF FINANCING THEREOF SHALL CONSIST OF (I) THE ISSUANCE OF \$1,500,000 IN SERIAL BONDS OF THE CITY AUTHORIZED TO BE ISSUED PURSUANT TO THIS RESOLUTION OR BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SUCH BONDS, AND (II) THE LEVY AND COLLECTION OF TAXES ON ALL THE TAXABLE REAL PROPERTY IN THE CITY TO PAY THE PRINCIPAL OF SAID BONDS AND THE INTEREST THEREON AS THE SAME SHALL BECOME DUE AND PAYABLE. IT IS HEREBY DETERMINED THAT THE PERIOD OF PROBABLE USEFULNESS FOR THE AFOREMENTIONED SPECIFIC OBJECTS OR PURPOSES IS TWENTY (20) YEARS, PURSUANT TO SUBDIVISION 27. OF PARAGRAPH A. OF SECTION 11.00 OF THE LAW.

SECTION 2. THE CITY IS HEREBY AUTHORIZED TO ISSUE \$30,000,000 PRINCIPAL AMOUNT OF SERIAL BONDS PURSUANT TO THE LAW TO FINANCE THE ESTIMATED COST OF CERTAIN IMPROVEMENTS TO THE CITY'S WATER RESOURCE RECOVERY FACILITY (THE "FACILITY") INCLUDING, BUT NOT LIMITED TO, (I) THE REPLACEMENT OF PUMPS AND GATES, MODIFICATIONS TO THE HOLDING TANK, THE ACQUISITION AND INSTALLATION OF ASPIRATING MIXERS, THE RETROFITTING OF DIGESTERS, THE INSTALLATION OF PUMPS, BLOWERS, VALVES AND CONTROLS, THE CONSTRUCTION OF A NEW SCRUBBER AND SLUDGE HAULING ROOM, THE REPAIR AND REPLACEMENT OF THE DIGESTER COMPLEX ROOF, ASSOCIATED ELECTRICAL AND HVAC WORK, AND (II) THE CONSTRUCTION AND INSTALLATION OF A NEW MAIN ENTRANCE INTO THE FACILITY (COLLECTIVELY, THE "PROJECT"). IT IS HEREBY DETERMINED THAT THE MAXIMUM ESTIMATED COST OF THE AFOREMENTIONED SPECIFIC OBJECT OR PURPOSE IS \$30,000,000, SAID AMOUNT IS HEREBY APPROPRIATED THEREFOR AND THE PLAN FOR THE FINANCING THEREOF SHALL CONSIST OF (I) THE ISSUANCE OF UP TO \$30,000,000 IN SERIAL BONDS OF THE CITY AUTHORIZED TO BE ISSUED PURSUANT TO THIS RESOLUTION OR BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SUCH BONDS, AND (II) THE LEVY AND COLLECTION OF TAXES ON ALL THE TAXABLE REAL PROPERTY IN THE CITY TO PAY THE PRINCIPAL OF SAID BONDS AND THE INTEREST THEREON AS THE SAME SHALL BECOME DUE AND PAYABLE. IT IS HEREBY DETERMINED THAT THE PERIOD OF PROBABLE USEFULNESS FOR THE AFOREMENTIONED SPECIFIC OBJECTS OR PURPOSES IS FORTY (40) YEARS, PURSUANT TO SUBDIVISION 4. OF PARAGRAPH A. OF SECTION 11.00 OF THE LAW.

SECTION 3. THE TEMPORARY USE OF AVAILABLE FUNDS OF THE CITY, NOT IMMEDIATELY REQUIRED FOR THE PURPOSE OR PURPOSES FOR WHICH THE SAME WERE BORROWED, RAISED OR OTHERWISE CREATED, IS HEREBY AUTHORIZED PURSUANT TO SECTION 165.10 OF THE LAW, FOR THE CAPITAL PURPOSES DESCRIBED IN THIS RESOLUTION. THIS RESOLUTION SHALL CONSTITUTE A

DECLARATION OF “OFFICIAL INTENT” TO REIMBURSE THE EXPENDITURES AS PART OF THE PROJECTS DESCRIBED HEREIN WITH THE PROCEEDS OF THE BONDS AND BOND ANTICIPATION NOTES AUTHORIZED HEREIN, AS REQUIRED BY UNITED STATES TREASURY REGULATION SECTION 1.150-2.

SECTION 4. EACH OF THE SERIAL BONDS AUTHORIZED BY THIS RESOLUTION AND ANY BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SAID BONDS SHALL CONTAIN THE RECITAL OF VALIDITY PRESCRIBED BY SECTION 52.00 OF THE LAW AND SAID SERIAL BONDS AND ANY BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SAID BONDS SHALL BE GENERAL OBLIGATIONS OF THE CITY, PAYABLE AS TO BOTH PRINCIPAL AND INTEREST BY A GENERAL TAX UPON ALL THE REAL PROPERTY WITHIN THE CITY WITHOUT LEGAL OR CONSTITUTIONAL LIMITATION AS TO RATE OR AMOUNT. THE FAITH AND CREDIT OF THE CITY ARE HEREBY IRREVOCABLY PLEDGED TO THE PUNCTUAL PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID SERIAL BONDS AND BOND ANTICIPATION NOTES AND PROVISIONS SHALL BE MADE ANNUALLY IN THE BUDGET OF THE CITY BY APPROPRIATION FOR (A) THE AMORTIZATION AND REDEMPTION OF THE BONDS AND BOND ANTICIPATION NOTES TO MATURE IN SUCH YEAR AND (B) THE PAYMENT OF INTEREST TO BE DUE AND PAYABLE IN SUCH YEAR.

SECTION 5. SUBJECT TO THE PROVISIONS OF THIS RESOLUTION AND OF THE LAW, PURSUANT TO THE PROVISIONS OF SECTION 30.00 RELATIVE TO THE AUTHORIZATION OF THE ISSUANCE OF BOND ANTICIPATION NOTES OR THE RENEWALS OF SAID OBLIGATIONS, AND OF SECTION 21.00, SECTION 50.00, SECTION 54.90, SECTIONS 56.00 THROUGH 60.00, SECTION 62.10 AND SECTION 63.00 OF THE LAW, THE POWERS AND DUTIES OF THE CITY COUNCIL RELATIVE TO AUTHORIZING BOND ANTICIPATION NOTES AND PRESCRIBING THE TERMS, FORM AND CONTENTS AS TO THE SALE AND ISSUANCE OF BONDS HEREIN AUTHORIZED, INCLUDING WITHOUT LIMITATION THE DETERMINATION OF WHETHER TO ISSUE BONDS HAVING SUBSTANTIALLY LEVEL OR DECLINING DEBT SERVICE AND ALL MATTERS RELATED THERETO, AND OF ANY BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SAID BONDS, AND THE RENEWALS OF SAID BOND ANTICIPATION NOTES, ARE HEREBY DELEGATED TO THE CITY TREASURER, THE CHIEF FISCAL OFFICER OF THE CITY. FURTHER, IN CONNECTION WITH BONDS AND BOND ANTICIPATION NOTES ISSUED UNDER THE AUTHORITY OF SECTION 3 HEREOF, THE POWER TO CONTRACT WITH AND ISSUE BONDS AND BOND ANTICIPATION NOTES TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION PURSUANT TO SECTION 169.00 OF THE LAW AND TO APPROVE THE TERMS, FORM AND CONTENT OF SUCH BONDS AND BOND ANTICIPATION NOTES, CONSISTENT WITH THE PROVISIONS OF THE LAW, IS HEREBY DELEGATED TO THE CITY TREASURER. FURTHER, PURSUANT TO SUBDIVISION B. OF SECTION 11.00 OF THE LAW, IN THE EVENT THAT BONDS TO BE ISSUED FOR ONE OR MORE OF THE OBJECTS OR PURPOSES AUTHORIZED BY THIS RESOLUTION ARE COMBINED FOR SALE, PURSUANT TO SUBDIVISION C. OF SECTION 57.00 OF THE LAW, WITH BONDS TO BE ISSUED FOR ONE OR MORE OBJECTS OR PURPOSES AUTHORIZED BY THIS RESOLUTION OR OTHER RESOLUTIONS OF THE CITY COUNCIL, THEN THE POWER OF THE CITY COUNCIL TO DETERMINE THE “WEIGHTED AVERAGE PERIOD OF PROBABLE USEFULNESS” (WITHIN THE MEANING OF SUBDIVISION A. OF SECTION 11.00 OF THE LAW) FOR SUCH COMBINED OBJECTS OR PURPOSES IS HEREBY DELEGATED TO THE CITY TREASURER, AS THE CHIEF FISCAL OFFICER OF THE CITY.

SECTION 6. THE CITY TREASURER IS HEREBY FURTHER AUTHORIZED, AT HIS SOLE DISCRETION, TO EXECUTE A PROJECT FINANCING AND LOAN AGREEMENT, AND ANY OTHER AGREEMENTS WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND/OR THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, INCLUDING AMENDMENTS THERETO, AND INCLUDING ANY INSTRUMENTS (OR AMENDMENTS THERETO) IN THE EFFECTUATION THEREOF, IN ORDER TO EFFECT THE FINANCING OR REFINANCING OF THE SPECIFIC OBJECTS OR PURPOSES DESCRIBED IN SECTION 3 HEREOF, OR A PORTION THEREOF, BY A SERIAL BOND, AND, OR A BOND ANTICIPATION NOTE ISSUE IN THE EVENT OF THE SALE OF SAME TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION.

SECTION 7. THE CITY TREASURER IS HEREBY FURTHER AUTHORIZED TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY TO ENSURE THE CONTINUED STATUS OF THE INTEREST ON THE BONDS AUTHORIZED BY THIS RESOLUTION AND ANY NOTES ISSUED IN ANTICIPATION THEREOF, AS EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES PURSUANT TO SECTION 103 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE") AND TO DESIGNATE THE BONDS AUTHORIZED BY THIS RESOLUTION AND ANY NOTES ISSUED IN ANTICIPATION THEREOF, IF APPLICABLE, AS "QUALIFIED TAX-EXEMPT BONDS" IN ACCORDANCE WITH SECTION 265(B)(3)(B)(I) OF THE CODE.

SECTION 8. THE CITY TREASURER IS FURTHER AUTHORIZED TO ENTER INTO A CONTINUING DISCLOSURE UNDERTAKING WITH OR FOR THE BENEFIT OF THE INITIAL PURCHASER OF ANY OF THE BONDS OR NOTES AUTHORIZED BY THIS RESOLUTION IN COMPLIANCE WITH THE PROVISIONS OF RULE 15C2-12, PROMULGATED BY THE SECURITIES AND EXCHANGE COMMISSION PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934.

SECTION 9. THE CITY COUNCIL HEREBY DETERMINES THAT THE PROJECTS DESCRIBED HEREIN, BOTH INDIVIDUALLY AND COLLECTIVELY, CONSTITUTE A "TYPE II" ACTION WITHIN THE MEANING OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND THE REGULATIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THEREUNDER (COLLECTIVELY, "SEQRA") AND THEREFORE NO FURTHER ACTION UNDER SEQRA IS REQUIRED WITH RESPECT TO THE PROJECTS OR THE FINANCING THEREOF.

SECTION 10. THE INTENT OF THIS RESOLUTION IS TO GIVE THE CITY TREASURER SUFFICIENT AUTHORITY TO EXECUTE THOSE APPLICATIONS, AGREEMENTS, INSTRUMENTS, OR TO DO ANY SIMILAR ACTS NECESSARY TO EFFECT THE ISSUANCE OF THE AFORESAID SERIAL BONDS OR BOND ANTICIPATION NOTES WITHOUT RESORTING TO FURTHER ACTION OF THIS CITY COUNCIL.

SECTION 11. THE VALIDITY OF THE BONDS AUTHORIZED BY THIS RESOLUTION AND OF ANY BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF SAID BONDS MAY BE CONTESTED ONLY IF:

(A) SUCH OBLIGATIONS ARE AUTHORIZED FOR AN OBJECT OR PURPOSE FOR WHICH THE CITY IS NOT AUTHORIZED TO EXPEND MONEY; OR

(B) THE PROVISIONS OF LAW WHICH SHOULD BE COMPLIED WITH AT THE DATE OF THE PUBLICATION OF SUCH RESOLUTION ARE NOT SUBSTANTIALLY COMPLIED WITH,

AND AN ACTION, SUIT OR PROCEEDING CONTESTING SUCH VALIDITY IS COMMENCED WITHIN TWENTY (20) DAYS AFTER THE DATE OF SUCH PUBLICATION; OR

(C) SUCH OBLIGATIONS ARE AUTHORIZED IN VIOLATION OF THE PROVISIONS OF THE CONSTITUTION.

SECTION 12. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY AND THE CITY CLERK IS HEREBY AUTHORIZED AND DIRECTED TO PUBLISH THE FOREGOING RESOLUTION IN FULL, OR A SUMMARY THEREOF, TOGETHER WITH A NOTICE ATTACHED IN SUBSTANTIALLY THE FORM AS PRESCRIBED IN SECTION 81.00 OF THE LAW, IN THE OFFICIAL NEWSPAPER(S) OF THE CITY (A) FOR SUCH PUBLICATION, AND (B) FOR THE PUBLICATION OF THE NOTICE OF SALE IN CONNECTION WITH ANY BONDS ISSUED PURSUANT TO THIS RESOLUTION.

THE FOLLOWING VOTE WAS TAKEN AND RECORDED IN THE PUBLIC OR OPEN SESSION OF SAID MEETING:

AYE:

NAY:

BOB PALUMBO	X	
NICK CUTRI		X
DAN UNRATH		X
KAREN WHITE		X
ERICH DITTMAR		X
SIM COVINGTON		
THOMAS LYON	X	
RENÉE SUTTON		X
STEVE UEBBING		

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED BY A VOTE OF 7 AYES AND 0 NAYS

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-050:

Moved: Councilmember-at-Large Sutton
Seconded: Councilmember-at-Large Lyon

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH T-MOBILE

WHEREAS, the City owns a cell tower located at 183 Saltonstall Street (Water Resource Recovery Facility) and the City’s cell tower lease consultant has negotiated a lease agreement with T-Mobile; and

WHEREAS, the proposed lease agreement is for 15 years with an annual rent payment in the first year being \$58,250 with a 3% annual increase; and

WHEREAS, the Finance Committee reviewed the proposed lease agreement at its August 2, 2022 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Canandaigua that the City Manager is hereby authorized to execute the lease agreement in substantially the same form as attached hereto with T-Mobile.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-051:

Moved: Councilmember-at-Large Sutton
Seconded: Councilmember Ward 2 Unrath

A RESOLUTION AWARDDING A CONTRACT FOR STREET MARKING AND PAINTING

WHEREAS, the 2022 Budget included funding to increase the frequency of renewing/repainting street markings from a three-year cycle to annually; and

WHEREAS, City Staff identified firms that would likely beat the pricing outlined in the Ontario County bid and thus bid the service out for the City; and

WHEREAS, bids were opened on July 8, 2022 with two bids received and the lowest responsible bid received by OH Striping of Corning, NY for a total cost of \$82,120.40;

WHEREAS, the City Manager and Director of Public Works recommended awarding the bid to OH Striping and said recommendation was reviewed at the August 2, 2022 Finance Committee meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for Street Marking and Painting to OH Striping, 11217 River Road, Corning, NY 14830 for a total cost of \$82,120.40

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-052:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

**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, the collection and recycling of current recycling containers, and establishment of a new solid waste program; and

WHEREAS, the new solid waste program involves only collection household garbage and rubbish that is placed within a City issued 64-gallon toter, the first of which shall be provided free of charge except for a tax-exempt property, the establishment of a waste reduction “pay-to-throw” fee charged for the utilization of each additional City issued 64-gallon toter with tax-exempt properties paying said fee from the first toter, the elimination of current solid waste fee, and continuation of the current recycling program; 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 or 64 gallon recycling toter each; the collection and recycling of all current City recycling toters, and public engagement effort is \$467,135.05; and

WHEREAS, the Finance Committee reviewed this recommendation at its August 2, 2022 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby appropriates \$467,135.05 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.

Prior to the vote, Councilmember Ward 3 White, thanked all the parties involved for getting to this point and would like to bring up reviewing ways for residents to reduce their garbage and promote better recycling options. Councilmember Lyon agrees and thanked City Staff for all their efforts. The Mayor said that this began as an immediate safety issues for City staff with the older totes causing injuries to the employees. The Mayor proposed an amendment the ordinance, for six months, if residents want an additional 64 gallon they would be able to request one free of charge. City Manager reviewed the communication plan for the program.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-053:

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Sutton

**RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT
LITIGATION WITH NICK VIOLAS FOR HIMSELF & AS AGENT-IN-FACT FOR LEO
GENECCO & SONS INC**

WHEREAS, there is currently tax assessment litigation pending between the City of Canandaigua and Nick Violas for himself and as agent-in-fact for Leo Genecco & Sons Inc. in the New York State Supreme Court, Ontario County, for the 2019 tax assessment year (Index number 125338-2019), the 2020 tax assessment year (Index No. 127571-2020), the 2021 tax assessment year (Index No. 130103-2021), and the 2022 tax assessment year (Index No. _____) entitled *Nick Violas for himself and as agent-in-fact for Leo Genecco & Sons Inc. v. the Board of Assessment Review for the City of Canandaigua; the Assessor of the City of Canandaigua and the City of Canandaigua, New York*, relating to property located at 726 South Main Street, Canandaigua, New York 14424 (tax identification # 84.17-1-47) in the City of Canandaigua (“Subject Property”); and

WHEREAS, the aforesaid tax assessment proceedings are hereinafter referred to as the “Litigation”; and

WHEREAS, the Subject Property was assessed at \$1,815,000.00 on the 2019 assessment roll, at \$1,815,000.00 on the 2020 assessment roll, at \$1,978,500.00 on the 2021 assessment roll, and at \$1,978,500.00 on the 2022 assessment roll; and

WHEREAS, after reviewing all documentation, the City Manager, Assessor and City Corporation Counsel recommend to the City Council that the Litigation be settled; and

WHEREAS, it is proposed that, in settlement of the Litigation, the Litigation shall be discontinued; and

WHEREAS, it is proposed that, in settlement of the Litigation, the assessment of the Subject Property on the 2019 assessment roll, the 2020 assessment roll, and the 2021 assessment roll shall remain unchanged; and

WHEREAS, it is proposed that, in settlement of the Litigation, the City reduce the assessment of the Subject Property on the 2022 assessment roll to \$1,878,500.00; and

WHEREAS, it is proposed that, in settlement of the Litigation, the provisions of RPTL § 727 shall apply to the assessments of the Subject Property on the 2023 and 2024 assessment rolls only;

NOW THEREFOR BE IT RESOLVED, that settlement of the Litigation on the terms set forth above, including the reduction of the assessment of the Subject Property to \$1,878,500.00 on the 2022 assessment roll, and application of the provisions of RPTL § 727 to the assessments of the Subject Property on the 2023 and 2024 assessment rolls only, is hereby approved; and it is further

BE IT FURTHER RESOLVED, that City Corporation Counsel may seek Court approval for the aforesaid settlement; and it is further

BE IT FURTHER RESOLVED, that the City Manager and City Corporation Counsel are authorized to execute all documents necessary to effectuate the referenced settlement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-054:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Sutton

RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH PARWAY PLAZA LP AND JADD MANAGEMENT, LLC

WHEREAS, there is currently tax assessment litigation pending between the City of Canandaigua and Parkway Plaza LP and JADD Management, LLC in the New York State Supreme Court, Ontario County, for the 2021 tax assessment year (Index No. 1129942-2021), and the 2022 tax assessment year (Index No. 133352-2022) entitled *Parkway Plaza LP and JADD Management, LLC v. City of Canandaigua Board of Assessment Review, Assessor of the City of Canandaigua, and the City of Canandaigua, Ontario County, New York*, relating to property located at 39 Eastern Boulevard, Canandaigua, New York 14424 (tax identification # 84.18-1-6.111) (the “39 Eastern Blvd Property”) and property located at 161 Eastern Boulevard, Canandaigua, New York 14424 (tax identification # 84.18-1-6.11/A) (the “161 Eastern Blvd Property”) in the City of Canandaigua (collectively, the “Subject Properties”); and

WHEREAS, the aforesaid tax assessment proceedings are hereinafter referred to as the “Litigation”; and

WHEREAS, the 39 Eastern Blvd Property was assessed at \$5,930,300 on the 2021 assessment roll, and at \$6,403,900 (98% equalization rate, full value of \$6,534,592) on the 2022 assessment roll; and

WHEREAS, the 161 Eastern Blvd Property was assessed at \$703,000 on the 2021 assessment roll, and at \$703,000 (98% equalization rate, full value of \$717,347) on the 2022 assessment roll; and

WHEREAS, after reviewing all documentation, the assessor and City Corporation Counsel recommend to the City Council that the Litigation be settled; and

WHEREAS, it is proposed that, in settlement of the Litigation, the Litigation shall be discontinued, conditioned on compliance with the terms of the settlement; and

WHEREAS, it is proposed that, in settlement of the Litigation, the City reduce the assessment of the 39 Eastern Blvd Property to the following assessments:

2021 Assessment: \$5,440,911

2022 Assessment: \$5,440,911 (98% equalization rate, full value of \$5,551,950); and

WHEREAS, it is proposed that, in settlement of the Litigation, the City reduce the assessment of the 161 Eastern Blvd Ponderosa to the following assessments:

2021 Assessment: \$450,000

2022 Assessment: \$450,000 (98% equalization rate, full value of \$459,184); and

WHEREAS, it is proposed that, in settlement of the Litigation, a refund shall be paid by the City of Canandaigua, County of Ontario, and the Canandaigua City School District on the reduced 2021 assessment of the 161 Eastern Blvd Property within 60 days of service of the signed order, and that interest shall only be owed on the refunds to the extent such refunds are not paid within the aforesaid time period; and

WHEREAS, it is proposed that, in settlement of the Litigation, refunds shall not be owed on the reduced 2021 assessment of the 39 Eastern Blvd Property; and

WHEREAS, it is proposed that if any tax bills relating to the reduced 2022 assessments on the Subject Properties are not timely corrected to reflect the reduced assessment as stated above, refunds shall be paid on the reduced 2022 assessments within 60 days of service of the signed order, and that interest shall only be owed on the refunds to the extent such refunds are not paid within the aforesaid time period; and

WHEREAS, it is proposed that, in settlement of the Litigation, the provisions of RPTL § 727 shall apply to the assessments of the Subject Properties on the 2022, 2023 and 2024 assessment rolls only, except that the exceptions in RPTL § 727(2)(a) (relating to revaluation or update of all real property on the assessment roll) and RPTL § 727(2)(b) (relating to revaluation or update in a special assessing unit of all real property of the same class) shall not apply;

NOW THEREFORE BE IT RESOLVED, that settlement of the Litigation on all of the terms set forth above, including the reduction of the assessment of 39 Eastern Blvd Property to \$5,440,911 on the 2021 and 2022 Assessment Rolls and reduction of the assessment of the 161 Eastern Blvd Property to \$450,000 on the 2021 and 2022 Assessment Rolls; payment of a refund on the reduction of the 2021 assessment of the 161 Eastern Blvd Property, no payment of a refund on the reduction of the 2021 assessment of the 39 Eastern Blvd Property, and payment of refunds on the reduced 2022 assessments

only if the tax bills are not timely corrected as aforesaid, and application of the provisions of RPTL § 727 to the assessments of the Subject Properties on the 2022, 2023 and 2024 assessment rolls only, except that the exceptions in RPTL § 727(2)(a) and (2)(b) shall not apply, is hereby approved; and

BE IT FURTHER RESOLVED, that City Corporation Counsel may seek Court approval for the aforesaid settlement; and

BE IT FURTHER RESOLVED, that the City Manager and City Corporation Counsel are authorized to execute all documents necessary to effectuate the referenced settlement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-055:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

**RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT
LITIGATION WITH CANANDAIGUA NATIONAL BANK**

WHEREAS, there is currently tax assessment litigation pending between the City of Canandaigua (the “City”) and Canandaigua National Bank in the New York State Supreme Court, Ontario County, for the 2021-22 Tax Year (Index Number 130132-2021), entitled *Canandaigua National Bank v. City Of Canandaigua Board Of Assessment Review, The Assessor Of The City Of Canandaigua, The City Of Canandaigua, New York, and the Canandaigua City School District* regarding property located at 72 South Main Street, Canandaigua, New York, Canandaigua, New York 14424 (Tax Identification No. 84.45-1-9.1) (hereinafter, the “Property”) in the City of Canandaigua; and

WHEREAS, the aforesaid tax assessment proceeding is hereinafter referred to as the “Litigation;” and

WHEREAS, the Property was assessed at \$2,342,723 on the 2021 assessment roll; and

WHEREAS, after reviewing all documentation, the City’s Assessor and counsel recommend to the City Council that the Litigation be resolved; and

WHEREAS, it is proposed that, as part of the proposed resolution, the Litigation shall be discontinued; and

WHEREAS, it is proposed that, in resolving the Litigation, the assessment the Property’s assessment shall be reduced to \$2,246,453 for each of Tax Years 2021, 2022, 2023 and 2024, subject to Real Property Tax Law Section 727; and

WHEREAS, it is proposed that, in settling the Litigation, refunds without interest shall be paid by the City of Canandaigua, County of Ontario, and the Canandaigua City School District based on the reduced assessment for Tax Year 2021;

NOW THEREFOR BE IT RESOLVED that settlement of the Litigation on the terms set forth above, including the reduction of the Property's assessment to \$2,246,453 for Tax Years 2021, 2022, 2023 and 2024, subject to Real Property Tax Law Section 727, is hereby approved; and

BE IT FURTHER RESOLVED that City's counsel may seek Court approval for the aforesaid settlement; and

BE IT FURTHER RESOLVED that the City Manager and its counsel are authorized to execute all documents necessary to effectuate the referenced settlement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Resolution #2022-056:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION AUTHORIZING CHANGE ORDER TO
HURLEY BUILDING ROOF REPLACEMENT AND WATER RESOURCE RECOVERY
FACILITY ROOF REPLACEMENT**

WHEREAS, the City Council awarded the Hurley Building Roof Replacement and Water Resource Recovery Facility Roof Replacement to J&B Installations at a total cost of \$571,000 for the Hurley Building and \$378,000 for the Water Resource Recovery Facility; and

WHEREAS, the bid specifications did not take into account the NY Stretch Code which requires a thicker insulation to achieve a R-30 rating and as such require a change order to increase the thickness of insulation from 2" to 2.6" at a cost of \$22,099.26 for the Hurley Building and \$8,392.13 for the Water Resource Recovery Facility;

WHEREAS, there are sufficient funds in the capital budget for the Hurley Building Roof Replacement Project to cover the cost of these change orders and sufficient funds can be transferred within the Sewer Fund Capital Budget to cover the cost of this change order;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to approve the aforementioned change orders and any other change orders provided that the change orders do not exceed 10% of the project cost in total; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizing the City Manager and City Treasurer to approve necessary budget amendments in the Sewer Fund Capital Budget to fund the change order to the Water Resource Recovery Facility Roof Replacement Project.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton and Mayor Palumbo. (7-0)

NOES: None

Manager's Report

City Manager reviewed the paving project for the City, which replaced Oil and Stone as previously used. The micro paving program, which is a much superior product, there have been some issues. He apologized to residents affected by any lack of communication as traffic signals used during repaving. He acknowledged that there are a few areas for improvement as they move forward with micro-paving the remaining streets scheduled for this year and what will happen for the future. Kershaw Beach will have to close on August 19th due to the lack of lifeguards. Finally, snow removal notifications will be coming out to residents in their water bills. The leaf collection and snow removal notices will be sent out to residents in their water bills and information on these practices can be found on the website.

Miscellaneous

The Mayor discussed receiving complaints on the Micro-Paving as well and he and John are scheduling a meeting with the company to review details on how things can be handled better. Issues resolve around the weather dependent work of the micro-paving as well as parking for residents on affected streets.

Councilmember Dittmar discussed getting complaints on the trees that are trimmed by power lines. City Manager said that utility trimming is state wide, and it is to prevent electric outages, they are mandated to trim trees. The previous company that was contracted by RGE did a good job, however, the current contractor is doing it a little differently. We cannot prevent it but planting the right trees is something we have been working on the last couple of decades, but the hacking is something that we cannot prevent.

Adjournment

Councilmember Ward 2 Unrath moved to adjourn the regular session at 9:22 pm. Councilmember-at-Large Lyon seconded the motion. Unanimously passed and carried.

Vote Result: Carried unanimously by voice vote (7-0).

**APPENDIX A
MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, AUGUST 16, 2022, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/83871733845>**

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

Also in attendance: Steve Uebbing
Dan Unrath (via Zoom)
Mayor Palumbo

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

Excused: Renée Sutton

Chair White opened the meeting, welcomed those present and read the Core Values for the City of Canandaigua. She reviewed the first agenda item, Central on Main. She reviewed those previous discussions raised concerns regarding the scope and costs related to the upgrading of The Central on Main. As a result, the City Manager coordinated with DPW and the BID Director, Denise Chaaple, appearing via Zoom. City Manager Goodwin reviewed the plan to adjust the scope of work and budget, previously discussed and approved by the Finance and Planning Committee. He explained that after the plan was approved, it was noted by some discussions by Council to try and pare down the plans, which they completed after reviewing with DPW and the BID offices. Goodwin reviewed the plans and instead of concrete, the surface will be asphalt. There will be no stamping or coloring of the asphalt. New drainage will be installed along with electrical for six light poles that will match those found Downtown. The costs are with the asphalt surface estimated at \$32,000, 6 light poles estimated at \$30,000 with wires/electrical at \$7500, 00 and total cost for this work with a 10% contingency would bring this to \$76,500. The New York State Main Street grant would cover \$60,000 of this cost, which was applied for specifically for The Central on Main, covering the bulk of the project. To complete the entire proposed revised scope City Council would need to appropriate \$16,500. One thing the project does not cover is adding street light heads to the poles and if we were to do that, it would be just shy of the \$3K per pole to complete, might be added for the future. Chair White liked seeing the changes and more can be added for the future. Goodwin noted that most of the work will be done by City Staff. Discussion around the asphalt costs as well as the lights poles. Councilmember Uebbing raised concerns about not having a design professional review this current plan. Goodwin noted the experience of City Staff who put together the project and the potential for increased costs that could be associated using a design professional. Goodwin noted that the project would need to be completed this year because of the grant monies involved. Chair White recapped the concerns being the lighting and the concrete to which Goodwin said that he would contact David Hamlin and his firm (who had previously worked on the drawings for the Central pro bono) to review the plans that he and City Staff have created. Goodwin noted that if Mr. Hamlin is able to review the plans and agrees with the work, then the resolution for the \$16,500 will be on the agenda for the September Council meeting. Chair White said that she is in favor of this modified plan and with the mural on the asphalt versus concrete with a mural, she questioned if the surface mattered that much with the place filled with tables and people. Councilmember Covington agrees with Chair White. Goodwin said he would return to the design professional. Councilmember Covington motioned to approved the \$16,500 needed for the project to bring the resolution to the full Council. There was no second to the motion and the discussion was tabled until further investigation can be completed.

Chair White moved onto the second item for discussion. She noted that several residents have both solar panels on their roof as well as solar structures in their yards. She wanted to bring this up for further understand the zoning needed for residents. Goodwin noted that there are several residents that have solar on their roofs and they require a requires a roof permit. For those residents who have free standing solar structures those are considered an 'accessory structure' and this also includes a wind turbine, those need to be approved by Zoning. He noted two requests to install structures that were approved by the Board in May and July. They are reviewed on a case-by-case basis.

Chair White closed the meeting.

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

Also in attendance: Steve Uebbing

Dan Unrath (via Zoom)
Mayor Palumbo

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

Excused: Chair Renée Sutton

Councilmember White opened the meeting and explained Chair Sutton's absence due to illness. Councilmember White was asked to run the meeting by Chair Sutton. She reviewed the Boat House Zoning Change Request as City Zoning Code §850-48 "Boathouse" provides for a maximum length of a boathouse of 32 feet. Recently, two boathouse owners filed for and were denied area variances to extend their boathouse beyond the 32-foot maximum length by the Zoning Board. Patrick Walsh, owner of Pier #2, Boathouse #2, has since requested that the City Council amend the Zoning Code to permit larger/longer boathouse. City Manager Goodwin reviewed that this came to Council at the request to review the Zoning Code by Mr. Walsh. Patrick Walsh, 2044 Freshour Rd, Clifton Springs, spoke asked Council how they arrived at 32-foot maximum length for a boat house. The changes he is looking to do is shorter than his neighbor has on the Pier. City Manager noted without completing an extensive history of the legislation, which has been changed a few times, noted the historic structures of the boat houses in keeping the size and the character, the restrictions of the interior boat houses which is how previous Council may have arrived at the 32 ft decision. Mr. Walsh said that there were other boat house members at the meeting that did not want him to expand plus there was a Zoning Board member that was concerned about the water hitting the boat house (his is close to the pier itself) as well as the western wind. Mr. Walsh noted that there are other boat houses longer than his that would deal with the wind first. Councilmember White asked the history of boat houses that were modified and if those permits would be on file. Goodwin said potentially they would be and that the other gentleman that was denied will have to remove the structure that was built as it was not property permit. Councilmember Uebbing asked if there was a City Staff recommendation on this and Goodwin noted the only area that could be reviewed would be Pier 3 as it is the closest to Sutter's but no direct City Staff recommendation to do so. Mr. Walsh wanted to extend his Boat House by six feet and be even with the Boat House next to his. Goodwin reviewed the Pier map with Council. Councilmember White asked if Boat House Association member Tyler Tichenor of 93 Holiday Lane, wanted to speak. Mr. Tichenor is also on Pier 2, he has a 19 ft. boat and backing out can be an issue. He did not speak at the Zoning Board meeting when this was denied. Councilmember Uebbing asked that the issue is truly the cabin cruiser boat is too big for the boat house and will stick out of placed there. Councilmember Uebbing doesn't want to go against the Zoning Board and cannot substitute their judgement for Councils. Councilmember Unrath spoke and said that this discussion is inappropriate for Council to take on and he listened in at the Zoning meeting in question. Point #5 is where this particular petition was turned down, which is around, if the homeowner brings this on himself? Councilmember Unrath said that there is no real reason to change the ordinance as there would be no end to the change requests made by owners, citing that if you by a car too big for a garage than you have bought a car too big for a garage. Ryan Lumber, 190 Parrish St. Apartment 70 spoke as a member of Zoning Board, said that he was present during the meeting and reviewed the five points that this application was denied from with Council. He said that this application request was reviewed over two meetings by the Zoning Board and the Board was very diligent in their discussions and did decide to deny by a 5 – 2 vote. Councilmember White said that City Council will not be moving forward in discussion and appreciated Mr. Walsh coming in to speak, but there would not be a path forward.

Councilmember White moved on to discuss the Trolley Franchise Agreement. She explained that the City has been exploring various options to establish a trolley service within the City to serve the general public and visitors to the community by connecting the lakefront district to Downtown. The City Manager has been discussing a public/private partnership with The Lake House to operate such a trolley service

in exchange for the City providing mechanical maintenance and general upkeep of the trolley. To facilitate such an arrangement, the City Council would need to issue a franchise for the operation of a trolley service pursuant to §122 of City Code and in accordance with New York State General City Law Article 2-A §20. Chis Polito from the Lake House who resides at 2813 Cold Spring Road in Baldwinsville, spoke about how this plan came back around and the desire to connect the Lake area and the businesses on Main Street as it has been noted. Ideally, the trolley would start from Hotel Canandaigua/Twisted Rail area with stops along the Lake for Inn on the Lake/Nolan's area up to the Main Street area to Sonnenberg Gardens. It would be a dollar a ride. It would be about 30 minutes from start to finish. Ideally, the Trolley would run running five days a week, however staffing remains a challenge. RTS has been in the discussions with the Lake House and the City to help but currently do not have staff right now that can help with driving, but may in the future. Mayor Palumbo said that his is a big project and something he really wants to bring back to the City. He said it is a great partnership for the City moving forward and thanked the work on the Lake House for their work in putting this together. David Hou spoke, they have been reviewing this for a while, his recommendation is to proceed with authorizing a franchisee agreement after Council's review as it gives the transportation entity responsibility for the Trolley, this entity would be separate from the hotel, as the hotel is not a bus company, which is why there is a need for a franchise agreement. The entity would assume the insurances/liability for the Trolley. He reviewed the final franchisee agreement would require Council's approval. Key points are that the City would be responsible for the upkeep of the trolley and the Lake House would be handling the employment for the service, gas and other areas. Mr. Polito said that 90-95% of costs would be assumed by the Lake House. It is a 16-person trolley. Costs have not been fully determined, Mr. Goodwin said. They will be reviewing the trolley in the future as it has just been permitted in New York State. Councilmember White asked about the potential to losing parking spaces. Goodwin said that stops might be near the Chamber and where tourist bus stops now, but nothing has been formally determined. Councilmember Uebbing said that this is a win/win for the City and would like to see this move forward. Councilmember Dittmar questioned the dollar fee, but really wants to see the project move forward. Mr. Polito said that the dollar fee would not cover any true maintenance cost but is at the recommendation of those putting together all the details for the agreement. Denise Chaaple, said that this is very exciting for the City. This is a priority of the Bid and the LDC to bring downtown and uptown together. This is exactly what the Bid has been looking for and thanked everyone involved. Mr. Polito noted the Lake House may get the trolley going sooner than the partnership is completed, but that would not be a reflection of not wanting to partner, as they have an ability to get it moving sooner rather than later. David Hou said that if Council has questions or comments or suggestions to send this to John and himself and a full City Council meeting could be scheduled, keeping in mind Open Meetings Law to review the finer points as needed.

Councilmember White moved to table the discussion on Vacancy Tax as Chair Sutton asked for this to be on the agenda but not be discussed tonight due to her absence.

Councilmember Dittmar motioned to adjourn the meeting into Executive Session, the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, that if discussed publicity would substantially affect the value thereof. Seconded by Councilmember Covington. Unanimously passed and carried. Meeting adjourned at 8:26 pm.