

**MINUTES**  
**CITY COUNCIL MEETING**  
**TUESDAY SEPTEMBER 1, 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 2 Dan Unrath  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Erich Dittmar  
Councilmember-at-Large Sim Covington  
Councilmember-at-Large Thomas Lyon  
Councilmember-at-Large Renee Sutton  
Councilmember-at-Large Steve Uebbing  
Mayor Bob Palumbo

**Also Present:** City Manager John D. Goodwin  
Corporation Counsel, David Hou

**Necessarily Absent:** Councilmember Ward 1 Nicholas Cutri

**Review of Community Core Values:** Councilmember-at-Large White 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:**

**August 9, 2022**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember-at-Large Uebbing

*Vote Result: Carried unanimously by voice vote (8-0)*

Guests: Denise Chaaple, Manager of the BID reviewed the events, previous and upcoming for the BID and Central on Main.

**Committee Reports:**

Finance and Planning: Next meeting September 6, 2022

Environmental and Ordinance Committee: August 16, 2022; next meeting September 27<sup>th</sup> (Appendix A)

**Resolutions:**

**Resolution #2022-057**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION APPROPRIATING FUNDS FOR ASSEMBLY AND DELIVERY OF RECYCLING AND GARBAGE TOTERS**

**WHEREAS**, at the City Council August 9, 2022, meeting, via Resolution #2022-052, \$467,135.05 was appropriated for the purchase of replacement recycling containers, new garbage containers and public engagement efforts relative to changes in the solid waste collection program;

**WHEREAS** the cost of the assembly and distribution was inadvertently not included and additional funds totaling \$69,260.50 are needed to complete the project which brings total project cost of \$536,395.55; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby appropriates \$69,260.50 from the 2022 General Fund, Fund Balance (2021 surplus) to the Capital Reserve to be utilized toward the replacement recycling containers and new garbage containers project

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember 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. (8-0)*

**Resolution #2022-058:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Dittmar

**A RESOLUTION APPROPRIATING CAPITAL RESERVE TOWARD THE CENTRAL ON MAIN**

**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 City was awarded a New York State Main Street Program Grant which included \$60,000 to make improvements at The Central on Main; and

**WHEREAS** the development of an overall design and scope of work has involved the BID, downtown businesses and other community members and resulted in a multi-phased improvement plan with phase one involving the City utilizing grant funding to improve the surface including drainage, electrical and light poles and future phases involving other funding partners funding the additional of an entryway, stage, shade sails and public bathrooms; and

**WHEREAS**, said plan at the July 12, 2022, Finance Committee meeting and although the Committee supported appropriating \$125,000 of City funding towards the project, the general consensus and direction was to find additional funding partners and/or make changes to the scope of work to lower overall costs to the City; and

**WHEREAS**, the scope of work was revised in coordination with the BID and DPW and presented at the August 16, 2022 Environmental Committee meeting with the revised scope including changes to

the planned materials (asphalt instead of concrete), elimination of any stamping on the surface, reducing the number of poles and bases needed for future shade sails, and reducing the amount of electrical conduit and wiring which resulted in bring the additional funding need down to \$16,500; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council appropriates \$16,500 of the General Fund Capital Reserve toward The Central on Main to supplement the \$60,000 in New York State Main Street Program grant funding.

Prior to the vote, Denise Chaaple spoke this year the Central has had 37 evenings of music and the Central can set 170 at a time. They have averaged 145-200 guests an evening, with the \$110,000 estimated being raised for downtown and City restaurants. Guests have been coming in with food from restaurants all over the City so the economic impact has been felt City wide. The Central is open seven days a week from 9 am – 9 pm, with the dining on the weekends.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember 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. (8-0)*

**Resolution #2022-059:**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR  
USE OF THE CENTRAL ON MAIN**

**WHEREAS** the Downtown Business Improvement District (BID) would like to utilize The Central on Main to promote Canandaigua, local wineries, breweries, and the BID with a fundraiser event similar to the formerly held Canandaigua Merchant Association Wine and Beer Walks; and

**WHEREAS** the proposed event will take place from 3 PM to 6 PM on September 24<sup>th</sup> or a rain date of October 1<sup>st</sup> and participants will be charged admission; and

**WHEREAS** the City Manager proffered a license agreement with a fee the greater of 10% of the proceeds being utilized towards improvements at The Central on Main or \$500 to utilize the public space for such an event.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the City Manager to execute a revocable license agreement in substantially the same form as attached hereto, with the Downtown Business Improvement District (BID).

Prior to the vote, City Manager Goodwin clarified that the reason a Resolution was needed was the admission charge, typically everything at the Central is free and open to the Public, but since this is limited public access with the fee the Resolution was needed.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember 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. (8-0)*

**Resolution #2022-060:**

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

**A RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR EMERGENCY REPAIR  
AT THE WATER RESOURCE RECOVERY FACILITY**

**WHEREAS** the grit removal pipe within the Water Resource Recovery Facility failed twice this week with the latest failure being identified as a rupture in the pipe that is encased in concrete under or within the building; and

**WHEREAS** delay in repairing the pipe will reduce the capacity to digest sludge, cause additional wear and tear on solids handling equipment, and puts the facility at risk of permit violations related to effluent quality and potential spills, thus negatively impacting the facility as well as public and environmental health; and

**WHEREAS**, in accordance with the City's Purchasing Policy, the City Manager has authorized an emergency purchase as the repair requires immediate action that cannot await competitive bidding or quotes; and

**WHEREAS** the emergency repair requires that a budget amendment be approved transferring \$30,500 (quoted amount plus 10% contingency) from the Bar Screen Replacement Project which was budgeted for \$400,000, but has not been started and requires engineering work that will advance the project into 2023; and

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby authorizes a Sewer Fund Capital Budget Amendment transferring \$30,500 from the Bar Screen Replacement Project for the aforementioned emergency repair.

Prior to the vote, City Manager Goodwin and DPW Director Jim Sprague clarified that a Bar Screen catches anything that is floatable in the water. A few large rain events, the Bar Screen had issues keeping up with the amounts coming into the plant and more study is needed to be done to ensure the right course of action is taken. General discussion on continued maintenance of the facility.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember 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. (8-0)*

**Manager's Report**

City Manager reviewed the snow and ice removal plan for the upcoming season, reminded residents on the 24-hour snow removal rule and he discussed the upcoming meetings for the Waterfront Master Plan public engagement meetings and DRI engagement.

**Miscellaneous**

The Mayor discussed the Waterfront Master Plan and encouraged residents to attend these meetings. On September 11<sup>th</sup>, the American Legion is hosting a memorial service. The Mayor asked about a Trolley update and City Manager Goodwin and Corporation Council David Hou said that work is being done to the Trolley for it to be in operational shape and conversations on the agreement are ongoing. Hoping to have something to present at the October council meeting. It is City Manager's understand that the Lake House does plan to operate the Trolley as a private service and there are other questions with DOT on

how this can be handled. More information will be forthcoming. Councilmembers discussed how to report on committee meetings and decided to report on items as needed since the material is available within the minutes themselves and online for public viewing.

**Adjournment to Executive Session:** Councilmember-at-Large Sutton motioned to move into Executive Session to discuss 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 publicly would substantially affect the value thereof. Seconded by Councilmember Ward 4 Dittmar, unanimously passed and carried. Meeting closed at 7:50 pm.

Councilmember-at-Large Sutton motioned to move the meeting back to open session at 8:12 and seconded by Councilmember Ward 3 White, unanimously passed, and carried.

**Adjournment:**

Councilmember-at-Large Sutton motioned to close the meeting, seconded by Councilmember Ward 2 Unrath, unanimously passed, and carried. Meeting adjourned at 8:12 pm.

**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 can 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 approve 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-feet 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 does not 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 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 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 Chaapple, 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 reflect 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.