

**MINUTES
CITY COUNCIL MEETING
THURSDAY, NOVEMBER 3, 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/83871733845>**

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
City Clerk, Erin VanDamme

Absent:

Councilmember Ward 1 Nicholas Cutri

After the pledge, Mayor Palumbo announced the resignation of Councilmember Ward 1 Nick Cutri and City Manager John Goodwin read the resignation letter. After the letter was read, Mayor Palumbo read Resolution 2022-073 honoring the service of Mr. Cutri.

196 Spencer Lane
Canandaigua, NY 14424

Honorable Robert Palumbo, Mayor,
Honorable members of City Council,
City Manager John Goodwin,
Members of City Staff,
Citizens of Canandaigua,
and especially the citizens of Ward 1

It has been a great privilege and an enormous pleasure to serve you as Ward 1 representative for nearly 20 years. Representing such a great group of people has been one of the most satisfying experiences of my life. In recent months, my life has changed due to declining health, and I now find it difficult to represent my constituency at the level they deserve. Therefore, I hereby resign my position as Council member effective January 1, 2023.

My next-door neighbor, Ellen Polimeni, is the only person I know of with more experience than me on City Council. I approached Ellen and asked her permission to put her name in as my replacement on Council. Ellen graciously accepted my proposal with the understanding that she would not run for reelection. I am proud to

nominate her for this temporary council position. Ellen is the perfect person to represent Ward 1. She has decades of experience in city government and loves Canandaigua.

I have loved serving on City Council and want to extend my deep thanks to all of my fellow council members, the great mayors I served with and the terrific city staff that I had the pleasure to work with, including great city managers.

I wish everyone a happy holiday season. May God Bless you all and may God Bless Canandaigua.

Sincerely,
Nick Cutri

Resolution #2022-073:

Moved: Mayor Palumbo

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION THANKING NICK CUTRI AND ISSUING AN HONORARY NAME OF “NICK CUTRI LANE” FOR SPENCER LANE

WHEREAS, Nick Cutri devoted 20 years to the City of Canandaigua serving with distinction as the Ward 1 Council representative from 1988-2000 and 2014-2023; and

WHEREAS, Nick also served as the Director of Facilities/Operations at the Canandaigua City School District from 1994-2012 which combined with his service on City Council results in a combined 38 years of public service to the Canandaigua community; and

WHEREAS, Nick has also been an active community volunteer serving on numerous civic/community organizations and youth sports such the Knights of Columbus, The Granger Homestead and Carriage Museum where he served on the Board from 2015-2021 and Chaired its Buildings and Grounds Committee and St. Mary’s Church as a devoted member, a fixture at the 9 o’clock mass taking up the collection and also serving on its Buildings and Grounds Committee; and

WHEREAS, during his tenures on City Council Nick has served as the Chair of the City Council’s Environmental Committee, Community Events Committee, and as the City Council President and was instrumental in reviewing proposed developments that came before City Council due to his extensive construction, building and grounds expertise; and

WHEREAS, it would be impossible to completely describe the impact that Nick Cutri has had on the City of Canandaigua and its residents, yet, it is not difficult to recognize him as one of the finest examples of a true public servant; and

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City, thank Nick Cutri for his dedicated service to the City of Canandaigua and Canandaigua community; and

BE IT FURTHER RESOLVED by City Council that Spencer Lane shall receive a secondary honorary designation of “Nick Cutri Lane”, which shall be set forth on a placard with white lettering on a blue background and otherwise meeting the specifications selected by the Director of Public Works for proper placement on the designated street and that this honorary designation shall continue for 20 years from the adoption of this Resolution in recognition of each year that Nick has served on the City Council.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: 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. (8-0)

NOES: None

After the vote was taken, every member of Council spoke on Mr. Cutri's service, as well as, several guests who thanked Mr. Cutri for his service to Canandaigua:

Jim Terwilliger, Prospect Street Canandaigua
Cindy Wade, Pickering Street, Canandaigua
Richard Russell, Holiday Harbour, Canandaigua
Ellen Polimeni, Spencer Lane, Canandaigua

After the guests spoke, Councilmember Ward 3 Karen White motioned to appoint Ellen Polimeni to fill the remaining time for Councilmember Ward 1 Cutri's seat until January 1, 2024, seconded by Councilmember Ward 2 Dan Unrath.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: 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. (8-0)

NOES: None

The Mayor thanked all for coming and returned to the business at hand.

Review of Community Core Values: Councilmember Ward 4 Dittmar read the Community Core Values: 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:

October 6, 2022

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Dittmar

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

Guests: Denise Chappel spoke on the Fall into Canandaigua festival success as well as the upcoming events on behalf of the BID.

Resolutions:

Resolution #2022-069:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION AUTHORIZING A
PURCHASE AND SALE AGREEMENT WITH ONTARIO COUNTY**

WHEREAS, Ontario County owns a parcel of land situated in the City of Canandaigua consisting of approximately .457 acres being a portion of the southwest corner of the lands now owned by the County of Ontario having been deeded to the supervisors of the County of Ontario by Oliver Phelps and Nathaniel Gorham by deed dated July 18, 1800; and

WHEREAS, Ontario County has proffered to sell said land to the City of Canandaigua for \$1.00; and

WHEREAS, the proposed agreement was reviewed and approved by the Environmental Committee at its October 18, 2022 meeting; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to execute the attached Purchase and Sale Agreement, in substantially the same form as attached hereto, with Ontario County.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: 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. (8-0)

NOES: None

Resolution #2022-070:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A
MUNICIPAL SERVICES AGREEMENT WITH ONTARIO COUNTY**

WHEREAS, Ontario County owns and operates County facilities within the City of Canandaigua and the City of Canandaigua provides a range of municipal services which are necessary for their daily operations; and

WHEREAS, Ontario County does not pay any property taxes in support of all the municipal services they receive; and

WHEREAS, Ontario County has formally recognized the municipal services they receive by entering into an agreement with the City of Canandaigua which includes an annual payment to the City of Canandaigua for the services received; and

WHEREAS, the most recent agreement will expire on December 31, 2022 and Ontario County proffered a successor three (3) year agreement for 2023-2025 paying the City \$39,745 for each year which is a 4.04% increase from the previous annual payments of \$38,203 (2019-2022);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to enter into a Municipal Services Agreement with Ontario County.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: 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. (8-0)

NOES: None

Resolution #2022-071:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Sutton

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE CITY OF CANANDAIGUA'S PROPOSED 2023 CITY BUDGET

WHEREAS, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

WHEREAS, the City Manager has prepared and distributed the proposed 2023 annual budget to the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, The Hurley Building, 205 Saltonstall Street, Canandaigua, New York beginning at 7:00 PM on November 17, 2022 which can also be attended virtually via the following hyperlink:
<https://us06web.zoom.us/j/85999209422>; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

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

Resolution #2022-072:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA

WHEREAS, the City Manager has recommended an increase in sewer rents which may only be enacted through the adoption of a local law; and

WHEREAS, it is required that a public hearing be held prior to the adoption of a local law;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing on a Local Law establishing and imposing sewer rents shall be held in the City Council Chambers, The Hurley Building, 205 Saltonstall Street, Canandaigua, New York beginning at 7:00 PM on November 17, 2022 which can also be attended virtually via the following hyperlink:
<https://us06web.zoom.us/j/85999209422>;

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

ORDINANCE:

Ordinance #2022-004: *Councilmember-at-Large Sutton introduced at the October 6th meeting. Councilmember Ward 3 White motioned to lift the ordinance from the table, seconded by Councilmember-at-Large Sutton, carried unanimously by voice vote (8-0).*
Moved: Councilmember Ward 3 White
Seconded: Councilmember-at-Large Uebbing

AN ORDINANCE AMENDING CHAPTER 161 OF THE CITY CODE RELATIVE TO PURCHASING POLICIES AND PROCEDURES.

WHEREAS, New York State General Municipal Law §104-b(4) requires the City Council to review the City's policies and procedures with respect to purchases; and

WHEREAS, the proposed amended policies and procedures were reviewed and discussed by the Department Heads in accordance with General Municipal Law §104-b(3); and

WHEREAS, after reviewing the City's current Purchasing Policy and Procedures, the City Manager and Treasurer recommends the updating the policy relative to procurements made pursuant to General Municipal Law though State, County, other municipal contracts, State Finance Law or Corrections Law (§161-5 Section B2); and

WHEREAS, the proposed recommendation to update the Purchasing Policy and Procedures was reviewed at the October 4, 2022 Finance Committee Meeting;

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

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** 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. (8-0)*

Ordinance #2022-005: *Councilmember Ward 3 White read and introduced the ordinance and motioned to place it on the table. Seconded by Councilmember-at-Large Sutton, unanimously passed by voice vote, (8-0)*

**AN ORDINANCE AMENDING CHAPTER 585
SOLID WASTE**

WHEREAS, the City of Canandaigua is making changes to its solid waste collection program and certain amendments are required to facilitate these changes; and

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

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

LOCAL LAWS

Local Law: 2022-004 *Councilmember-at-Large Lyon introduced the local law at the October 6th meeting and motioned to lift it from the table. Councilmember --- seconded, unanimously passed by voice vote (8-0).*

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 3 White

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2023, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2023, that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Prior to the vote, Councilmember Ward 3 White, expressed her descent.

The motion CARRIED on the following vote:

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

NOES: Councilmember Ward 3 White

Local Law: 2022-00 Councilmember-at-Large Lyon introduced the law and motioned to place it on the table. Seconded by Councilmember Ward 3 White. Unanimously passed by voice vote (8-0).

A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA

Section 1. Statement of Policy.

As a means of producing revenue for operation and maintenance of the sewer system of the City of Canandaigua, it is necessary to establish and impose charges for the use of said system, or to any portion of said system. This sewer rent is enacted pursuant to Article 14-F of the General Municipal Law of the State of New York.

Section 2. Definitions

a. “Sewer System” - The sewer system of the City of Canandaigua includes all sewer pipes and other appurtenances which are used or are useful in connection with the collection, treatment, or disposal of sewage, industrial waste, and other wastes which are owned, operated or maintained by the City of Canandaigua, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal, if any.

b. “Part” - As used in relation to the term “sewer system” - all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including pumping systems.

c. The terms “sewage”, “industrial wastes”, and “other waste” shall have meanings as set forth in Section 451 of the General Municipal law, as the same may be amended from time to time.

Section 3. Basis for Sewer Rent Computation

a. Sewer rent charges shall be based either (1) upon the consumption of water on the premises connected with and served by the sewer system, or any part or parts thereof, or (2) upon the basis of actual discharge to the sewer system. Such actual discharge shall be based upon the measurement of an actual flow measuring device recording the actual flow of sewage to the sewer system.

b. No user may elect to pay sewer rent charges on the basis of actual discharge unless a flow measuring device and control manhole have been installed and approved by the Director of Public Works. Such approval of the flow measuring device and control manhole shall be based upon measuring devices shall be subject to periodic inspection, testing, and reading by the Director of Public Works. The cost of installation, maintenance and testing of the flow measuring device and control manhole shall be borne solely by the system user.

c. Sewer rent charges shall be **\$5.40** per 1,000 gallons of (a) water consumption or (b) measured sewer discharge during the period for which any statement is rendered, provided, however, that the minimum quarterly charge shall be **\$60.48**.

Section 4. Payment Dates; Penalties; And Enforcement.

a. Billing of sewer rents shall be quarterly with bills due on the 1st day of the month in which the bill is mailed. Each bill shall be for the preceding quarter.

b. Payment of the sewer rents shall be made within 20 days of rendering of the bill without penalty (or the next business day if the 20th falls on a weekend or holiday).

c. Any payment received 20 days after billing shall accrue a 15% penalty of the amount due. Bills are considered rendered upon mailing.

d. In April of each year, the amounts of all past due bills from the preceding year, plus penalties, shall be certified by the City Clerk/Treasurer and shall be collected and enforced in the same manner and at the same time as provided by law for the collection and enforcement of City taxes.

Section 5. Sewer Rent Fund.

a. Revenues derived from sewer rents, including penalties, shall be credited to a special fund for the sewer system, to be known as the "City of Canandaigua Sewer Fund." Monies in such fund shall be used in the following order:

(1) For the payment of the costs of operation, maintenance, and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.

(2) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of sewage treatment and disposal works with necessary appurtenances including pumping stations, or for the extension, enlargement, or replacement of, or addition to, such sewer system, or part or parts thereof.

(3) For transportation charges imposed by any other municipality or entity for the transport of sewage via such other municipalities sewer mains, interceptors or lines.

b. Such revenues from sewer rents shall not be used (1) to finance the cost of any extension or any part of a sewer system (other than any sewage treatment or disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of the real property especially benefited, or (2) for the payment of the interest on, and the amortization or payment of, indebtedness which is to be paid in the first instance from assessments upon the benefited real property.

Section 6. Amendments

Any amendments to or other action taken affecting such sewer rents shall be accomplished in the same manner as provided in Article 14-F of the General Municipal Law for the original establishment of sewer rents.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Manager's Report: City Manager Goodwin reported on the lawn and leaf collection for November. He reminded residents on snow removal within 24 hours of the snowfall to clear their sidewalks. He addressed that not all areas of the City streets were re-painted after paving and is hoping that some of the lanes can be painted before the end of the season. He said that telephone poll replacement is continuing with the various service providers. He addressed the concerns about the water quality notice after area Towns and sent out notifications with their issues. He assured residents that the water quality was fine.

Miscellaneous: Mayor Palumbo and Councilmember Covington are both participating in the Polar Plunge on Saturday at Kershaw Park benefiting Special Olympics. Councilmember Uebbing asked to add a review of the crosswalk on the north end of Main Street after witness residents struggle to get across, perhaps lighting the area can be reviewed. Councilmember Sutton reminded that Election Day is next Tuesday and reminded residents to vote. Councilmember Unrath encouraged residents to attend the Election Day Spaghetti Dinner at Canandaigua Academy, the cost is \$10 pick up or sit down.

Adjournment

Councilmember Ward 3 White moved to adjourn the regular session at 7:55 PM. Councilmember-at-Large Covington seconded the motion. *Vote Result: Carried unanimously by voice vote (8-0).*

**APPENDIX A
MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, OCTOBER 18, 2022, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/83871733845>**

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

Other members present: Thomas Lyon
Steve Uebbing
Dan Unrath (via Zoom)
Mayor Palumbo

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

Absent: Erich Dittmar

Guest: Kimberly Picha, Event Sales Manager

Chair White opened the meeting and welcomed members present. She read the City's Core Values. She moved into the first agenda item. The Hotel Canandaigua Request License Agreement Lakefront Park. Hotel Canandaigua has requested to utilize a portion of Lakefront Park for hotel guest to enjoy a lakefront wedding ceremony. The hotel is also requesting access to the Lakefront Park dock to allow guests to access lake excursions (in partnership with other local businesses) and accommodate guests that would like overnight docking. To facilitate such a request, a revocable license agreement and an associated fee would be required, like past and current use of park facilities. A representative from the hotel has been invited to present the request. Kimberly Picha, Events Manager from the Hotel Canandaigua spoke. The Hotel is planning to open in May 2023. She spoke on the request. As the Hotel would like to rent the public space for weddings and other bigger events that may be planning in the future. For the weddings, they would like to rent the public space in front of the hotel roughly from 2:30 pm – 6:30 pm, Friday – Sunday to accommodate one and or more weddings there during the days requested. Councilmember Sutton asked to clarify why their application said for only one 90-minute wedding and have the public space blocked off from Friday, Saturday, and Sunday from May until October but from what Ms. Picha just said it now requires more time blocked off. Ms. Picha explained it would be the set/take down time for one or two weddings, depending on the need for that day and the timing of the weddings would be around 3:30 pm – 4pm. They could submit a schedule ahead of time. The timing would be open depending on the number of weddings taking place. Councilmember Sutton asked on the dock request and since it a public dock why can't they just use the dock now, why rent it? Ms. Picha asked to have two docks spaces made available for guests that may have their own boat, they want to ensure they have access for their guests. They would like to lease the spaces from the City Public Dock, potentially. Councilmember Sutton said she was opposed to this application and said

there is not much of a proposal here. City Manager Goodwin noted, the purpose of the application would be a discussion point to see what fee or regulation the Council may want to impose, should an agreement move forward. Councilmember Uebbing said there are frequent weddings at the Gazebo, questioning the difference was between renting the gazebo at Kershaw Park versus this request. Goodwin noted there is a paid reservation process that a wedding at the Park is open to all residents and non-residents for a certain amount of time. What the Hotel is asking for is use of the public space adjacent to the Hotel and the agreement similar to agreements in the past with LL Bean and Canandaigua Sailboarding, basically an exclusive to the hotel for the area. The difference is those agreements are still open to City residents. Lakefront Park does not have a reservation system that Kershaw offers with their gazebo and their pavilions. Councilmember Sutton feels that since public pays for the park with taxes, the Hotel being a commercial entity is looking to use that area to make a profit from and will keep the public out of the area. The City will be working to maintain the property and the Hotel will be profiting from what the City is doing. Councilmember Covington agrees that both are valid points. Goodwin said that if Council were to entertain this would be a fee attached and would not be a small fee. Councilmember Uebbing said that he is not completely opposed to the agreement. The cost of weddings will also help generate sales tax for the area, and that would benefit all. Councilmember Covington noted that given the inconsistencies in the proposal, he is open to more conversations and likes the idea of charging a fee. Councilmember Lyon said he was confused by Ms. Picha suggesting there would be a concert series, as this is the first, they are hearing from it. Ms. Picha said that the Hotel would like to have a concert series on their property where residents can bring a blanket and enjoy. Councilmember Lyon said he would like to see the inconsistencies with the proposal updated before moving forward. The Mayor said the agreement is just too vague to make a decision and noted the use of the dock has not yet to be discussed. Chair White said that she would like to see more details. Councilmember Sutton said that the details are just so important and there is not enough here to sway a vote. Ms. Picha said that now that they have information from Council, she will get with her team to reapply. Councilmember Unrath said that if the Hotel wants to come back with more specifics but right now, he would be a no for both the wedding space and the dock. Chair White said that they are willing to entertain more information at their next meeting in January. Goodwin said that all our agreements are revocable agreements and have 30 days opt out clause. Chair White asked the opinion of Councilmembers present on their stance for the dock space. Councilmembers agreed that a proposal would be needed before deciding anything. Chair White thanked Ms. Picha for attending.

Chair White moved into the possible purchase of a Public Safety Rescue Boat. She noted for several years, a public safety boat has been discussed to respond to emergencies that occur on the Lake such as water rescues and fight fires on the lake or on the shores as well as enforce laws related to boating traffic and properly contain potential environmental hazards. There is a used rescue boat in Erie County that is for sale and has been proffered to the City for \$20,000. A boat hoist, some new lettering/wrap and small repairs are estimated at a total of \$10,000. City Staff believes that this boat would serve the City for many years and that the costs/benefit at this price is a good investment; thus the 2023 Capital Budget will include \$30,000 for this purpose. Erie County has requested a letter of intent to hold the boat for the City. City Manager introduced both Chiefs to explain the need. Fire Chief Magnera explained that the City of Hamburg's rescue team who perform work on Lake Erie, he explained the details of the boat. It has the capabilities to extinguish a boat fire and there have been several in his years of service and is ready to go in the water now. Chair White asked if it would be staffed all summer long. The intent is that engine 211 would have a job box to quickly get to the scene. Could be on the water within three minutes. The Sheriff boat is only part time, there is no schedule for them on the Lake. He has worked with the Yates County Sheriff's boat which is closer to Woodville. The last couple of calls have been firefighters using their personal watercraft to get to a scene on the Lake, which he feels is embarrassing. Using personal watercraft opens the City up to huge liability issues and should be unacceptable. The Fire Department has been able to make ends meet, but the Lake is very popular even more so with Covid. City Pier we could house the boat, City Dock was another location – the last slip where there is electric. City Pier would be preferred because the Fire Truck can fit. Councilmember Covington asked how many calls are received in a year. Chief Magnera noted that the lake has one addresses, researching how many calls a year, for a boater in trouble have been 3000 calls a year. The issue is the location with the lake using one address. He noted that boat crash/boat fire calls are typically 12 a year.

Calls regarding a missing person, or an injury to a person or a health crisis, those typically call EMS. Councilmember Sutton doesn't believe buying a used boat isn't the best use of funds and would be interested in looking at the full numbers for maintenance. Councilmember Uebbing asked about staffing and the additional burden this would bring. He believes that the boat is in good shape and would be solid. City Manager said that in terms of maintenance that our staff would be able to maintain the boat, he doesn't not believe they would be putting a lot of money into the boat. Councilmember Lyon asked about other areas. Cheshire has a boat; Crystal Beach does not have a rescue boat. The Yates County has a boat but it is not fire capable as the Ontario County Sheriff's boat as well. This boat also has the ability to cover up any chemical spills to help provide environmental cleanup. The north end of the Lake is the most popular. Last year 13 firefighters attended open water rescue training. The majority of the department have boater safety training. Chair White feels that it is an impractical asset and feels that it would take too much time to get to the boat and feels that the Sheriff's have a presence when she is on the Lake. The Mayor said that the boat houses, boats are the marina are places that are hard to get too if there is a fire. He asked about the capability to deal with something like this. The Chief said that if there is a fire at a boat house and the only good way to fight a fire is on the water. To get under the boathouse is the only way to really fight that fire. This would help us to fight this type of fire in the event of something happen and would be a primary use. The Mayor pointed out that the Sheriff's boat does not have the capability to contain any environmental spill that takes place and noted that friends that had an issue had to wait for the Yates County Sheriff boat to arrive. Chief Nielsen spoke and the CPD would be the primary users of this vessel and it would be tool to curtail reckless driving with boaters as the north shore of the lake is always an issue. Chief Nielsen said the Sheriff's patrol is part time only and not always on the Lake, so when we get that call, we have no way to rectify these issues. We are not looking to do proactive enforcement, as we have 500 feet off the shore but taking care of the North end would be very helpful. Protecting the safety of the people at the North End is needed. If Boaters that have issues and drive off, we would not be able to follow up and if the Sheriff's boat is in the water and at the South End, it would take too long to find that boater. If the Sheriff's office is unable to answer the call, those calls go unanswered. Councilmember Unrath said that he is in favor of moving this to Council. He has direct experience and has to borrow a boat as a volunteer firefighter. As a waterfront City, we should have the equipment needed. Chair White thanked the Chief's. Councilmember Sutton moved to purchase the boat to authorize the letter of intent. Councilmember Covington seconded, City Manager clarified that this does not buy the boat, but gives them an indication that we are looking to buy it. Councilmember Uebbing said that this is an area that we do not have service in and could support this. Chair White called for a vote. The motion did not carry, Councilmember Covington and Sutton voted yes but Chair White voted no. Councilmember Uebbing said that this could be brought up at the next Council meeting.

Chair White discussed the property transfer between Ontario County and City. Ontario County and City Staff have been discussing a property transfer of .457 acres (a portion of the southwest corner of the public square established by Oliver Phelps and Nathaniel Gorham in 1800) to assist in the resolution of a long-standing issue. City Manager said this is regarding 10 Chapin Street, otherwise known as the Lablelon Building. Due to issues with the Public Square issues and the County legal team has agreed to sell it to the City. This would help with the transfer of the title for the sale of the property to the developers. Corporation Counsel said that the County is looking to approve tomorrow at their committee meeting. He and the City Manager will review the contract in the coming days. Councilmember Sutton asked about the recording taxes, and Mr. Hou said that the municipality may be exempt, as they are typically paid for the buyer. These are still in discussion. Mr. Hou said that Council will need to pass a resolution and this would be the last step. Councilmember Sutton motioned to move this contract forward, seconded by Councilmember Covington, unanimously passed.

Chair White closed the meeting.

Ordinance Committee: Renée Sutton, Chair
Sim Covington, Jr.

Erich Dittmar
Karen White

Other members present: Thomas Lyon
Steve Uebbing
Dan Unrath (via Zoom)
Mayor Palumbo

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

Absent: Erich Dittmar

Chair Sutton opened the meeting and moved to discuss the first agenda item, mandatory inspection of Water Service Lines at Property Transfer. She clarified that for many years, the City has protected residents and neighboring municipalities from exposure to lead with the utilization of a corrosion control system. The EPA has adopted regulations to further control lead and copper in drinking water and the New York State Department of Health has directed the City to replace lead service lines in accordance with the EPA's lead and copper rule. She said that City Manager Goodwin has alerted Council to this potential upcoming need. City Manager Goodwin introduced Chief Water Operator Peter Virkler, who has been the lead on this and summarized the new regulations. Mr. Virkler explained that there are roughly 3400 addresses in the City and we are asked to identify the type of pipping from the curb stop and to the house. He said that out of the 3400, 2400 are unknown and the City has to identify all by October 16, 2024. This is mandated by the EPA through the New York State Department of Health, to us. The 2400 unknown pipes are either at the curb stop or the house and efforts are underway to identify what they can. He is requesting that the ordinance be changes so that at the property transfer (for homes sold in the City), the selling homeowner would have to let the City know what they have of pipes they have. Records are sparse for anything before the EPA made changes to abandon lead on Jan. 1, 1986 so we good understanding of anything after that date. The ordinance will be a tool that to help. We can cross those address that transfer off the unknown list. Testing for the pipes begins in 2025 and depending on what the lead levels suggest (as right now we do not hit threshold) the City may have to replace 1-3% of unknowns. The City has to replace the curb stops but the homeowner would have to replace theirs as for us to count. So, if the homeowner cannot do it, as it is an estimated cost of \$5K, there may be Federal money to help. Should the homeowners refuse, then the City is unable to count them and it's unknown what the impact will be should no action take place from either the EPA or NYSDH. It is the responsibility of the homeowner to replace the piping from their homes. He is assuming many homeowners will not opt to replace their piping as a result of the cost. He asked Councilmembers present to go to their basements and take a picture of their piping as City residents it will help his team cross their addresses off the list. The other issue is that some of the roads were established in 1937 do not have records for the curb stop. Mr. Goodwin noted that the ordinance could add a house inspection that is mandated to the seller. We could add a section that asked for the City to do it (to determine the pipes) and charge a fee, there are options available. The Mayor asked if there is a penalty and Mr Virkler said that the ramifications of not doing the work has not been identified yet. Mr. Virkler feels that there could be upwards of 100 lead services that may require change. Councilmember Uebbing asked about the lead piping issue. Mr. Virkler said it has been very difficult getting answers on implementation and used testing the schools as example, where the schools are already doing their own testing. Whose test would be allowed for the statistical information, he doesn't know yet. He explained that it is the recommendation from the EPA that economically disadvantaged areas are up first as opposed to the quality of the pipe. Mr. Virkler said that we add a chemical for corrosion control and any lead that is in the water, we adjust the ph high enough so that anything that is in the water system, will not dissolve in the pipe, if there is lead. There are lead services out there and we have to test for them. Chair Sutton said that she can understand why an ordinance is needed and asked what else is needed. They do have a way to review street areas. But may to go door to door

for specifics. They have used Facebook posts for residents to send in their feedback. The big thing is switching meters and if we can get through them fast enough that will give us some of the data, but will not get them all completed. City Manager said that we are increasing meter replacement faster to help get the data that is needed. Mr. Goodwin said that they are looking to draft the details and wanted to have a general discussion on the potential replacement. Mr. Virkler said that we will have to notify residents about their lead potential give them the federal information on how to apply for help. The Health Department has recommended having municipality can replace the piping and then charge the homeowner. City Manager said that they can draft the ordinance to the change. Chair Sutton asked to have a draft ordinance for the January meeting.

Chair Sutton said she was going to ask to the Vacancy Tax discussion taken off the agenda after receiving feedback that there is very little opportunity to implement a vacancy tax. She said that she kept it on because of an update on the Ponderosa restaurant that was the catalyst for this discussion. City Manager Goodwin said that the property that has been under numerous code violations has filed for a demolition permit. They are obtaining the signs offs that are need and Chair Sutton asked to have this be removed.

Chair Sutton said that the Solid Waste Ordinance was tabled at the last meeting and asked City Manager to summarize the new ordinance. He explained that the §585 “Solid Waste” of City Code includes single family and 2-4 family properties for garbage, recycling and yard waste collection and excludes commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, rooming houses or mixed-use properties. The size of the toter may need to be stricken. Most of the other changes on 585.3 is how the toters should be maintained and only items in those containers will be accepted. One other change is that in the late penalties for the fee structure, it is consistence with the water late fees, as this is added to the water bill. Councilmember Uebbing asked about the timeline, December delivery date into January is what Goodwin said. Postcards will be sent to residents shortly. He urged for public education to start very soon. This may be a very specific change for some residents. Goodwin said that we are planning to add in the charges in the second quarter and give grace for the first quarter of 2023. Old garbage pails can be used for yard disposal. We can collect them and recycling them. Residents will be able to chose the size of toters and whether or not collection of their old material is needed. Councilmember White motioned to accept the changes, seconded by Councilmember Covington. Unanimously passed and will move on to full Council.

Councilmember Covington motioned to close the meeting, seconded by Councilmember White, unanimously passed and carried. Meeting ended at 8:52pm.

