

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
ORGANIZATIONAL MEETING  
MONDAY, JANUARY 6, 2020, 7:00 P.M.  
City Council Chambers- The Hurley Building  
205 Saltonstall St., Canandaigua, NY 14424

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

**Pledge of Allegiance**

**Roll Call:**

**Members Present:**

Councilmember Ward 1 Nick Cutri  
Council Member Ward 2 Unrath  
Councilmember Ward 3 White  
Councilmember Ward 4 Dittmar  
Councilmember-at-Large Robert O'Brien  
Councilmember at-Large Sutton  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large Stephen Uebbing  
Mayor Palumbo

**Members Absent:**

Councilmember-at-Large James Terwilliger (Excused Absence)

**Also Present:**

City Manager John D. Goodwin  
City Clerk-Treasurer Nancy C. Abdallah  
Corporation Counsel David K. Hou, Boylan Code

**Public Hearing:** Local Law #2020-001 Amending Chapter 612 of the Canandaigua Municipal Code Providing for a Room Occupancy Tax in the City of Canandaigua Pursuant to Section 1202-L of New York State Tax Law

Mayor Palumbo opened the public hearing at 7:01 PM  
No one was present to speak to this local law  
Mayor Palumbo closed the public hearing at 7:01 PM

**Review of Community Core Values:** Councilmember Ward 1 Cutri 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.

**Recognition of Guests:**

- Michael Yarger, Rochester NY, property owner in Canandaigua and run the Canandaigua Chronicles Facebook Page - I would like to ask city council to consider instituting a moratorium on the building of any docks in the city until a study can be conducted to determine the impact that that would have on our lake. I really fear that our lake is getting overdeveloped. The quality of our lake water has gone down over the last few decades, and we're dealing with some major issues in the lake, and I think the Environmental Committee would be the proper one to address that issue. Thank you.

Mayor Palumbo - Thank you, Mike. I believe the issue with the Canandaigua Lake is not a council decision. Is that correct?

City Manager John D. Goodwin - It is up to the Planning Commission. As long as the application is in accordance with the Docks and Moorings Law, which was adopted by a city council, they're permitted to apply and follow those rules and regulations.

### **Organizational meeting:**

### **City Council Rules and Procedures:**

Councilmember Ward 1 Cutri moved to adopt the City Council Rules and Procedures for the 2020-2021 City Council term. Councilmember at-Large Sutton

**Attachment A:** City Council Rules and Procedures

*Discussion:*

*Councilmember at-Large Sutton - I would like to note that there is one item that we never seem to really adhere to in our rules, and that's about that we have to have a motion in order to have a discussion. We tend to freewheel right into discussions without there being a motion having been made, and I think that's something, that would be a good discipline for us to try and follow moving forward. I think there's a reason for it. It helps us keep track of what exactly the action is that we need to take, or what it is to be considered, and it helps guide our conversation and keep it within guardrails. So, I just want to encourage council, and I will certainly be making a mention of that in our meetings, that we need to have a motion before we have discussion.*

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

### **Election of City Council President:**

Councilmember-at-Large Uebbing moved to nominate Councilmember-at-Large Terwilliger as Council President. Councilmember Ward 3 White seconded the motion

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

### **Appointment of Standing Committee:**

Mayor Palumbo appointed the following:

*Planning/Development:*

Chair – Councilmember-at-Large Uebbing  
Councilmember-at-Large Terwilliger  
Councilmember Ward 1 Cutri  
Council Member Ward 2 Unrath

Environmental/Parks Committee:

Chair – Councilmember Ward 3 White  
Councilmember-at-Large O’Brien  
Councilmember at-Large Sutton  
Council Member Ward 2 Unrath

Ordinance/Charter Review:

Chair – Councilmember at-Large Sutton  
Councilmember-at-Large O’Brien  
Councilmember Ward 3 White  
Councilmember Ward 4 Dittmar

Finance/Budget:

Chair – Councilmember-at-Large Terwilliger  
Councilmember-at-Large Uebbing  
Council Member Ward 1 Cutri  
Councilmember Ward 4 Dittmar

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

**Appointment of Special Committee:**

Transportation/Trolley

*Mayor Palumbo - I'm going to appoint a special committee for, which I haven't fully appointed yet, for to look into our transportation or trolley system around the city. I think the summer will be a good test with the hotels that are going to be opening and trying to get tourism to move to downtown, and also to get city residents to move down to the, use the amenities down at lake front. So, it's just something that's been looked at in the past, but I think we really going to take a hard look at it now that we have the volume, that we potentially going to have the volume, of people coming into the city. So, I will be appointing that committee soon.*

**Designation of Official Newspaper:**

Councilmember Ward 3 White moved to designate the Daily Messenger as the official City newspapers. Councilmember Ward 4 Dittmar seconded the motion.

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

**Appointment of City Historian:**

Councilmember-at-Large Uebbing moved to nominate Lynn Paulson as City Historian. Councilmember Ward 1 Cutri seconded the motion.

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

**Appointment of BID Representative:**

Business Improvement District (BID) Board:

Councilmember Ward 1 Cutri moved to nominate Ellen Polimeni as the City Council representative to the BID Board. Councilmember at-Large Sutton seconded the motion.

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

Other Appointments to BID Board:

- Mayor's appointment – Stephen Cole
- City Manager's appointment- Rick Brown, Director of Planning and Development

### **Establishing Time for Regularly Scheduled Meetings:**

Councilmember Ward 3 White moved to approve the Council Meeting and Committee Meeting schedules. Councilmember at-Large Sutton seconded the motion.

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

#### Council Meetings:

City Council Meetings will be held the first Thursday of the month at 7:00 p.m. with a second meeting of the month scheduled as needed, except for the January Organization Meeting which is held on the first business day of the year.

#### Committee Meetings: .

Planning and Finance – 1<sup>st</sup> Tuesday

Environmental and Ordinance – 3<sup>rd</sup> Tuesday

### **Resolutions:**

#### **Resolution #2020-001:**

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember at-Large Sutton

### **A RESOLUTION APPOINTING A CITY MARRIAGE OFFICER**

**WHEREAS**, §39 of New York State Domestic Relations Law permits the governing body of any city to appoint one or more marriage officers authorized to solemnize a marriage in addition to the Mayor; and

**WHEREAS**, former Mayor Ellen Polimeni expressed an interest in continuing to serve the community as a marriage officer as it was one of the more pleasurable aspects of her role as mayor; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Canandaigua City Council hereby establishes the position of Marriage Officer for the City of Canandaigua with a term of four (4) years; and

**BE IT FURTHER RESOLVED**, that the Marriage Officer shall receive no salary or wage for his/her work;

**BE IT FURTHER RESOLVED**, appoints Ellen Polimeni as a marriage officer for the City of Canandaigua with a term ending December 31, 2023;

*Discussion: Councilmember at-Large Sutton - I just want to note that Ellen has indicated when she spoke with us about this that she rarely accepts payment when officiating at a wedding, but moving forward if someone were to insist upon it, it's her intention to donate those dollars to the city, and I think that's very much in keeping with the Ellen that we all know. So, I just wanted to make sure everyone remembered that, was aware of that.*

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**Resolution #2020-002:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember at-Large Sutton

Amendment: Councilmember-at-Large O'Brien moved to change the name of The Pickering Pub to the name of the new establishment Gleason's Food and Drink. Councilmember at-Large Sutton seconded the motion.

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**A RESOLUTION AMENDING THE BRISTOL STREET GROUND LEASE AGREEMENT  
(AMENDED)**

**WHEREAS**, in 2012, the City entered into a ground lease agreement with businesses on Main Street for the use of bulk waste receptacles on Bristol Street, also known as "dumpster farms;" and

**WHEREAS**, the original agreement included five businesses: Dick Anthony's LTD, RV&E Bike & Skate, Eddie O'Brien's, Gleason's Food and Drink (formerly The Pickering Pub), and Rent-A-Center; and

**WHEREAS**, the agreement has been renewed annually with these five businesses, however there is now another business that would like to participate in the ground lease agreement; and

**WHEREAS**, Casa de Pasta has lost access to the bulk waste receptacle they used previously, and would like to be added as the sixth business to the aforementioned agreement; and

**WHEREAS**, in order to add Casa de Pasta to the agreement, the contract must be amended which requires City Council approval; and

**WHEREAS**, Staff recommends amending the agreement to include Casa de Pasta as the sixth business;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby amends the Bristol Street Ground Lease Agreement with Dick Anthony's LTD, RV&E Bike & Skate, Eddie O'Brien's, Gleason's Food and Drink, and Rent-A-Center to include Casa de Pasta.

*Discussion: City Manager John D. Goodwin - the way it works is these businesses are only renting the space. We do not provide any garbage disposal. So, they have to supply their own dumpsters or have a service to do that, and then the service removes the dumpster, removes what is in those dumpsters. So, for 2020 the total monthly payment for all of them is \$165.42.*

*Vote on the Amended Resolution:*

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**Resolution #2020-003:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AWARDING A CONTRACT FOR HVAC UPGRADES**

**WHEREAS**, the HVAC system at the Water Treatment Plant, which is original to the building was last upgraded in 1979, and needs to be replaced; and

**WHEREAS**, in addition to upgrading the existing HVAC, the replacement will be an energy efficient system supporting the City's commitment to environmental stewardship and furthering its sustainability initiatives; and

**WHEREAS**, bids for the project were opened October 11, 2019, with 9 vendors responding; and

**WHEREAS**, the lowest responsible bid was submitted by Landry Mechanical Contractors, located at 164 Flint Hill Road in Leroy, NY for a total cost of \$247,200; and

**WHEREAS**, Staff recommends awarding the contract to Landry Mechanical Contractors;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby awards a contract to upgrade and replace the HVAC system at the Water Treatment Plant to Landry Mechanical, located at 164 Flint Hill Road in Leroy, NY for an amount not to exceed \$247,200.

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**Resolution #2020-004:**

Moved: Council Member Ward 2 Unrath

Seconded: Councilmember Ward 3 White

**A RESOLUTION RETAINING BOYLAN CODE LLP AS CORPORATION COUNSEL**

**WHEREAS**, on at the City Council meeting held August 3, 2017, City Council appointed Boylan Code, LLP as Corporation Counsel; and

**WHEREAS**, the current agreement expired July 31, 2019, but has continued on a month-to-month basis; and

**WHEREAS**, the City Council is desirous of retaining the services of Boylan Code, LLP to serve as Corporation Counsel for another six (6) months on a month under the terms and conditions approved by City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the law firm of Boylan Code LLP is hereby retained as Corporation Counsel of the City of Canandaigua, New York pursuant to the Charter of the City of Canandaigua, and the laws of the State of New York; and

**BE IT FURTHER RESOLVED** that Mayor Bob Palumbo is hereby authorized and directed to execute an agreement between the City of Canandaigua and the law firm of Boylan Code LLP in substantially the same form as attached hereto.

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**Local Law #2020-001:**

**A LOCAL LAW AMENDING CHAPTER 612 OF THE CANANDAIGUA MUNICIPAL CODE, PROVIDING FOR A ROOM OCCUPANCY TAX IN THE CITY OF CANANDAIGUA PURSUANT TO SECTION 1202-L OF NEW YORK STATE TAX LAW**

Lifted from the Table: Councilmember at-Large Sutton

Seconded: Councilmember Ward 3 White

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

Vote on local law:

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 3 White

*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 O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo*

*NOES: None*

**Manager's Report:** City Manager John D. Goodwin reported the following:

- All of our meetings are going to be airing on FLTV this year. So, if you like what you see tonight and want to continue to see the action, we will be on TV again tomorrow night at 7:00.

Kyle Krenzer FLTV-1304 is the channel, but if you don't have the channel, we are working on Facebook Live-ing our meetings this year, and they are able to be live streamed via our website or FLTV's website

- Everyone celebrates the Christmas holiday a little differently. I mean to say that they take their Christmas tree out to the curb a little later or sooner than others. We don't have a set schedule on when we collect them, but we are collecting Christmas trees. Just bring them to the curb. Please do it before February, and make sure they're free of all the trappings that you may put on your tree.

**Appointments:**

Board of Assessment Review: Councilmember Ward 4 Sutton moved the appointment of Julio Chavez to the Board of Assessment Review. Councilmember Ward 3 White seconded the motion.

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

**Miscellaneous:** None

**Adjournment:**

Councilmember Ward 4 Sutton moved to adjourn at 7:29 P.M. Councilmember Ward 3 White seconded the motion.

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



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Nancy C. Abdallah  
City Clerk-Treasurer

***ATTACHMENT A***

**CANANDAIGUA CITY COUNCIL  
RULES AND PROCEDURES**

1. **ORGANIZATION**

The City Council shall consist of the Mayor and eight Councilmembers, one to be elected from each of the City's four (4) Wards and four (4) to be elected from the City at large. The members of the City Council shall meet biennially on the first Monday of the year or, if that day is a Public Holiday, on the next day thereafter, and organize. They shall, at said organizational meeting, elect a President of the City Council from their number, whose term of office shall expire with that of his/her term of office as a Councilmember and said President shall preside over all meetings of the City Council in the absence of the Mayor and have a voice therein. At all meetings of the City Council, the Mayor, when present, shall preside and have a voice therein.

2. **CLERK**

The City Clerk/Treasurer shall be the Clerk of the City Council.

3. **MEETINGS**

The City Council shall hold at least one (1) regular meeting each month of the calendar year; the day and time to be decided upon at the organizational meeting. The City Council shall hold adjourned or special meetings in its chambers or location that is otherwise designated, at such times as it shall designate. The Mayor, or in his/her absence, the President of the City Council or a majority of its members may call a special meeting by causing a written notice thereof, specifying the date, time and the object thereof, to be served by the City Manager, or his/her designee, upon each member personally at least three (3) hours before the time specified in such notice for such meeting or by mail or electronic mail directed to the member of the Council at his place of residence or place of business at least twelve (12) hours before the time specified in such notice for said meeting.

4. **VOTING**

- a. Each member of the City Council shall vote on every duly offered and properly seconded motion.
- b. The order of voting will be as follows:
  - (1) The Councilmember representing the First Ward.
  - (2) The Councilmember representing the Second Ward.
  - (3) The Councilmember representing the Third Ward.
  - (4) The Councilmember representing the Fourth Ward.
  - (5) Each of the four (4) Councilmembers-at-Large.
  - (6) The Mayor.
- c. A member of the City Council will be excused from voting by the presiding officer, only if, in the judgment of the presiding officer or the Corporation Counsel, such vote would be in a conflict of interest of the Councilmember.
- d. No motion shall be discussed or put to vote unless properly seconded. When a motion is properly seconded, it shall be stated by the presiding officer before discussion.
- e. After motion is stated, it shall be before the Council, but may be withdrawn at any time by the member who offered the motion before decision or amendment.
- f. When a motion is under discussion, no motion shall be honored except a motion to amend, to put it to vote, to lay it on the table or to adjourn the Council.
- g. A motion to adjourn, properly seconded, is always in order.
- h. A roll call vote shall be called and recorded on all motions or Resolutions involving the expenditure of funds (money).
- i. Affirmative vote of at least five (5) members of the Council shall be necessary to adopt any Local Law, Ordinance, Resolution or Order.

5. **COMMITTEES**

The Mayor, for the purpose of aiding and assisting the City Council and City Manager, shall appoint the following Standing Committees at the time of the organizational meeting:

- a. Finance Committee
- b. Ordinance
- c. Environmental Committee
- d. Planning Committee

*Note:* The Mayor and City Manager shall be members ex-officio of any and all appointed committees.

6. **CONDUCT OF COUNCIL MEETINGS**

- a. Six (6) members of the City Council will constitute quorum.
- b. Order of Business
  - (1) Pledge of Allegiance
  - (2) Roll Call
  - (3) Review of Core Values
  - (4) Approval of Minutes of last regular meeting.
  - (5) Recognition of Guests
  - (6) Committee Reports
  - (7) Resolutions
  - (8) Ordinances
  - (9) Local Laws
  
  - (10) Manager's Report

(11) Appointments

(12) Miscellaneous

(13) Adjournment

- c. The presiding officer shall preserve order and decorum.
- d. Each member, prior to his speaking, shall raise his hand and await recognition from the presiding officer and address himself to the presiding officer.
- e. No member shall speak more than once on any question until every member wishing to speak shall have spoken.
- f. Any and all members called to order by the presiding officer shall immediately come to order.
- g. Any citizen shall have the right to come before the City Council at any meeting to speak on any subject before the Council or to request information or action on any City matter. All meetings and proceedings of the City Council shall be public except as designated by State law. A person wishing to address the Council must:
  - (1) Be recognized by the presiding officer.
  - (2) After recognition, state his or her name and address.
  - (3) Present any information or request action in a polite, businesslike manner.
  - (4) Be seated and silent upon request of the presiding officer.
- h. All questions of order not covered by the Rules of City Council shall be decided by the Corporation Counsel based on the provisions of Robert's Rules of Order.