

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, FEBRUARY 1, 2018 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Robert Palumbo
Councilmember Ward 3 Karen White
Councilmember Ward 4 Renée Sutton
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Stephen Uebbing
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Also Present: City Manager John D. Goodwin
City Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager Rob Richardson
Corporation Counsel Terence Robinson, Boylan Code

Review of Community Core Values: Council Member Ward 1 Cutri read 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:

December 7, 2017 Moved: Councilmember-at-Large Terwilliger
Seconded: Council Member Ward 1 Cutri
Vote Result: Carried unanimously by voice vote (9-0)

December 19, 2017 Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large Whitcomb
Vote Result: Carried unanimously by voice vote (9-0)

January 2, 2018 Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember Ward 4 Sutton
Vote Result: Carried unanimously by voice vote (9-0)

January 16, 2018 Moved: Councilmember-at-Large Terwilliger
Seconded: Council Member Ward 1 Cutri
Vote Result: Carried unanimously by voice vote (9-0)

Recognition of Guests:

- NYS Senator Pam Helming awarded the NY Senate Liberty Medal to firefighters Ben Cramer and Don Philips for their heroic effort in saving a life of a woman trapped in a burning building. The New York State Senate Liberty Medal is one of the highest civilian honors that a New Yorker can receive. Similar to the national Congressional Gold Medal, the award is given to individuals who have merited special commendation for exceptional, heroic, or humanitarian acts and achievements on behalf of their fellow New Yorkers. Senator Helming thanked the firefighters for allowing her to

be here to show appreciation by offering a proclamation and honoring them with the Liberty Medal for risking their life to preserve the life of another.

- Lenore Friend, Director of Public Relations and Community Affairs FLCC – Today marked the 50th anniversary of the first classes of FLCC, which started in Downtown Canandaigua on February 1, 1968. In honor of this anniversary, Ms. Friend provided the City with a commemorative book of the history of Finger Lakes Community College (FLCC). This Commemoration book was researched, designed and written by Lenore Friend, Jessica Youngman and Sarah Butler. There will be an “FLCC” themed wine walk this Saturday with posters showing what the downtown buildings looked like from 1968-1975.
- Denise Chaapel, BID Manager – Talked about the wine walks put on by the Merchant’s Association. They are taking them to the next level with themes and more fun. The Fire and ice festival is next weekend and the annual BID meeting will be held on February 15th at 6:00 PM.
- Scouts from Troop 37 attended the Council meeting for their Communications Merit Badge.
- Joel Freedman, 329 North Main St.-
 - ❖ In 2005 City Council passed an ordinance limiting the time dogs can be outdoors to 16 hours a day and he would like the limit reduced to 8 hours a day. The City should also have a law stating dogs should not be tethered when it is below freezing or above 90 degrees.
 - ❖ He would also like to discuss prohibition of pesticides on the City Right of way areas.

Committee Reports:

Planning/Development Committee Meeting: No Meeting

Environmental/Parks Committee Meeting: January 9, 2018 (Appendix A)

- Special Event – Polar Plunge
- Community Choice Aggregation – Information only
- Dog Park - Name

Ordinance/Charter Committee Meeting: January 16, 2018 (Appendix B)

- County Wide Drug Task Force
- Short Term Rental Regulations
- Lakefront Park Parking Spaces for LL Bean

Finance/Budget Committee Meeting: January 30, 2018 (Appendix C)

- Chemical Purchases
- Renewal of Homeownership and Home Preservation Program – Habitat for Humanity
- Renewal of Home Energy and Improvement Program – PathStone Corporation
- Fort Hill Apartments Pilot Request

Resolutions:

Resolution #2018-003:

Moved: Council Member Ward 1 Cutri
Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION AWARDED A MATERIAL SUPPLY CONTRACT FOR THE
WATER TREATMENT FACILITY- POLY ALUMINUM CHLORIDE WITH
POLYMER (PACL)**

WHEREAS, the City of Canandaigua publicly advertised for bids for the supply of approximately 5,000 gallons of poly aluminum chloride with polymer (PACL) to be delivered via tanker truck to the Water Treatment facility; and

WHEREAS, this request for bids was sent directly to seven suppliers with two suppliers submitting responses; and

WHEREAS, a bid opening was held on December 14, 2017, with the only responsible bid submitted by Holland Company, Inc., 153 Howland Avenue, Adams, MA 01220, with a unit price of \$2.70/gallon; and

WHEREAS, funding for this chemical usage is included in the 2018 Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Holland Company, Inc. to supply poly aluminum chloride with polymer (PACL) for 2018 with the potential for two additional one-year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Holland Company, Inc., 153 Howland Avenue, Adams, MA 01220, subject to the appropriations in the 2018 City of Canandaigua Budget, for the purchase of poly aluminum chloride with polymer (PACL) during the 2018 calendar year at a unit price of \$2.70 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-004:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AWARDING A FERROUS CHLORIDE SUPPLY CONTRACT FOR THE
WASTE WATER TREATMENT FACILITY**

WHEREAS, the Wastewater Treatment Facility uses ferrous chloride to assist in the treatment of sewage; and

WHEREAS, a bid opening was scheduled on January 5, 2018, to supply ferrous chloride for 2018 with two one-year mutually agreed upon extensions; and

WHEREAS, seven bidders were contacted, four failed to respond, one chose not to bid and two submitted bids; and

WHEREAS, Slack Chemical Company submitted the low bid of \$0.7625 per gallon; and

WHEREAS, funding for this chemical usage is included in the Adopted 2018 Wastewater Treatment Facility Operating Budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Slack Chemical Company, Inc., PO Box 30, 465 S. Clinton Street, Carthage, NY 13619, to supply ferrous chlorine;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Slack Chemical Company, Inc., PO Box 30, 465 S. Clinton Street, Carthage, NY 13619, subject to the appropriations in the adopted 2018 City of Canandaigua Budget, for the purchase of ferrous chlorine during the 2018 calendar year at a unit price of \$0.7325 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-005

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember Ward 3 White

A RESOLUTION AUTHORIZING A SPECIAL EVENT: POLAR PLUNGE

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***Special Olympics New York – Polar Plunge***
 - Date: March 24, 2018
 - Location: Kershaw Park
 - Coordinator: Luke Folts –Special Olympics
 - Time: 7:00 AM – 2:00 PM
 - Purpose: Fundraiser for Special Olympics New York

Expected Number of Participants: 600

WHEREAS, this request was reviewed and approved at the January 9, 2018 Environmental/Parks Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the above mentioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizer of the Special Event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-006:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 3 White

**A RESOLUTION OFFICIALLY NAMING THE PROPOSED DOG PARK
THE CANANDAIGUA CANINE CAMPUS
AMENDED**

WHEREAS, the City has been working with the Friends of Canandaigua Canine Campus for the last several years to develop a dog park within the City at 97 Buffalo St.; and

WHEREAS, at the City Council meeting held May 4, 2017, Resolution #2017-049 was passed approving the use of a membership model for the dog park; and

WHEREAS, at the City Council meeting held September 7, 2017, Council used the results of the SEQR to pass Resolution #2017-092 determining that the dog park will not cause significant damage to the environment; and

WHEREAS, at its January 9, 2018 Environmental/Parks Committee, the Friends of CCC requested that City Council name the park the Canandaigua Canine Campus with the committee approving said request;

NOW, THEREFORE, BE IT RESOLVED, by the Canandaigua City Council that the dog park at 97 Buffalo St. be officially named ~~the~~ Canandaigua Canine Campus.

Councilmember-at-Large Terwilliger moved to strike the word “the” from the last line so it would not be confused as part of the name for the new dog park. Council Member Ward 1 Cutri seconded the motion. Vote Result: Carried unanimously by voice vote (9-0)

Vote on “AMENDED” resolution:

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O’Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-007:

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
FOR THE ONTARIO COUNTY NARCOTICS ENFORCEMENT TEAM**

WHEREAS, the City of Canandaigua Police Department has been in discussions with other local law enforcement agencies regarding a unified approach to combatting drugs in Ontario County; and

WHEREAS, these agencies, including the Ontario County Sheriff’s Office, the Ontario County District Attorney’s Office, Geneva Police Department, Clifton Springs Police Department, Phelps Police Department, and the City of Canandaigua Police Department have developed the Ontario County Narcotics Enforcement Team (“OntarioNET”); and

WHEREAS, the task force is an opportunity to combine members of Law Enforcement with a unified focus on attacking the Heroin and Opioid Crisis facing Ontario County; and

WHEREAS, a tentative agreement has been drafted that will allow these law enforcement agencies to share manpower, resources, and information for the common purpose of addressing the drug problem within Ontario County; and

WHEREAS, at its January 16th meeting, the Ordinance Committee voted to send the authorization of the MOU to the full City Council;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to execute a Memorandum of Understanding with the Ontario County Sheriff’s Office, the Ontario County District Attorney’s Office, Canandaigua Police Department, Geneva Police Department, Clifton Springs Police Department, and Phelps Police Department to formalize the creation of the Ontario County Narcotics Enforcement Team.

Discussion:

Councilmember Ward 4 Sutton – This opioid crisis is a horrible scourge on our community and the heart of the solution is to break the cycle of addiction, however police do play an important role in this fight. But,

she is not convinced that the Canandaigua Police department's participation in "OntarioNET" is appropriate in the task force current version. Interjurisdictional task forces in the United States do not have a good track record due to corruption and abuse of power or in terms of effectiveness. Councilmember Ward 4 Sutton concerns center around accountability, oversight and transparency. OntarioNET in its current version has no civilian oversight, no accountability to the municipalities who are sending resources to this task force, and no financial transparency. Funding is to come from asset forfeitures but in the last six years Ontario County has only reported asset forfeiture once to NYS in the amount of \$7,000. She has asked Ontario County what these funds have grown to, to enable this task force to be funded. No indication of how much funds will flow through the task force and no provisions for an annual independent audit. Also, this entity would be operating under some perverse incentives such as number of arrests, investigations completed and seizures but no mention of convictions. She stated as an elected official, she cannot let her anxiety over the opioid crisis to overshadow her obligation to ensure that taxpayer funded resources remain accountable to the taxpayers. Recommends tabling this resolution to enable more time to work out these issues.

Councilmember Ward 4 Sutton moved to table this resolution. Councilmember Ward 3 White seconded the motion.

Discussion on motion:

Councilmember Ward 3 White agrees with Councilmember Ward 4 Sutton and the community can be reassured that the police presence will continue as it is now and before take this to the next level we need to get answers to the questions that were raised.

Councilmember-at-Large Terwilliger stated that the article stating abuses of these task forces were all at the national level and could result in local abuses of an overly bureaucratic process. But he does think that this would relate to a local task force in Ontario County.

Mayor Polimeni's understanding is that this task force has been in operation and as a result has been working together in Ontario County and funding from City's perspective will come from the Police Department's current budget.

Councilmember-at-Large Whitcomb would not be opposed in tabling this for another month to ensure that we have some of the questions answered.

Mayor Polimeni wants to make sure that they do not get the impression that we are not supportive of this and to pull back any effort on fighting this crisis.

Councilmember-at-Large Uebbing feels a sense of urgency in supporting this now. We are losing citizens weekly to this drug epidemic. A raid was conducted in the City of Rochester that was effective because of the cooperation of local policy agencies. We can hold our Chief accountable for the concerns that were raised and the Chief is ready to move on this task force. He is ready to support the police department in this effort because the sense of urgency is so great in our community.

Council Member Ward 2 Palumbo has faith in the the police departments that are a part of this task force and understands the urgency of this request, but since we are already working together, does not feel that holding off to get answers to these questions will show that we are not supportive.

City Manager John D. Goodwin agrees we should table this to clear up any concerns about the agreement so we can all move forward in our support of this program.

Corporation Counsel Terence Robinson, Boylan Code pointe out that this agreement does have a 30 day out clause and there are required reporting and laws governing forfeitures.

Councilmember-at-Large Terwilliger leans toward moving ahead with this agreement and to support the Police Chief who has been a champion for this.

Councilmember-at-Large O'Brien thanked Councilmember Ward 4 Sutton for bringing up these questions and although he has confidence in our police chief would like more information before he could support this agreement.

Vote on the MOTION:

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien and Councilmember-at-Large Whitcomb

NOES: Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Polimeni.

Resolution #2018-008

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA
TO ENTER INTO A RENEWAL AGREEMENT WITH
HABITAT FOR HUMANITY OF ONTARIO COUNTY, NY**

WHEREAS, in March, 2014 the City of Canandaigua entered into an agreement with Habitat for Humanity of Ontario County, NY (Habitat) for the purposes of conducting a housing rehabilitation project; and

WHEREAS, the original scope of the project was limited to Chapin Street, but was later expanded to include the entire City of Canandaigua; and

WHEREAS, Habitat has successfully recruited volunteers to improve homes throughout the City which has not only improved the safety and physical appearance of the homes and neighborhoods, but has also strengthened the homeowners' sense of pride and investment in the community; and

WHEREAS, the City is desirous of entering into a renewal agreement with Habitat; and

WHEREAS, the City is in receipt of funds received in the form of loan repayments from past U.S. Dept. of Housing and Urban Development Community Development Block Grants (HUD CDBG), known as "Program Income" which in accordance with HUD must be repurposed for activities that advance HUD's National Objectives; and

WHEREAS, the City cost of this proposal is \$13,000 which will be funded from program income in the City's HUD CDBG Revolving Loan Fund and be utilized for materials and supplies;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a renewal agreement with Habitat; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$13,000 allocation from the City's HUD CDBG Revolving Loan Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-009:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO AN AGREEMENT WITH PATHSTONE CORPORATION

WHEREAS, in March 2014, City of Canandaigua and PathStone Corporation (PathStone) partnered to provide assistance to low to moderate income homeowners in making repairs to their homes and energy efficiency improvements, known as the Home Energy and Improvement Program; and

WHEREAS, PathStone has submitted a proposal to renew this program with said proposal including the rehabilitation of at least seven homes within the City of Canandaigua; and

WHEREAS, the City is desirous of entering into said partnership with PathStone; and

WHEREAS, PathStone possesses the experience, skill and capacity required to deliver essential services to income-eligible homeowners to receive assistance from the City of Canandaigua under the Home Energy and Improvement Program; and

WHEREAS, the City is in receipt of funds received in the form of loan repayments from past U.S. Dept. of Housing and Urban Development Community Development Block Grants (HUD CDBG), known as "Program Income" which in accordance with HUD must be repurposed for activities that advance HUD's National Objectives; and

WHEREAS, the City cost of this proposal is \$41,600 which will be funded from program income in the City's HUD CDBG Revolving Loan Fund; and

WHEREAS, additional funds will be provided by other grants awarded to PathStone including grants from the New York State Energy Research and Development Authority; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute an agreement with PathStone for purposes of initiating a Home Energy and Improvement Program; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$41,600 allocation from the City's HUD CDBG Revolving Loan Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-010:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AUTHORIZING THE CREATION OF THE MECHANIC/ OPERATOR POSITION

WHEREAS, the Streets Bureau is charged with maintenance of the streets, sidewalks, storm sewers and solid waste and recycling collection and the Central Garage is charged with maintenance of the City's fleet of vehicles; and

WHEREAS, a feasibility study completed several years ago showed that the workload of the City's Central Garage warranted 2.5 full-time mechanics and a supervisor, but hiring a part-time mechanic is problematic as individuals with the skill set that we require are highly employable and not inclined to only work part-time; and

WHEREAS, to accomplish the staffing needs of Central Garage without increasing budget appropriations, the 2018 Budget included reassigning the duties of the person operating the street sweeper to allow for 3 mechanics during the winter months; and

WHEREAS, a request was submitted to Ontario County to create a full-time Mechanic/Operator position that will provide the additional support necessary in the Central Garage without significantly impacting the operations of the Streets Bureau;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the creation of the Mechanic/ Operator position pending jurisdictional classification by the New York State Civil Service Commission.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.
NOES: None

Ordinances: (None)

Local Laws: (None)

Manager's Report: City Manager John Goodwin reported the following:

- Thank you to Kellianne Mohorter from Keuka College, who interned with us for the month of January. Kellianne helped with the web site and spent time with the Police and Fire Department with Facebook.
- Thanked City Council for recognizing firefighters Ben Crammer and Don Phillips.

Appointments: None

Miscellaneous: None

Executive Session:

Councilmember Ward 4 Sutton moved to close the regular meeting to go into Executive Session at 8:35 PM to discuss pending litigation and personnel. Councilmember-at-Large O'Brien seconded the motion.
Vote Result: Carried unanimously by voice vote (9-0)

Regular Session:

Councilmember Ward 3 White moved to close the executive session and return to the regular meeting at 9:18 PM. Council Member Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0).

Adjournment

Councilmember Ward 3 White moved to adjourn the regular session at 9:18 PM. Council Member Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0).

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, January 9, 2018
7:00 p.m.
Wood Library- Mary Parmele Hamlin Side B

Committee: Karen White- Chair; Bob Palumbo; Renée Sutton; Dave Whitcomb
Other Councilmembers: Ellen Polimeni; Nick Cutri; Jim Terwilliger; Steve Uebbing (arrived at 7:15)
City Staff: John Goodwin

1. Special Event- Polar Plunge

The Special Olympics is an international organization that changes lives by promoting understanding, acceptance and inclusion between people with and without intellectual disabilities. Every year, the organization sponsors “Polar Plunge” events in cities across the world, including 15 in New York State. It is the signature fundraising initiative for the organization, and proceeds go to benefit the athletes and programs of Special Olympics. The Special Olympics would like to return its annual “Polar Plunge” event for our area to Kershaw Beach. The event moved a few of years ago to Onanda Park, however, they would like to hold the event at Kershaw Beach from 7 A.M.-2 P.M. on Saturday, March 24th. Luke Folts, organizer for the Canandaigua event, will be at the meeting to answer any questions.

Luke Folts and Greg Constantino presented the event to the Committee. They are moving the event back to Kershaw Park to increase participation and fundraising. Motion by Dave Whitcomb, 2nd Bob Palumbo. VOTE 4-0.

2. Community Choice Aggregation

Community Choice Aggregation (CCA) is a policy tool that can be utilized by municipalities that allows municipalities to select a default energy supplier instead of the utility being the default supplier of electricity and natural gas. CCA has the potential to lower costs while also giving the municipalities the ability to mandate the source of the energy (renewable sources). The Rochester People’s Climate Coalition has been working with municipalities in our region to create an inter-municipal CCA program to maximize pricing benefits and leverage in contract negotiations. Ben Frevert, and other members of the Rochester People's Climate Coalition, will be at the meeting to make a brief presentation on CCA and answer questions. Ben Frevert and Sue Hughes-Smith from the Rochester People’s Climate Coalition presented on Community Choice Aggregation. Ben and Sue answered many questions including the number of customers it would take to be worth pursuing a CCA. Canandaigua would need to join other municipalities. The effect on the Gross Receipts Tax (GRT) was discussed at length. Despite an opinion from the NYS Department of Taxation and Finance in July 2009, Energy Service Companies (ESCOs) still do not pay the tax to cities and villages that impost it. Further, NYSEG and RG&E have taken the position, unique among all other gas and electric utilities in NYS, that when a customer buys their gas and/or electric supply from an ESCO, the utility companies do not pay any GRT on the revenue they derive from the delivery of that commodity. The Committee requested that City staff contact the City’s of Rochester, Batavia and Geneva to discuss efforts to get the GRT issue resolved.

APPENDIX A (Continued)
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, January 9, 2018

3. Dog Park

The Friends of Canandaigua Canine Campus (Friends of CCC) Dog Park Advisory Committee, comprised of dedicated dog owners, canine professionals, and volunteers, was formed in the summer of 2017 to make recommendations regarding the proposed dog park in the City of Canandaigua. With health, safety and ease of operation in mind, the committee examined all facets of Dog Park operations and compiled customized recommendations for the future dog park. Nancy McCarthy, chair of the Advisory Committee and the founder of Friends of CCC, will be at the meeting to discuss the recommendations report. Nancy will also be requesting that City Council officially name the future dog park to assist in the Friends of CCC in their efforts to raise funds for the park. It should also be noted that the 2018 Capital Budget included the construction of the dog park utilizing a grant and donations. During the discussion of the budget, the alternative funding was briefly discussed and was tabled until a grant determination. In December 2017, we learned that the City was not awarded the grant. Staff recommends that a discussion on the funding be held at the next Finance/Budget Committee meeting. Nancy McCarthy presented the Canandaigua Canine Campus Dog Park Advisory Committee Recommendation Report dated November 2017. The report includes recommended rules, fees, and access methods along with a brief history of the work to establish a dog park in the City. There was some concern by the committee regarding liability. Corporation Council will be asked to advise on the matter. Nancy also requested that City Council officially name the future park the Canandaigua Canine Campus to help with her groups efforts to fundraise for the park. Dave Whitcomb motioned to name the park, 2nd Renée Sutton. VOTE 4-0.

Meeting adjourned at 8:54 PM

APPENDIX B
ORDINANCE COMMITTEE
Tuesday, January 16, 2018
7:00 PM

Wood Library – Ewing Family Community Room

Committee: David Whitcomb, Chair, Nick Cutri, Jim Terwilliger, Karen White

Other Council Members: Ellen Polimeni, Bob Palumbo, Renée Sutton, Robert O'Brien (7:07 p.m.),
Steve Uebbing (7:08 p.m.)

Staff: John Goodwin, Rob Richardson, Rick Brown, Steve Hedworth, Terrence Robinson (7:20 p.m.)

1. County Wide Drug Task Force

As mentioned by Police Chief Hedworth, there has been ongoing discussion about the creation of a county wide task force to assist in addressing the drug problem within Ontario County. A tentative agreement has been drafted (attached) that includes the City of Canandaigua, Ontario County Sheriff, City of Geneva and the Villages of Phelps and Clifton Springs. The agreement will allow for all of these law enforcement agencies to share manpower, resources, and information for the common purpose of addressing the drug problem within Ontario County. One of the major points of focus for this task force would be attacking the Heroin and Opioid Crisis facing Ontario County. Furthermore, aggressive law enforcement efforts directed towards the illegal distribution and sale of drugs is an important factor in lowering crime rates. This task force is an opportunity to combine some very talented members of Law Enforcement in a united effort to keep the citizens of this County safe, and to help battle the drug epidemic that has swept across this Country. Chief Hedworth will be at the meeting to present the task force agreement.

Chief Hedworth was at the meeting to discuss the agreement. There has never been a formalized drug task force effort in Ontario County even though surrounding counties have them. He sees huge value in working with other municipalities. The City only has one detective dedicated to drug investigations, and his work load doubled in two years. In early 2017, he reached out to the County Sheriff and began working together. He saw a huge opportunity and began gauging interest from other municipalities and public officials. An MOU was developed allowing departments to retain autonomy while sharing resources with each other. Although these detectives have been working together informally for several months now, and this Task Force MOU will finalize the agreement. With opioids everyone's largest priority, now is a great time to start working together and give the program an organized structure. Down the road, he envisions us working with other counties but for now this is a great place to start.

The Mayor asked if the Chief has spoken to the VA, as they have a similar issue to the City. He has, but the VA police have a disadvantage of being unable to leave their property. The Chief plans on approaching them, as they have access to Federal resources. Renée had concerns about accountability and how that would be handled, and Chief Hedworth stated the proof will come from case results. There will be an expenditure involved, especially because drug dealers don't work normal schedules. He believes the City needs to look at this as an investment; otherwise expectations will not be met. She stated that she is concerned forfeitures will not cover the costs of the programs, and is concerned the County hasn't reported these numbers since 2014. She wanted to know what to know what we should expect, and the Chief wasn't sure because we haven't done this before.

APPENDIX B (Continued)
ORDINANCE COMMITTEE
Tuesday, January 16, 2018

Dave also asked about accountability, and said he expects the department to offer regular updates and come to council to discuss progress, which the Chief said he would be happy to do. He also was curious how we would cover the cost of this if forfeitures do not cover costs. The Chief pointed out that the County will be absorbing much of the cost, and our expenditures are really limited to overtime costs. Dave also asked if any law enforcement agencies are not involved, and the Chief stated he believed everyone was involved. Steve commented he applauds the Chief for taking these initiatives and recognizing the danger to the County. Renée also asked about other documents, like the operational guidelines.

**Jim moves to approve the MOU, Nick Seconded.
4 in favor, 0 opposed. Motion Carries to City Council**

2. Short Term Rental Regulations

Currently there are hundreds of vacation rental websites, such as AirBnB. Municipalities across the Country are beginning to regulate this industry as short-term rentals have impacts on neighborhood character (noise, parking, traffic, party houses, building safety) and create an unlevel playing field between traditional lodging providers and short-term rentals. Some of these issues have occurred within the City. With that said, short-term rentals can drive significant economic growth. A couple of Councilmembers have expressed an interest in an ordinance to regulate short-term rentals. Staff is recommending that the City regulate short-term rentals, but would like to discuss the type of regulations that City Council desires, if any, prior to drafting a proposal for City Council's consideration.

Staff has seen this issue coming on the horizon, and there have been complaints lodged regarding the establishments. Other municipalities are starting to regulate these, and we need to decide how best to handle the challenge. Rick Brown was at the meeting to discuss the issue with Short-Term Rentals. He pointed out these have been flying under the radar, and City Council needs to decide how to address concerns. He referenced a similar situation in the Saratoga Springs community, and suggests we consider regulating these to get out ahead of them. There are several types of short term rental properties, which were described for everyone. He believes what we see most is vacant homes where people are renting on short terms because they are vacant. It can be hard to identify these properties unless they are advertised, and anytime something is being rented the City wants to inspect it for safety. He sees the need to update some City codes and regulations to be able to better address this unique situation.

Renée believes we should be doing something as long as it doesn't infringe on the rights of property owners. She suggests limiting them to situations where owner occupied properties like our current BnB model. The person renting it can't be leasing. She also believes to be limited to primary residences only. Karen pointed out this has gotten lots of national attention, and she looked online in the City of Canandaigua and found 4. She isn't sure it's a good use of our time to address this right now, but that we should be aware. John pointed out its seasonal, so in July that number will increase. She pointed out there are so many distressed properties in the City that we should be starting there- especially in her district. Renée agrees it's a priority, and that our real BnB residents who are held to high standards, aren't being given a fair shake and we need to level the playing field.

APPENDIX B (Continued)
ORDINANCE COMMITTEE
Tuesday, January 16, 2018

Dave stated this is an area that is constantly evolving. Once in a while, things come along that didn't exist before. This is one of them, and things evolve. With no regulations, however, we run the risk of the situation evolving into something worse. He also doesn't want to discourage the future, and he would rather have people buy homes to use them as Air BnBs as opposed to Section VIII housing. Any regulations shouldn't be constrictive. The Mayor likes the inspection requirements, especially because BnB owners spend a lot of time and money to meet the City regulations. The Town of Canandaigua is also in the process of addressing this, and they have run into problems with some of the rentals in terms of damaged property and disturbances. Steve sees merits in the inspections, in terms of safety of residents and neighborhoods. We want to protect our citizens and their property values. Jim believes this is an issue we need to deal with it, and believes we need to get ahead of it before it becomes a larger one. He is inclined to consider using the bottom three suggestions especially that the property needs to be owner occupied. Bob agrees with Jim, and also believes they should be registered. With Air BnBs you have no idea what you're going to get as an emergency responder. Steve also suggested we should be able to restrict the number of people to an appropriate size. Should Air BnB be required to pay a county tax like they do in other counties? Jim thinks Air BnBs and BnBs should be on the same level. Dave suggested City Staff come back to Council with recommendations and different levels of regulation and go from there. Rick stated Staff would do more research before coming back with recommendations.

Will Piper suggested Staff using PAII website to look for some different models. He supports what Jim and Renée, and also stated that BnBs have liability insurance, and many Air BnBs do not. Jamie stated that since the Air BnBs are making it so BnBs are losing money, and if Council doesn't support them then they will just become Air BnBs too. Will also shared that the cost for a BnB home owner is double that of a traditional home owner.

3. Lakefront Park Parking Space Lease – L.L. Bean

L.L. Bean would like to renew the revocable license agreement with the City to reserve 4 parking spaces for their trailer in Lakefront Park by the outlet which stores kayaks, paddle boards and associated equipment for their Outdoor Discovery School. Last year, City Council discussed increasing the fee from \$4/day/parking space for any day outside of Labor Day and Memorial Day (61 days) and \$8/day/parking space for any day between Memorial Day and Labor Day (98 days) to \$5 and \$10 respectively. Staff informed staff of the City Council's intent upon renewal of the 2017 agreement. Nevertheless, L.L. Bean has requested that the fee remain the same for 2018, citing a significant participation drop in 2017 versus 2016. L.L. Bean also claims that Canandaigua is currently the highest site fee regionally. The difference in the two fee structures is \$1,020 (\$4,112 versus \$5,140).

John stated that normally this would have been on the Environmental Committee Agenda, but ran out of time last week. Karen stated this is the second time they have come back and claimed they can't afford our parking. If their business is declining, maybe that is their issue and not ours. LL Bean is a \$1.6 Billion Dollar company, so the \$1,020 shouldn't break them. Renée thinks that if is the only cost they incur then she is fine with the increase. Dave is fine with the 2016 rates. It's a parking space, and if they didn't occupy them we wouldn't get paid. We don't do this to the Hot Dog Vendors, so we shouldn't do that to LL Bean. He sees it as a service, and not a money making opportunity. The Mayor agrees with Dave on not raising the rate. She wanted them on the lakefront

APPENDIX B (Continued)
ORDINANCE COMMITTEE
Tuesday, January 16, 2018

to offer people the opportunity to learn how to kayak without all the initial expenditure. She sees it as an amenity for the area, and she wants to see them there and to continue to see them there. Robert pointed out there are ulterior motives for LL Bean- it's a marketing outreach tool and we should charge them for it. Jim thinks we should visit this once the hotel is finished and the area is more vibrant. Renée thinks the parking fee has been reasonably raised. Steve sees this as a perfect situation for them, and the comparison with the hot dog stand doesn't work, because they are at different price points.

Karen moved to approve the fee increase, Jim Seconded.

1 in favor, 3 opposed. Motion Fails.

Meeting adjourned at 8:26 P.M. for a special meeting of the City Council.

4. Executive Session – Security Issues at City Facilities

APPENDIX C
FINANCE/BUDGET COMMITTEE
Tuesday, January 30, 2018
7:00 PM
Wood Library – Ewing Family Community Room

Committee: James Terwilliger, Chairman, Robert O'Brien, Steve Uebbing, Nick Cutri
Other Council Members: Ellen Polimeni, Renée Sutton, Bob Palumbo, Karen White
Staff: John Goodwin, Rob Richardson

- 1. Material Supply Contract for Water Treatment Plant- Poly Aluminum Chloride with Polymer**
The Water Treatment Plant uses Poly Aluminum Chloride with Polymer (PACL) as a coagulant that pulls particles out of water during in the water treatment process. A bid to supply the chemical for 2018 with the potential for two additional one-year periods was sent directly to seven suppliers and opened December 14, 2017. Of the seven, two responded with the only responsible bid submitted by Holland Company, Inc. at a unit price of \$2.70 per gallon. City Staff recommends awarding the contract to Holland Company, Inc.

Nick asked about the Slack Chemical bid which was lower, but the bid they submitted didn't include the polymer. Renée asked how often we need to do this and who the contract was with before, John explained that we have a contract that can be renewed for two agreed upon years and we have never bought this chemical before.

Robert motioned to approve the contract, Nick seconded.

4 in favor, 0 opposed. Motion carries to full City Council.

- 2. Material Supply Contract for Waste Water Treatment Plant- Ferrous Chloride Solution**
The Waste Water Treatment Plant uses Ferrous Chloride Solution as a coagulant to remove phosphorus from waste water. A bid to supply the chemical for 2018 with the potential for two additional one-year periods was sent directly to seven suppliers and opened January 5, 2018. Of the seven bidders contacted, two responded with responsible bids. The lowest responsible bid came from Slack Chemical Company at a price of \$0.7625 per gallon. City Staff recommends awarding the contract to Slack Chemical Company.

Nick motioned to approve the contract, Steve seconded.

Jim asked what dictates the timing of these purchases, and John explained we stagger them out so we don't need to purchase everything at once. We also do options for renewals to save time, but if the cost goes up we will go out to bid again. Robert asked how the process works, and John said he can follow up with Will. Renée asked if we look at bulk purchasing with other municipalities, and John said we explore it.

4 in favor, 0 opposed. Motion carries to full City Council.

- 3. Renewal of Homeownership and Home Preservation Program – Habitat for Humanity**
Habitat for Humanity (Habitat) and the City has partnered over the last several years to assist homeowners with exterior home repairs and improvements. This year they are also requesting funds to assist residents with wheel chair accessible ramps. Nash Bock from Habitat will be at the meeting to make a short presentation detailing the benefits of the program to the community and their proposal to continue their work. Funding for this program needs to be appropriated and recommended to be appropriated from existing CDBG funds (\$13,000).

APPENDIX C (Continued)
FINANCE/BUDGET COMMITTEE
Tuesday, January 30, 2018

Nash Bock was at the meeting to discuss the partnership between Habitat and the City. The program helps home owners with limited funds maintain the exteriors of their home that improve the safety and longevity of the home as well as the aesthetic and property values of the neighborhood. They are also looking for additional funds to help make homes handicap accessible, and there is a great need in the community. The program will follow the same model as the existing program.

Jim asked about if they are grants who go to owner occupied homes, and Nash confirmed that is the case. Jim asked for a 2017 review, which Nash shared. Jim asked who does the work, and Nash shared the money from the City goes to materials only. They have people on staff and volunteers who do the physical work. If a service is needed, they use the funds for subcontractors.

Steve asked if an analysis has ever been done to show how the money the City gives improves the values of properties, and Nash said he could find out and follow up. Steve asked if they had thought about using the \$13,000 to leverage additional funds- John pointed out it's not a grant it's a contract. Nash said they absolutely do, and when they are purchasing materials they utilize relationships with existing partners to make every dollar go further. Steve stated he would support any reasonable effort to expand the scope of services offered by the program.

The Mayor said we need to get the word out to the community so people know the funds are available. She asked about what Habitat is doing to educate the public about the availability of funds. Nash offered several approaches they have used, including mailing, the City website and door to door. Nash pointed out pride can impede people asking for help. Scott Oliver from PathStone mentioned her attended a home fair in Monroe County that provided information to residents and suggested maybe we could do that here. Jim suggested putting a flyer in the water bill.

Renée asked how much of the funding went unspent last year, and Nash could not remember. He mentioned the projects they did had very little material costs but were labor intensive. Steve suggested we take a more proactive approach to educating the public on the utilization of these funds. The Mayor pointed out these funds come from our CDBG funds, and they have to be used for developmental purposes.

Nick motioned to approve the contract, Robert seconded.

4 in favor, 0 opposed. Motion carries to full City Council.

4. Renewal of Home Energy and Improvement Program – PathStone Corporation

In March 2014, the City and PathStone partnered to provide assistance to low to moderate income homeowners in making repairs to their homes and energy efficiency improvements. Scott Oliver from PathStone will be at the meeting to make a short presentation detailing the benefits of the program to the community and their proposal to continue their work. Funding for this program needs to be appropriated and recommended from existing CDBG funds (\$41,600).

Scott Oliver was on hand to discuss the program. What they are focusing on is energy improvements in homes, but they have also done other repairs associated with the homes. He reviewed 2017, and stated they were able to help seven homes. If they get support, they can match that output. PathStone uses the City's funds to leverage other funds- For every dollar the City puts in, they put in two.

APPENDIX C (Continued)
FINANCE/BUDGET COMMITTEE
Tuesday, January 30, 2018

The Mayor asked if they had done any work on a house on Ellis Place, and he stated they had not. Scott stated they sent them an application, but the owner never responded. Scott also stated they do electrical repair on top of energy efficiency improvements. Renée asked about a specific sentence, and Scott explained that it depends on what the State as well as the residents can provide. Bob asked if they do anything to address issues like flooding so there aren't repeat issues, and Scott said they do. The Mayor added the Watershed Task Force also works on flooding issues.

Steve motioned to approve the contract, Robert seconded.

4 in favor, 0 opposed. Motion carries to full City Council.

5. Fort Hill Apartments

At the Finance Committee meeting held August 22, 2017, Michael Birkby from Conifer made a presentation asking for a new PILOT agreement on behalf of the Fort Hill Housing Development Fund Company, Inc. to update the existing apartments. After working with City Staff to generate accurate PILOT projections showing the potential impact of a new PILOT agreement would be much greater than anticipated, Conifer attended the Finance Committee Meeting held September 26, 2017 to address the variance. The Committee requested feedback from both the School District and the County before making any decisions. Both have expressed support for the project and taken no position on the PILOT. Michael Birkby been invited to the meeting to discuss the PILOT.

Michael Birkby was at the meeting to answer questions regarding the request for a new PILOT. As of now, their start date for their project is April; they were delayed due to issues with State funding. They have some issues that need to be fixed, including windows, the roof, a boiler they have already replaced but will be reimbursed by the State. They are also looking to do full refurbishments to the interiors. The initial PILOT expired 3 or 4 years ago, and they are asking for another one to do this project. A major question was what the revenue loss would be if the PILOT was approved. Over the life of the 15 year PILOT there would be a loss of \$110,000 between the County, School District and City with the City losing roughly 20% of that number. With the PILOT they could leverage about \$900,000 in a conventional loan; without the PILOT it would be about \$780,000 they could leverage.

Steve asked about the residents of Fort Hill as well as the occupancy rate, and Michael stated this is Senior Affordable Housing established under the low income tax credit. They are currently at 100% occupancy. Steve asked if there was still an issue of availability for low income senior housing, and Michael stated they are full and have a waiting list. Bob asked about what funding they receive from the State, and Michael said they are getting money from the homes of working family program.

Karen pointed out that with or without the PILOT it won't address availability, and that his colleague stated that without the PILOT the renovations would move forward. She also pointed to the Tax Cut and Jobs Act that reduces the corporate tax rate for the purpose of reinvestment into their business and Conifer should consider these. This was not in play when we last met. Michael pointed out that if they don't get the PILOT, they would have to change the scope of work to remove amenities from the project. Renée agrees with Karen, and she doesn't want the taxpayers of Canandaigua to help them increase their margins. Bob asked if we talked to the School District and County about this, and John stated he did. Both support the project and are indifferent to the PILOT. Steve asked what kind of margin Conifer gets, and Michael stated it's less than \$500 a year per unit. Michael agreed with Steve that both the residents and Conifer will both benefit from the PILOT. Renée asked about regulations

APPENDIX C (Continued)
FINANCE/BUDGET COMMITTEE
Tuesday, January 30, 2018

and regulations they are required to meet because it's low income housing, and Michael stated they have standards they need to maintain. The Mayor suggested Council members visit the building to see the State it is in, and Karen rebutted that the project owners did not address maintenance appropriately and the City shouldn't be responsible for covering that. Jim commented he has not seen enough of a justification to support the request.

Steve motioned to approve the PILOT, Nick seconded.

Mike Yarger stated he rents to seniors, his rent is lower than Fort Hill, and he enjoys no benefits from the City to do maintenance on his property. They already received a 20 year PILOT, and there is no reason to give them another one.

1 in favor, 3 against. Motion fails.

Nick motioned to adjourn, Robert seconded. Meeting concluded at 8:01.