

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, APRIL 2, 2020, 7:00 P.M.

<https://zoom.us/j/246109610>

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

Pledge of Allegiance

Roll Call:

Members Present:

Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Dan Unrath
Councilmember Ward 3 Karen White
Councilmember Ward 4 Erich Dittmar
Councilmember-at-Large Robert O'Brien
Councilmember at-Large Renee Sutton
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Stephen Uebbing
Mayor Bob Palumbo

Also Present:

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

Public Hearing: Proposed Amendments to the City of Canandaigua Comprehensive Plan has been postponed.

Review of Community Core Values: Councilmember Ward 4 Dittmar read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

March 5 2019

Moved: Councilmember-at-Large Terwilliger Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 1 Cutri

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

Recognition of Guests:

Denise Chaapel Downtown BID Manager – updated City Council on the BID. Fourteen restaurants are offering curbside service on businesses are using internet for sales. There has been a lot of community support.

Committee Meetings:

Planning Committee: Next Meeting is April 7th

Finance Committee: Next Meeting is April 7th

Environmental Committee: April 21, 2020 (Appendix A)

- Fluoride in City Water
- Impact Earth
- Community Choice Aggregation

Ordinance Committee: April 21, 2020 (Appendix A)

- DRI Discussion
- Outside Agency Contract
- Budget Amendment- Clerk-Treasurer

Resolutions:

Resolution #2020-025:

Moved: Councilmember Ward 2 Unrath
Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
WITH FISHER'S FIRE DEPARTMENT FOR INTERGOVERNMENTAL SHARED
ADMINISTRATION DURING THE COVID-19 PANDEMIC**

WHEREAS, in response to the Coronavirus 2019 (COVID-19) pandemic, the City of Canandaigua Fire Department and the Fisher's Fire Department sought a Memorandum of Understanding to provide shared staffing in the event that one or more crews are quarantined due to the potential exposure to COVID-19 and in order to attempt to maintain an adequate level of fire protection and services to their respective fire districts, and

WHEREAS, this agreement shall remain in place until the lifting of the latter of any state or local State of Emergency relating to the COVID-19 pandemic covering the jurisdiction of either Party;

WHEREAS, the City Manager executed this agreement as an emergency measure on March 20, 2020;

NOW, THEREFORE, BE IT RESOLVED, that City Council re-affirms and approves the City Manager's execution of the MOU, as attached hereto, with Fisher's Fire Department for Intergovernmental Shared Administration During the Covid-19 Pandemic.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-026:

Moved: Councilmember-at-Large O'Brien
Seconded: Councilmember Ward 2 Unrath

A RESOLUTION AUTHORIZING THE REFUND OF SPECIAL EVENT APPLICATION FEES FOR EVENTS CANCELLED DUE TO COVID-19

WHEREAS, in accordance with the City's Special Event Policy, all special event applications must be submitted with a non-refundable application fee of \$50.00 for processing the application; and

WHEREAS, in response to COVID-19, the City Manager canceled several special events as did some special event sponsors; and

WHEREAS, the City Manager recommends that the City Council authorize the refund of the Special Event Application fees for events that have been canceled and are unable to reschedule to another date in 2020; and

NOW, THEREFORE, BE IT RESOLVED, City Council hereby authorizes the City Manager to refund for Special Event Applications Fees for events that were canceled due to the response to COVID-19 and are unable to reschedule to another date in 2020.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-027:

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

A RESOLUTION AUTHORIZING DEFERMENTS FOR THE SMALL BUSINESS LOAN PROGRAM

WHEREAS, at its September 7, 2017 meeting, City Council passed Resolution #2017-094 establishing the City's Small Business Development Loan Program; and

WHEREAS, five (5) small businesses have successfully applied for loans under this program; and

WHEREAS, in response to COVID-19, many businesses were required to close or substantially change operations which is anticipated to have detrimental economic and financial consequences; and

WHEREAS, Governor Cuomo issued Executive Order 202.9 on March 21, 2020 that suspends certain provisions of New York State Banking Law requiring any bank to grant forbearance to any person or business who has a financial hardship as a result of the COVID-19 pandemic for a period of ninety (90) days; and

WHEREAS, considering the raison d'être of the Small Business Development Loan Program and Executive Order 202.9 the City Manager recommends that the City Council authorize the deferment for Small Business Development Loans;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the deferment for Small Business Development Loans for any business who has a financial hardship as a result of the COVID-19 pandemic for a period of ninety (90) days.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-028:

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember-at-Large O'Brien

A RESOLUTION AUTHORIZING DEFERMENTS OF RENT FOR TWISTED RAIL BREWING CO. – LEASE OF THE MUAR HOUSE

WHEREAS, in response to COVID-19, many businesses were required to close or substantially change operations which is anticipated to have detrimental economic and financial consequences; and

WHEREAS, Governor Cuomo issued Executive Order 202.9 on March 21, 2020, that suspends certain provisions of New York State Banking Law requiring any bank to grant forbearance to any person or business who has a financial hardship as a result of the COVID-19 pandemic for a period of ninety (90) days; and

WHEREAS, considering the spirit of Executive Order 202.9 the City Manager recommends that the City Council authorize the deferment of rent for three (3) months with the deferred rent spread across the remaining months of 2020;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the deferment of rent for three (3) months with the deferred rent spread across the remaining months of 2020 for Twisted Rail Brewing Co. related to their lease of The Muar House.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-029:

Moved: Councilmember Ward 3 White
Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AUTHORIZING A BUDGET AMENDMENT AND
AWARDING A CONTRACT TO IMPACT EARTH**

WHEREAS, last year, City Council passed Resolution #2019-55 supporting & authorizing for the submission of a 2019 New York State Consolidated Funding Application to the Climate Smart Communities Grant Program; and

WHEREAS, the application sought funding to complete a Government Operations Greenhouse Gas Inventory, Community Greenhouse Gas Inventory, Natural Resources Inventory, and Climate Vulnerability Assessment, which are critical components to the City's Climate Smart Communities initiative and will provide actionable data for future sustainability planning; and

WHEREAS, the application process required a detailed description and cost estimate of the proposed projects, and after completing the RFP process, Impact Earth was chosen as the consultant to complete these projects if grant funding was awarded; and

WHEREAS, the total cost of these assessments was quoted at \$55,875, of which the City would be responsible for a 50% match (\$27,937.50) per the terms of the grant application; and

WHEREAS, the City was awarded the grant in December, but funding for the City's match was not specifically included in the 2020 Budget for this project; and

WHEREAS, in addition to formally awarding a contract to Impact Earth to complete these assessments, Staff recommends a budget amendment to fund the City's match in the amount of \$27,937.50 from the 2020 Budget Contingency; and

WHEREAS, this recommendation was reviewed and approved at the March 10th Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby appropriates \$27,937.50 from the 2020 Budget Contingency and authorizes the Clerk/Treasurer to transfer said funds to the

appropriate budget account to fund the City's match for the Climate Smart Communities Grant Program; and

BE IT FURTHER RESOLVED, City Council hereby authorizes the City Manager to execute a contract with Impact Earth to complete a Government Operations Greenhouse Gas Inventory, Community Greenhouse Gas Inventory, Natural Resources Inventory, and Climate Vulnerability Assessment for the City of Canandaigua for an amount not to exceed \$55,875 once a grant agreement with New York State is fully executed.

Discussion: City Council discussed if it is a wise decision to spend money at this time given the economic crisis caused by COVID-19 and the government shut down of the economy. Others felt this was an important issue that we need to address. Councilmembers were requesting more information on the timing of the grant and how long we had to enter into a contract.

Councilmember-at-Large O'Brien moved to table this contract until the next meeting. Councilmember-at-Large Uebbing seconded the motion.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger and Councilmember-at-Large Uebbing

NOES: Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember at-Large Sutton and Mayor Palumbo

Resolution #2020-030:

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 4 Dittmar

A RESOLUTION AWARDDING A CONTRACT TO JOULE ASSETS, IN CONJUNCTION WITH ROCTRICITY, FOR COMMUNITY CHOICE AGGREGATION THIRD-PARTY ADMINISTRATOR SERVICES

WHEREAS, Community Choice Aggregation (CCA) is a municipal energy procurement model that puts control of choosing an energy supplier in local hands by replacing the utility as the default supplier of electricity for virtually all homes and small businesses within a jurisdiction allowing communities to build the clout necessary to negotiate lower rates with private suppliers and are able to choose cleaner energy; and

WHEREAS, CCA can allow whole communities to participate in the clean energy economy by ensuring that a greater percentage of electricity is coming from renewable sources, potentially delivering lower monthly bills and cleaner energy for residents and businesses; and

WHEREAS, at its November 7th meeting, City Council passed Local Law #2019-003 establishing a Community Choice Aggregation (Energy) Program in the City of Canandaigua; and

WHEREAS, after exploring several options to move the program forward, it was determined that working with a Third-Party Administrator (TPA) to assist in the implementation and provide continued support for residents was the best option; and

WHEREAS, as part of the selection process, Staff published an RFP on February 3rd, which included conducted interviews with the two responding firms on February 26th and February 28th respectively; and

WHEREAS, after reviewing both proposals and careful consideration, City Staff recommends selecting Joule Assets, in conjunction with Roctricity, as the TPA for the City of Canandaigua's Community Choice Aggregation Program; and

WHEREAS, this recommendation was reviewed and approved at the March 10th Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract to Joule Assets, in conjunction with Roctricity, for Community Choice Aggregation Third-Party Administration services in the City of Canandaigua.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-031:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember at-Large Sutton

A RESOLUTION AUTHORIZING A BUDGET AMENDMENT AND AWARDED A CONTRACT FOR GRANT WRITING SERVICES RELATED TO THE DOWNTOWN REVITALIZATION INITIATIVE

WHEREAS, for the last four years, the City of Canandaigua has submitted applications for the Downtown Revitalization Initiative (DRI) in an effort to secure \$10,000,000 from New York State to fund various projects Downtown; and

WHEREAS, after being a finalist each of the first three years and seeing the funding awarded to other municipalities, the City contracted with MRB Group to submit work with staff to strengthen and improve the application in year four; and

WHEREAS, although unsuccessful last year, the City has made substantial progress on several projects that Staff believe this would strengthen this year's application substantially; and

WHEREAS, Staff received two proposals for grant writing services related to the DRI, Staff recommended the City continue to work with MRB Group to prepare and submit its fifth-round application for an amount not to exceed \$6,500; and

WHEREAS, funding for these services as not included in the 2020 Budget, and Staff recommended the \$6,500 for these services be taken from the City's 2020 Budget Contingency; and

WHEREAS, these recommendations were reviewed and approved at the March 10th Ordinance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby appropriates \$6,500 from the 2020 Budget Contingency and authorizes the Clerk/Treasurer to transfer said funds to the appropriate budget account to fund grant writing services related to the City's fifth-round DRI application from the 2020 Budget Contingency; and

BE IT FURTHER RESOLVED, City Council hereby awards a contract to MRB Group for grant writing services related to the City's fifth-round DRI application in an amount not to exceed \$6,500 and authorized the City Manager to enter into a professional services contract if DRI funding is included in the New York State budget.

Councilmember-at-Large O'Brien moved to table this contract until the next meeting. Councilmember-at-Large Uebbing seconded the motion.

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

Resolution #2020-032:

Moved: Councilmember Ward 4 Dittmar
Seconded: Councilmember Ward 1 Cutri

A RESOLUTION CREATING LIENS UPON CERTAIN CITY PROPERTIES FOR WATER AND SEWER FEES, SOLID WASTE COLLECTION FEES AND CODE ENFORCEMENT AND FIRE INSPECTION ARREARS

WHEREAS, Chapter 14.18 of the City of Canandaigua Charter and Section 452.4 of the General Municipal Law authorizes the creation of property tax liens for delinquent water and sewer charges; and

WHEREAS, Chapter 292-4 B and Chapter 748-84 of the City of Canandaigua Municipal Code authorize the creation of tax liens for delinquent charges for services performed by the City of Canandaigua Code Enforcement Department and unpaid inspection fees; and

WHEREAS, Chapter 600-12 F of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent snow removal fees for work performed by the City of Canandaigua Department of Public Works; and

WHEREAS, Chapter 714-31 B of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent fire inspection fees for inspections performed by the City of Canandaigua Fire Department; and

WHEREAS, Chapter 585-12 F(3) of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent solid waste collection fees; and

WHEREAS, at this date several such outstanding invoices in arrears exist on the City records which are detailed in the attached statement; and

WHEREAS, the property owners on the attached list have been notified of the delinquent charges by the City of Canandaigua Clerk/Treasurer's Office;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby creates liens on the properties listed on the attached statement; and

BE IT FURTHER RESOLVED, that said liens shall be added to the City's tax roll and enforced in the same manner as other City taxes.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-033:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE WATER FUND CAPITAL BUDGET

WHEREAS, the HVAC system at the Water Treatment Plant, which is original to the building was last upgraded in 1979, and the City Council awarded a contract at its January 6, 2019 meeting to Landry Mechanical Contractors for \$247,200 to replace the HVAC with an energy efficient system; and

WHEREAS, a Change Order is necessary for this project as the original design failed to include a drain in the electric room which is necessary to install a condensation pump to remove air conditioning condensation that will build up; and

WHEREAS, the total cost of the Change Order is \$876.76 and the City Manager recommends transferring \$1,000 from the filter flow meter replacement capital project that finished under budget to the HVAC Replacement project to fund the Change Order; and

NOW, THEREFORE, BE IT RESOLVED, that City Council authorized the transfer of \$1,000 from the filter flow meter replacement project to the HVAC Replacement in the Water Fund Capital Budget to facilitate the funding for a Change Order.

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 Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Ordinances: None

Local Laws: None

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

- Responding to COVID-19 just as everyone else is and has resulted in City facilities being closed to the public but operating at minimum, staffing, except police and fire.
- There is a resulting financial strain on the expected revenues, especially on sales tax, occupancy tax and mortgage tax. State AIM and CHIPS payments can also be cut by the Governor during the year. I have implemented a hiring freeze on new positions and filling vacancies. We will be controlling expenditures as much as we can. All capital projects that have not yet started have been placed on pause until we can determine the depth of our budget deficiency.
- We need to continue social distancing. There is a problem in our parks which may result in closing the facilities

Appointments:

- The LDC would like a position on the Phoenix St. Task Force and therefore Mayor Palumbo appoints Bob Taylor to the committee.

Miscellaneous:

- Concerned about mental health and domestic concerns. Do we have a safe place to go or a safe word to use? City Manager John D. Goodwin stated the Governor enacted an emotional support hot line for anyone needing help: COVID-19 Emotional HELP Hot Line is 1-844-863-9314.
- Mayor Palumbo stated that there is a 211 number by United Way if need help. Would like to find ways to help our residents such as timing of water and sewer bills or using money in our CDBG to help small businesses. Councilmember-at-Large Terwilliger asked about any relief on the property tax bills. City Manager John D. Goodwin stated that water and sewer bills need to be changed through a local law. These will be discussed at the next finance meeting.

Adjournment:

Councilmember Ward 3 White moved to adjourn at 9:08 P.M. Councilmember at-Large Sutton seconded the motion.

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

Nancy C. Abdallah
City Clerk-Treasurer

Appendix A
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
Tuesday, March 10, 2020
7:00 PM
Council Chambers- The Hurley Building

Environmental Committee: Karen White, Chair
Robert O'Brien
Renée Sutton- Attending from Home Via Phone
Dan Unrath

Other Councilmembers: Mayor Palumbo, Nick Cutri, Erich Dittmar, Steve Uebbing

Staff: John D. Goodwin, Rob Richardson, David Hou, Peter Virkler

1. Fluoride in City Water

The CDC has stated that the fluoridation of water is one of the ten great public health achievements of the 20th century as it has resulted in a dramatic decline in the prevalence and severity of tooth decay. Beyond the public health benefits of fluoridation, there are ancillary benefits in the overall water treatment process itself as well as in determining if there is and the location of water main breaks which results in significant savings for City operations. Nevertheless, concerns about the fluoridation of water are raised from time to time and at the February 6th City Council meeting, Councilmember Steve Uebbing requested to discuss the topic as concerns were raised by residents to him. It should be noted that if the City Council desired to discontinue fluoridation, the NYS Department of Health, in accordance with NYS Public Health Law, will require an engineering study identifying what the impact would be, new corrosion control, lead and copper studies, a survey of local dentists and several public hearings. Afterward, regardless of the determination made by City Council, the final decision on fluoridation would be up to the New York State Commissioner of Public Health.

Mary Beer, our public health officer, reinforced how important it is to keep fluoride in the City's water supply. Putting fluoride into water supplies is one of the great achievements accomplished in Public Health. Steve has seen studies linking fluoride to hyperthyroidism, but has also seen that those correlations aren't strong. In Europe they consider it a choice to fluorinate the water, so are we imposing our will on others? What about those who can not have fluorinated water? He doesn't buy that argument, and Mary said the studies contradict that point. Patrick Toy from the Department of Health, also believes we should keep fluoride in the water. All water has some fluoride content- some its so high the fluoride level needs to be reduced. He seconds everything Mary said, and every single public health agency who has ever looked at this recommend putting fluoride in water. Peter Virkler, the City's water treatment plant operator, said right now our lake water is .2 parts per million of fluoride, and the target is .8 parts per million. He likes having fluoride in the water because the chemical we use to clean the water needs an acid, and fluoride is an acid. If we didn't use fluoride, it would be another chemical to keep the pH under control. Second, if there is a leak or puddle, they can test the water to see if it's ground water or a leak.

Mary then provided an update on covid-19; as of now, there are no diagnosed cases in the western region. They are following guidelines from the CDC and State Department of Health in how to handle potential cases. One of the issues is that the flu is still running through the community, and the issue is evolving daily. They update the Ontario County Public Health website daily with relevant and accurate information from appropriate sources. She warned against people who are scamming others. Tomorrow they will be having a conference call to keep everyone on the same page and to ask

questions. There is a forum at Canandaigua Middle School on Thursday so concerned community members to learn more about the virus. The best thing people can do it wash their hands be mindful of potential exposure risks.

2. Impact Earth Agreement

Last year, City Council passed Resolution #2019-55 supporting & authorizing for the submission of a 2019 New York State Consolidated Funding Application to the Climate Smart Communities Grant Program to complete a Government Operations Greenhouse Gas Inventory, Community Greenhouse Gas Inventory, Natural Resources Inventory, and Climate Vulnerability Assessment. As part of the application process required a detailed description and cost estimate of the proposed projects, City Staff put out an RFP for the completion of these assessments. Through that process, Impact Earth was chosen as the consultant to complete these projects if grant funding was awarded. The total cost of these assessments was quoted at \$55,875, of which the City would be responsible for a 50% match (\$27,937.50) per the terms of the grant application. In December, the City was awarded this grant. Funding was not included in the 2020 Budget for this project. In addition to formally awarding a contract to Impact Earth to complete these assessments, a budget amendment is necessary to fund the \$27,937.50 local match which is recommended from the 2020 Budget Contingency.

Rob and John provided an update on this agenda item. This would leave roughly \$40,000 in contingency. If we wanted to appropriate fund balance we could, but John recommends using contingency because if it is unused to go to

Robert moved to award the contract, Dan seconded.

4 in favor, 0 opposed.

Motion Carries to Full City Council.

Robert moved to approve the budget amendment, Dan seconded.

4 in favor, 0 opposed.

Motion Carries to Full City Council.

3. CCA 3rd Party Administrator

At its November 7th meeting, City Council passed Local Law #2019-003 establishing a Community Choice Aggregation (Energy) Program in the City of Canandaigua. After exploring several options to move the program forward, it was determined that working with a Third-Party Administrator (TPA) to assist in the implementation and provide continued support for residents was the best option. An RFP was published on February 3rd, with two respondents providing proposals. As part of the selection process, Staff conducted interviews with both firms on February 26th and February 28th respectively. After reviewing both proposals and careful consideration, City Staff recommends selecting Joule Assets, in conjunction with Roctricity, as the TPA for the City of Canandaigua's Community Choice Aggregation Program.

Ben Frevert was at the meeting representing Roctricity, and provided a brief overview of the program.

Robert moved to approve the recommendation, Dan seconded.

4 in favor, 0 opposed.

Motion Carries to Full City Council.

4. Solid Waste Audit Update

In 2019, the City completed a Municipal Waste Assessment to determine its landfill diversion rate and identify opportunities reduce the amount of solid waste sent to the landfill as a result of municipal operations. The assessment found that while the City's landfill diversion rate of 36% is substantially higher than baselines established for other agencies, there were opportunities for improvement that could allow the City to achieve a 60% diversion rate by 2021. When these results were reported at the October 8th Environmental Committee meeting, members of Council requested that Staff provide an update in the first quarter of 2020 on progress towards achieving the goals outlined in the report. Assistant City Manager Rob Richardson will discuss the work that has been done to increase the City's landfill diversion rate and answer questions for Council.

Rob discussed how the Waste Audit finding have been used to increase the City's solid waste diversion percentage.

Meeting adjourned at 8:08 p.m.

Ordinance Committee: Renée Sutton, Chair- Attending from Home Via Phone
Robert O'Brien
Karen White
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Nick Cutri, Dan Unrath, Steve Uebbing

Staff: John D. Goodwin, Rob Richardson, David Hou, Nancy Abdallah

Meeting came to order at 8:09 p.m.

1. DRI Application

For the last four years, the City of Canandaigua has submitted applications for the Downtown Revitalization initiative (DRI) in an effort to secure \$10,000,000 from New York State to fund various projects Downtown. Despite being a finalist each of those years, the City's application was not selected and the funding was awarded to other municipalities. Last Year, the City contracted with MRB Group to submit work with staff to continue to improve our application, however it was not selected for award. Since that time, however, the City has made substantial progress on several projects and Staff believe this would strengthen our application substantially should we choose to submit. At the March 3rd Planning Committee meeting, Staff suggested that we continue to work with MRB Group, who proffered a cost of \$8,5000 to prepare and submit the City's fifth round application. This was the same cost MRB charged for last year's application. Council requested Staff go back to MRB to obtain a formal proposal and negotiate a better rate reflective of the work needed for this year's application. During that time Bergmann also submitted a proposal to complete the application. After reviewing the proposal from Bergmann (\$7,000) and the proposal from MRB (\$6,500), Staff recommends continuing work with MRB Group to submit the City of Canandaigua's 2020 DRI Application.

Matt Horn was at the meeting from MRB. John provided a brief overview of the agenda item, and Matt was at the meeting without him being invited. This may be the last year for the program, so we may see more applicants than prior years. Staff recommends taking this money out of contingency.

Erich moved to appropriate the funds from contingency, Renée seconded.

3 in favor, 1 opposed.

Motion carries to Full City Council.

Renée moved to award the contract to MRB, Erich seconded.

3 in favor, 1 opposed.

Motion carries to Full City Council.

2. Outside Agency Contract – Chamber of Commerce

The City has had an outside agency contract with the Canandaigua Chamber of Commerce for many years to promote the City and act as a visitor center. During the budget review process, concerns were raised regarding the level of services provided. In lieu of approving the outside agency contract, the City Council directed the City Manager to meet with the Chamber to renegotiate the contract. During this process, the services were discussed at length with the Chamber as well as the Town Manager to enhance and reinvigorate the contract as joint venture for promotion of Canandaigua as a whole. Attached to the agenda is a proposal the promotion of the area which involves a sharing arrangement of the cost with the Town of Canandaigua.

John provided a brief overview of the item. The City would pay \$6,550, and the Town would pay \$2,000. Bob is concerned the Chamber is no longer recruiting businesses for outside the BID. He thinks this should be a Chamber responsibility. John stated they will market available properties, and GRE does help with business recruitment. Ethan stated they are not set up to and will not do business recruitment or retention. The cost differentiation is due to the Chamber is the City's visitor center, and the Town can't really utilize that service. Renée does not support using public money to fund a private organization, and she doesn't see the value. She's fine being a paid member, but she's even less interested in light of the LDC and they will not commit to helping bring businesses to Canandaigua.

There was no interest in moving the proposal forward. Steve shared the Mayor's concerns that they no longer assist in business recruitment and retention, and he's disappointed they no longer do that. There was consensus among Council to pursue a normal municipal membership and an agreement to use their restrooms.

Robert motioned we apply for membership from budgeted chamber funds, Renée seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

The Mayor was curious if the BID would be willing to expand their footprint, and would like to have a discussion to see if the BID would do recruitment for businesses outside their district. John added the City is looking at adding more restroom facilities downtown.

3. Budget Amendment –Clerk/Treasurer's Office Reorganization

Recently, a member of the Clerk/Treasurer's Office Staff, applied for and was approved for disability retirement. With this news, we must plan to ensure that the office continues to function through the transition and ensure that institutional knowledge is transferred as well as job function training. There is also an opportunity to make long term improvements that can address work burden and items identified in the National Employee Survey. As such, the City Manager is requesting that City Council approve transferring up to \$25,000 from budget contingency to fund a part-time position that will be filled with the employee retiring. Funds will only be transferred from contingency if other areas in the budget cannot be identified to be transferred. More details can be shared in executive session to discuss the personnel history.

Nancy was at the meeting to discuss this request, and John provided an overview of the agenda item. John added that this may allow us to do more HR services, which was something that came out in the Employee Survey. He also wants to do more cross training so Staff is prepared should something else come up. John added Nancy needs help- she works too many hours and it is not fair. Part of this position will hopefully alleviate some of the burden on Nancy. She added this employee is critical to the department, and she would be an asset for cross training as well. With the limited Staff we have, we don't have the time or resources to do this. Robert asked if we could push this off until the next meeting, but John said the last two agenda items could be pushed off. We need to have this person off payroll in 30 days, and we do not have time to canvas a new person before she goes. This is an urgent matter. Steve asked what this would do to next year's budget, and John said we would hopefully be adding a part timer to the budget moving forward. Steve said if we do this, we need to understand this is a commitment moving forward. Robert asked if Water & Sewer could cover this, our system is getting more complicated and we need someone for those specific functions. Nancy and John added that this is not what the position would be doing, and the sewer fund is not stable. Nancy added they have a very lean department doing a lot of work and managing City birth records for the hospital. We are truly understaffed in every department.

Robert moved to approve the proposal, Erich seconded.

Renée asked if we plan to keep this part time position permanently, and John said at this point we don't know. Nancy added if she couldn't continue, we would still need cross training to support all the functions of her office. Adding this would allow them to continue those functions, and she would recommend keeping it moving forward. That would be a discussion for budget time, however. Renée added getting rid of this position in the next budget is also getting rid of a person, so it isn't the cut and dry. John added we would have preferred to do this during the budget process, but unfortunately this situation couldn't be planned for.

3 in favor, 1 opposed.

Motion carries to Full City Council.

Robert wants staff to review staffing at water & sewer to see if they need a dedicated person.

4. Criminal Justice Reforms

Last year the State of New York made changes to laws pertaining to discovery that dramatically accelerate the timing of discovery and the expansion of the matters to which it applies. It is anticipated that these changes will have significant cost and justice implications for cities and villages. NYCOM has asked cities and villages to consider adopting a resolution requesting amendments to: ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures; allow 60 days for prosecutors to disclose evidence to the defense for criminal charges; exclude from the accelerated discovery requirements any charge not involving a

misdemeanor or felony; adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis; and allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

This item will be discussed at the April 21st meeting.

5. Taxi Cab Licensing

Currently, the City of Canandaigua requires taxi companies and operators to be licensed (Chapter 618 of City Code). City Staff is requesting that this requirement be reviewed by City Council as licensing taxis maybe unnecessary. There is very little “taxi” activity in the City, with most companies focusing on medical transport which has its own regulations and safety standards for licensing. In addition, the emergence of Uber and Lyft, who are licensed by New York State, have a strong presence in the City and provide the same services as a taxi. Considering the minimal number of licenses issued, the strength of alternative options, and the potential liability the City takes on by licensing taxis, City Staff believes that licensing taxis only creates superfluous work for the Clerk’s Office. This item has been added to the agenda for further discussion.

This item will be discussed at the April 21st meeting.

6. Snow Removal Fee

At the February 18th Environmental Committee meeting, there was a discussion about concerns raised by residents regarding the City’s Snow Removal Ordinance. Currently, the fee for snow removal is \$80. Now that the City proactively enforces the ordinance and can identify multiple violations at the same time, however, concerns have been raised that the \$80 fee is excessive and should be adjusted. The current ordinance assesses the fee based on a calculation that includes a minimum 1 hour of labor, and Council requested that Staff revise the existing ordinance to assess the fee based on a minimum of 30 minutes of labor to see what that fee would be. It should be noted that the ordinance also provides for the ability to issue violations in addition to the fee which have not been issued

This item will be discussed at the April 21st meeting.

Robert motioned to adjourn, Erich seconded.

Meeting adjourned at 9:05 p.m.