

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, MAY 7, 2020, 7:00 P.M.
<https://zoom.us/j/91950984907>

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

Mayor Palumbo asked for a moment of silence for National Day of Prayer.

Review of Community Core Values: Councilmember-at-Large Terwilliger 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:

April 2, 2020 Council Meeting

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

Seconded: Councilmember Ward 3 White

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

April 9, 2020 Special Council Meeting

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

Seconded: Councilmember Ward 3 White

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

April 16, 2020 Special Council Meeting

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

Seconded: Councilmember at-Large Sutton

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

Recognition of Guests: (None)

Committee Meetings:

Planning Committee: April 7, 2020 and May 5, 2020 (Appendix A)

- Covid-19 Virus preparations and City Response

Finance Committee: (Appendix A)

April 7, 2020

- Impact of Covid-19 on City Finances
- Capital Projects Plan
- End of Year 2019

May 5, 2020

- Furlough Policy
- Potential Bonding for Capital Projects
- Downtown Feasibility Study

Environmental Committee: April 21, 2020 (Appendix B)

- Environmental Study Grant
- Kershaw Park Summer Hours
- Lease for Kershaw Concession
- 4th of July Parade and Picnic

Ordinance Committee: April 21, 2020 (Appendix B)

- Snow Removal Fee
- Taxicab licensing

Resolutions:

Resolution #2020-029: *Tabled at the April 2, 2020 Council Meeting*

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

Lift: Councilmember Ward 3 White

Seconded: Councilmember Ward 2 Unrath

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

Councilmember Ward 3 White moved to amend the resolution as set forth below. Councilmember Ward 4 Dittmar seconded the motion.

AMENDED RESOLUTION #2020-029

**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, and per the terms of the grant, the City must submit a Scope of Work explaining how the project will be completed and sign a contract with the DEC, which runs from March 15, 2020 until March 14, 2025; and

WHEREAS, since being awarded the grant, however, the COVID-19 pandemic has disrupted municipal operations and created fiscal uncertainty, making it difficult for the City to complete these projects in 2020 as stated in the grant application; and

WHEREAS, despite the impending financial challenges, the City remains committed to honoring the grant and completing the projects to further the City's commitment to environmental stewardship and sustainability; and

WHEREAS, Staff contacted the NYSDEC asking if, due the financial uncertainty created by the pandemic, there was any flexibility with the submitted application and proposed signing the agreement and submitting a Scope of Work that states the City will not begin these projects until 2021 or later allowing the City to direct critical resources towards addressing the health crisis and budget for the projects appropriately in future years; and

WHEREAS, the NYSDEC agreed this was the appropriate course of action while recognizing and appreciating the City's innovative efforts to show commitment to these projects, stating that as long as they were completed by 2025 the City would meet the terms and conditions of the grant; and

WHEREAS, Staff recommends entering into an agreement with the DEC to complete these projects and submitting a Scope of Work with the aforementioned stipulations regarding project start date;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby accepts the Climate Smart Communities Grant and authorizes the City Manager execute and submit any and all necessary documents for the Climate Smart Communities Grant provided that the projects do not begin and local match funding is not required before 2021

Amendment: The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, , Councilmember at-Large Sutton and Mayor Palumbo

NOES: Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing

Councilmember Ward 3 White moved adoption of amended resolution. Councilmember at-Large Sutton seconded the motion.

The motion CARRIED 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 Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: Councilmember-at-Large O'Brien and Councilmember-at-Large Terwilliger

Resolution #2020-031: *Tabled at the April 2, 2020 Council Meeting*

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

Lift: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

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

Councilmember-at-Large Uebbing moved to withdraw this resolution. Councilmember Ward 2 Unrath seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2020-035:

Moved: Mayor Palumbo

Seconded: Councilmember Ward 2 Unrath

**A RESOLUTION RECOGNIZING AND THANKING FIREFIGHTER
BRYAN KRANSLER
FOR HIS 45 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Bryan Kransler, who began serving the City of Canandaigua on March 7, 1975 beginning his career as a Volunteer Firefighter with the Erina Hose Company, was hired as a Part-

Time Firefighter on July 7, 1985, and then hired as a Full-Time Firefighter on February 1, 1987, celebrated his retirement on April 29, 2020; and

WHEREAS, during his 45 years, Bryan has shown exceptional devotion, dedication and has made a positive difference in countless lives in the City of Canandaigua, the Town of Canandaigua, and the surrounding region through his dutiful service, saving numerous victims from a fiery fate in the process; and

WHEREAS, Bryan has served as the Municipal Training Officer (MTO) for the Fire Department since 1989; where he led and brought innovation to the fire training program; and

WHEREAS, his mentoring, training and vast experience has proven invaluable to fellow firefighters, and actively contributed to Canandaigua Fire Department’s reputation as one of the most highly skilled units in the area; and

WHEREAS, throughout the years, Bryan has helped shape the mission of the fire department, helping to expand beyond the scope of services offered by traditional fire departments to a broader, “all hazards” service delivery including all aspects of technical rescue; and

WHEREAS, as a volunteer and Staff, Bryan has served under nine City Managers, seven Mayors, and twenty-four City Councils; and

WHEREAS, during his distinguished career, Bryan has performed his duties with professionalism, poise, and commitment, and through Bryan’s assistance over the years, the Canandaigua Fire Department has become even more efficient in its delivery of quality fire protection to the community;

NOW, THEREFORE, BE IT RESOLVED, that City Council, on behalf of the residents of the City of Canandaigua, hereby recognizes and thanks Firefighter Bryan Kransler for his 45 years of dedicated service to the City of Canandaigua, and wishes him many happy years of retirement.

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 #2020-036:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember at-Large Sutton

**A RESOLUTION RECOGNIZING AND THANKING CENTRAL GARAGE MECHANIC
DONALD “ROSIE” ROMEISER
FOR HIS 32 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Donald “Rosie” Romeiser, who began serving the City of Canandaigua as a

Central Garage Mechanic on March 21, 1988, celebrated his retirement on April 21, 2020; and

WHEREAS, during his 32+ years, Rosie performed his duties with professionalism and pride while showing exceptional devotion and dedication to the City of Canandaigua; and

WHEREAS, Rosie's talents were not confined to the realm of maintenance and repair of the City's rolling stock, as he was routinely involved with welding and fabrication projects throughout the City, including the pier, parks, both treatment plants, and other city amenities; and

WHEREAS, Rosie was also a perennial member of the "on call" roster, allowing him to gain a well-rounded understanding of and experience with the City's infrastructure and snow removal activities; and

WHEREAS, Retired Parts & Service Manager Donn Frarey, who was Rosie's direct supervisor for thirty years, stated that "his presence made my job much easier; I knew that any assignment he was entrusted with would be done in a proper and timely manner."; and

WHEREAS, Rosie has served under six City Managers, three Mayors, and seventeen City Councils; and

WHEREAS, during his distinguished career, Rosie has performed his duties with professionalism, poise, and commitment, ensuring the function and availability of the City's vehicles;

NOW, THEREFORE, BE IT RESOLVED, that City Council, on behalf of the residents of the City of Canandaigua, hereby recognizes and thanks Central Garage Mechanic Donald "Rosie" Romeiser for his 32+ years of dedicated service to the City of Canandaigua, and wishes him many happy years of retirement.

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 #2020-037:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION RECOGNIZING AND THANKING SENIOR TYPIST
LAURA CIRILLO
FOR HER 39 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Laura Cirillo, who began serving the City of Canandaigua on October 2, 1980 as a Senior Typist, celebrated her retirement on April 25, 2020; and

WHEREAS, during her 39+ years of service, Laura has shown exceptional devotion and

dedication, benefitting the residents in the City of Canandaigua and the surrounding community by serving as the point of contact for the Department of Public Works (DPW); and

WHEREAS, referred to as “the glue that held the department together” by DPW Director Jim Sprague, Laura possessed the institutional knowledge in accounting, personnel, past practices, and the inner-workings of DPW to answer virtually any question that came up; and

WHEREAS, regardless of how many phone calls she received from disgruntled citizens, requests from fellow Staff, or other countless daily interruptions, Laura was always the consummate professional remaining calm, focused, and displaying great patience while finding resolution to the problem at hand; and

WHEREAS, Laura has served under seven City Managers, five Mayors, and twenty-one City Councils; and

WHEREAS, during her distinguished career, Laura has performed her duties with professionalism, poise, and commitment, ensuring efficient processes and the smooth operation of DPW, sharing institutional knowledge, and providing an excellent customer service experience for staff, residents, and the community;

NOW, THEREFORE, BE IT RESOLVED, that City Council, on behalf of the residents of the City of Canandaigua, hereby recognizes and thanks Laura Cirillo for her 39+ years of dedicated service to the City of Canandaigua, and wishes her many happy years of retirement.

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 #2020-038:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 1 Cutri

Councilmember-at-Large Terwilliger moved the following resolution that was seconded by Councilmember Ward 1 Cutri.

A RESOLUTION AUTHORIZING THE MAINTENANCE OF EMPLOYEE BENEFITS FOR FURLOUGHED STAFF

Discussion: Certain Councilmembers raised concern over the unnecessary language in the resolution and the need for a “sunset” clause that would make this policy end with the COVID-19 pandemic. There was concern that this not create an ongoing policy in the City but is to be used in this circumstance only and that the maintenance of benefits does not extend to an employee that is “laid-off”.

Amendment: Councilmember-at-Large Terwilliger moved to amend the resolution for the following:

The first paragraph remains the same.

The second paragraph: change the word without too with “the normal employee contribution”

The third paragraph is removed

The fourth paragraph is changed to: "Now, therefore, be it resolved. that City Council hereby authorizes the continuation "of Employee Benefits health and dental insurance with the normal employee contribution for employees furlough during the COVID crisis, (or hence defined as the period from the declaration of the state of emergency by Governor Cuomo until the termination of the State of emergency by order of the Governor) for the duration of the furloughed period.

Councilmember at-Large Sutton seconded this motion.

Vote on the Amendment: *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

Amended motion:

A RESOLUTION AUTHORIZING THE MAINTENANCE OF EMPLOYEE BENEFITS FOR FURLOUGHED STAFF

WHEREAS, although the City may lack the logistic capacity to implement furloughs in any financially meaningful way without significantly impacting service levels, especially on top of the current hiring freeze, the opportunity created by CARES Act that provides additional unemployment insurance benefits to the extent that some of our employees would be better off financially unemployed at least until July 31st cannot be completely ignored; and

WHEREAS, in the event that there is an opportunity arises and given that a furlough is special classification not previously utilized by the City, the City Manager is requesting authorization to continue employee benefits (health and dental insurance) during the furloughed period with the normal employee contribution; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the continuation of Employee Benefits health and dental insurance with the normal employee contribution for employees furlough during the COVID crisis, (or hence defined as the period from the declaration of the state of emergency by Governor Cuomo until the termination of the State of emergency by order of the Governor) for the duration of the furloughed period.

Vote on the amended motion:

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2020-039:

Moved: Councilmember-at-Large O'Brien
Seconded: Councilmember-at-Large Terwilliger

A RESOLUTION ACCEPTING THE NEW YORK MAIN STREET TECHNICAL ASSISTANCE GRANT

WHEREAS, the City in partnership with the BID applied for and was awarded grant funding from the New York Main Street Program's Technical Assistance category; and

WHEREAS, the grant is to fund a feasibility analysis of 4-7 buildings on Main Street in our Downtown for rehabilitation and re-use options with the focus on the revitalization of substandard and/or underutilized 2nd and 3rd floors, whose rehabilitation has been hampered by an incomplete understanding of their condition, renovation needs and costs, market dynamics and viable re-use scenarios; and

WHEREAS, once completed, the City intends to use the feasibility analysis reports to apply for construction/rehabilitation grants to facilitate the work; and

WHEREAS, the grant is for a total of \$20,000 with a required local match of \$1,053 which will be obtained from participating property owners; and

WHEREAS, Staff recommends accepting the grant, as the work will help towards accomplishing goals outlined in the Comprehensive Plan and not impact City finances;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby accepts the awarded New York Main Street Technical Assistance Grant to conduct a feasibility analysis of 4-7 buildings on Main Street in our Downtown for rehabilitation and re-use options; and

BE IT FURTHER RESOLVED, that City Council authorizes a Budget Amendment for the appropriate budget accounts as determined by the Clerk/Treasurer for the pass-through expense reimbursements relative to the grant funds and property owner contributions.

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 #2020-040:

Moved: Councilmember Ward 4 Dittmar
Seconded: Councilmember-at-Large Uebbing

A RESOLUTION APPROVING THE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH COMMUNITY BANK, N.A.

WHEREAS, there is currently tax assessment litigation pending between the City of Canandaigua and Community Bank, N.A. in the New York State Supreme Court, Ontario County, for the 2019 tax assessment year (Index number 125552-2019) entitled Community Bank, N.A. v. The City of Canandaigua, and the Board of Assessment Review for the City of Canandaigua, County of Ontario, with the Canandaigua City School District as Intervenor-Respondent relating to property located at 659 South Main Street, Canandaigua, New York 14424 (tax identification # 84.18-1-33./BANK) in the City of Canandaigua (“Subject Property”); and

WHEREAS, the Subject Property was assessed at \$1,341,000.00 on the 2019 assessment roll; and

WHEREAS, after reviewing all documentation, the assessor and City Corporation Counsel recommend to the City Council that the 2019 action be settled; and

WHEREAS, it is proposed that, in settlement of the pending action, the 2019 action shall be discontinued; and

WHEREAS, it is proposed that, in settlement of the pending action, the 2019 assessment of the Subject Property shall remain unchanged; and

WHEREAS, it is proposed that, in settlement of the pending action, the City reduce the assessment of the Subject Property on the 2020 assessment roll to \$1,250,000.00 and that the Subject Property be entitled to an exemption as set forth in RPTL § 485-b; and

WHEREAS, it is proposed that, in settlement of the pending action, the provisions of RPTL § 727 shall apply to the assessments of the Subject Property on the 2020, 2021, and 2022 assessment rolls only;

NOW, THEREFORE, BE IT RESOLVED, that City Corporation Counsel may seek Court approval for the proposed settlement and, if approved by the Court, the 2019 assessment of the Subject Property will remain unchanged, the 2020 assessment of the Subject Property will be reduced to \$1,250,000.00 and be entitled to an exemption as set forth in RPTL § 485-b, and the provisions of RPTL § 727 shall apply to the assessments of the Subject Property on the 2020, 2021, and 2022 assessment rolls only; and

BE IT FURTHER RESOLVED, that the City Manager and City Corporation Counsel are authorized to execute all documents necessary to effectuate the referenced settlement.

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 #2020-041:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Terwilliger

**A RESOLUTION AUTHORIZING THE PURCHASE OF MISCELLANEOUS
HYDRANT AND VALVE MATERIALS**

WHEREAS, on Friday, April 3, 2020 the Department of Public opened a bid for a variety of water and sewer parts including pipe, fittings, valves, hydrants, etc. required to complete various upcoming projects and maintain City infrastructure; and

WHEREAS, overall, three vendors responded to the sewer parts bid segment and two bidders responded to the water parts bid segment with each offering some portion of the required materials; and

WHEREAS, T. Mina Supply Inc., located at 609 Buffalo Road in Rochester, NY, offered the lowest responsible bid for the sewer parts segment with the total cost of the estimated quantities being totaling \$2,163; and

WHEREAS, Staff deemed it in the best interest of the City to award the water parts bid segment on a per unit cost basis as detailed in the attached bid summary;

WHEREAS, Blair Supply Corporation, located at 785 Beahan Road in Rochester, NY, offered the lowest responsible bid meeting all bid specifications for bid items 1-4, 24-28, 39-42, 45-47 and 48-49; and

WHEREAS, Core & Main, located at 1220 Brighton-Henrietta Town Line Road in Rochester, NY, offered the lowest responsible bid meeting all bid specifications for bid items 5-23, 29-38, 43-44 and 56-57; and

WHEREAS, these items were budgeted for in the 2020 Adopted Budget, and Staff recommends awarding segments of the bid to different vendors based on the lowest prices per bid segments or item; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards the sewer parts bid segment consisting of bid items 48-58 to T. Mina Supply Inc., located at 609 Buffalo Road in Rochester, NY; and

BE IT FURTHER RESOLVED, that City Council hereby awards the water parts bid items 1-4, 24-28, 39-42, 45-47 and 48-49 to Blair Supply Corporation, located at 785 Beahan Road in Rochester, NY; and

BE IT FURTHER RESOLVED, that City Council hereby awards the water parts bid items 5-23, 29-38, 43-44 and 56-57 to Core & Main, located at 1220 Brighton-Henrietta Town Line Road in Rochester, NY.

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:

Ordinance #2020-002:

Councilmember at-Large Sutton read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 600-12, SNOW AND ICE
REMOVAL, OF THE MUNICIPAL CODE**

SECTION 1. §600-12 “Snow and Ice Removal” of the Municipal Code is hereby amended as follows [new language is *in bold italics*, deleted language is stricken]::

- A. Purpose. The purpose of this section shall be to preserve the public peace and good order in the City and to contribute to the public welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the City by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the City that are consistent with the rights and privileges of other residents of the City.
- B. Duty of property owner and occupant. It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.
- C. Time limit. Snow and ice shall be removed within 24 hours after the end of a snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m.
- D. Severe icing. In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in Subsection C, be strewn and kept strewn with ashes, sand, or other suitable material, so as to be no longer dangerous to life and limb. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this section.
- E. Removal by City. Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time **limit** specified in this section ~~or within 24 hours after notice by the Director of Public Works to remove same~~, **at the discretion of** the Director of Public Works, may, ~~in his discretion~~, cause said snow or ice to be removed from such sidewalk and notify the City Clerk/Treasurer of the removal expense incurred by the amount of labor, equipment, materials used as well as administrative overhead. The charge shall be **set by Resolution of the City Council**, but shall not less than the equivalent of one-*half* hour's cost.
- F. Collection of costs for removal by City. The City Clerk/Treasurer shall promptly present to the owner or occupant of each parcel a bill for the removal of snow and ice as certified by the Director of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property added to their tax bill and become a lien thereon, collectible in the same manner as delinquent City taxes.
- G. Snow, ice and water falling from buildings. The owners or occupants of buildings adjacent to public sidewalks shall take measures to protect the public from the falling snow, ice or water from such buildings.

H. Placing of snow and ice on another's property. No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

I. Tort liability. Such owner or occupant and each of them, shall be liable for any injury or damage by reason of omission, failure or negligence to keep such sidewalks adjoining such property free from snow and ice.

SECTION 3. This ordinance shall be effective July 1, 2020.

Local Laws: None

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

- COVID-19 - the governor today announced his extension of the eviction moratorium until August. And I wanted to make sure that, renters that are people that are paying rent realize that, although, you can't be evicted for not paying rent that rent is still due and if you are able to pay that rent, please do because those property owners still have the maintenance expense.

Appointments: None

Miscellaneous:

- Denise Chaapel Downtown BID Manager – updated City Council on the BID. There currently are 17 restaurants and bars open doing curbside service. 35 of our businesses have their doors locked as per requirement but they are open for business and are being very creative. They are doing curbside pickup, shipping, delivery, selling from their websites, and taking orders by phone and delivering right out to the curb also. So everybody in the business district right now is giving it 110% and doing everything they can to continue to be there.

Adjournment:

Councilmember Ward 3 White moved to adjourn at 9:00 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

PLANNING COMMITTEE & FINANCE COMMITTEE

Tuesday, April 7, 2020

7:00 PM

Join URL: <https://zoom.us/j/873082545>

Planning Committee: Steve Uebbing, Chair
Jim Terwilliger
Nick Cutri
Dan Unrath

Other Councilmembers: Mayor Palumbo, Karen White, Erich Dittmar, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Chief Hedworth, Jim Sprague

1. Update- City of Canandaigua's Response to COVID-19

City Manager John D. Goodwin will provide an update on the City's response to the pandemic.

John provided an update on what the City has been doing to address the COVID-19 pandemic. The City continues to operate with minimal staff, and due to social distancing violations, we needed to close all of our public courts and playgrounds. Renée applauded John for trying to keep things open, but ultimately taking the appropriate measures to close those facilities. The Mayor thanked everyone abiding by the rules, as well as City Staff for their commitment to providing services. Renée added the less successful we are at social distancing, the longer this situation will go on.

Jim motioned to adjourn, Dan seconded.

Meeting adjourned at 7:10 p.m.

Finance Committee: Jim Terwilliger, Chair
Nick Cutri
Steve Uebbing
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Karen White, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Chief Hedworth, Jim Sprague

*****Meeting came to Order at 7:10 p.m.*****

1. COVID-19 and Its Impact to City Finances

The City of Canandaigua will be subject to financial strain due to lost revenue across several different accounts, but most notably sales tax, occupancy tax, and mortgage tax. Further, although

the New York State Budget maintains the Aid and Incentives for Municipalities (AIM) program at prior year levels, the Governor has been granted mid-year budget adjustment powers, which creates a level of uncertainty as to what the actual revenue will be from the AIM program. Because the City has been fiscally prudent, it is in position to weather this storm, but will not be immune from difficult decisions. The City Manager has already instituted a hiring freeze and as mentioned below suspended all General Fund Capital Projects that have not started. Nancy Abdallah, Clerk/Treasurer, and the City Manager John D. Goodwin will provide an overview for City Council of projections and plans to ensure that essential services are maintained while remaining fiscally responsible.

John began by providing a general idea of how the pandemic could impact City finances. It's hard to project where the City will end, but these projections are the best that could be generated with the information available. The primary impact at this point will be sales tax, but there will be other revenues lost due to uncollected fees. With the hiring freeze in place, however, there are budgeted positions that won't be filled that could help offset some of the loss. The impact on revenues could be as several as 25%. One unknown variable is the internet sales tax, which could help but John doesn't think there will be much benefit. There will also be an impact on occupancy tax, as occupancy could be down as much as 75%. At this point, he estimates the impact on revenues could be \$1.5 million.

There is a hiring freeze on all new positions to cut expenditures, as well as a delay in filling retirements- if at all. They are also looking to reduce park staff. The biggest measure proposed is a reduction in the contribution sent to Capital by \$500,000. It would also require an increased contribution to offset the general fund, which would leave our fund balance at just over our 3-month expenditures goal in the fund balance policy. We might also want to start thinking about cancelling the 4th of July celebration and Day Camp, as neither generates revenue and results in a loss of around \$50,000 annually. They are confident that due to strong fiscal management and prudent spending we will be able to weather the storm.

2. Capital Projects Update

At the March 3rd Finance Committee meeting, Staff was asked to provide an update on the ongoing and upcoming Capital Projects scheduled for the Budget Year 2020 per the request of Mayor Palumbo. The Mayor was unable to attend the meeting, however, as he was blessed with a new grandchild that day. As a result, the item was moved to this agenda. Since that time, the COVID-19 pandemic has taken hold and, due to the economic and financial impact, the City Manager is anticipating significant financial strain and has suspended all Capital Projects that are not yet underway. City Manager John D. Goodwin will review the current Capital projects and discuss which projects will be suspended and the likely impact to projects over the next five (5) years.

John provided a general overview of how the pandemic will impact the City's Capital Budget and plans to complete Capital Projects. The Hurley Building Roof will be pushed out to 2026 in part due to the reduced contribution to the Capital Fund. John reviewed the rest of the Capital Projects that are being put off, including the Police Building Roof and the building at Jefferson Park. John added it pains him to reduce the contribution to the Capital Fund- it's a sound practice and not doing it will have long term impacts on future Capital initiatives.

3. 2019 Year End Review

At the March 3rd Finance Committee meeting, the Clerk/Treasurer and City Manager provided a brief overview of the unaudited financials for Fiscal Year 2019. Copies were distributed for

review and, as in year's past, the review of the financials will continue in subsequent meetings so Staff can answer any questions that City Council may have after reviewing.

There was not much discussion on this item- there were no further questions regarding the information presented at the last meeting.

Members of Council had a discussion about delaying the penalties on property taxes due to the COVID-19 pandemic, and elected to hold a Special City Council meeting to pass the required legislation. The County recently took similar action.

Nick motioned to adjourn, Erich seconded.

Meeting adjourned at 8:56 p.m.

Appendix A (continued)
PLANNING COMMITTEE & FINANCE COMMITTEE
Tuesday, May 5, 2020
7:00 PM
<https://zoom.us/j/98777674225>

Planning Committee: Steve Uebbing, Chair
Jim Terwilliger
Nick Cutri
Dan Unrath

Other Councilmembers: Mayor Palumbo, Karen White, Erich Dittmar, Robert O'Brien, Renée Sutton

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

1. Update- City of Canandaigua's Response to COVID-19

City Manager John D. Goodwin will provide an update on the City's response to the pandemic and discuss the City's plans to reopen in the coming weeks.

John provided an update on what the City has been doing to address the COVID-19 pandemic. The City continues to operate with minimal staff, with the exception of DPW, who returned to work in full on Monday. Tax Bills were sent out, which included the notices regarding extra time to pay property taxes. Both the PD & FD have ample PPE. All Park amenities, the Dog Park, and Kershaw remain closed until further notice. The City is considering alternative options for the 4th of July celebration, and the transfer station is returning to its normal schedule. The Governor has a plan for how regions will reopen & the City plans to adhere to that guidance.

Nick motioned to adjourn, Dan seconded.

Meeting adjourned at 7:23 p.m.

Finance Committee: Jim Terwilliger, Chair
Nick Cutri
Steve Uebbing
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Karen White, Robert O'Brien, Renée Sutton

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

*****Meeting came to Order at 7:23 p.m.*****

1. Furloughed Employee Benefits

The Phase 3 stimulus or CARES legislation provided additional unemployment insurance benefits to the extent that some of our employees would be better off financially unemployed at least until July 31st. As such there is an opportunity to reduce personnel costs and without negatively impacting an employee. With this opportunity furloughs are an option that simply cannot be ignored. Logistically, the City may lack the capacity to implement such a plan in any financially

meaningful way without significantly impacting service levels, especially on top of the current hiring freeze. Further, special agreements would be necessary with any impacted bargaining unit (Union). With that said, in the event that there is an opportunity (there is one that can be further discussed during Executive Session), and given that this is a special classification (as opposed to layoff or termination), the City Manager would like to request authorization to continue employee benefits (health and dental insurance) during the furloughed period without the normal employee contribution.

There are some cases where furloughing Staff will allow them to be better off. If full-time employees are furloughed, the City would like to continue offering their health and dental benefits while covering their full contribution. Nick favored continuing as proposed. Jim and Steve also added this will save the City money. Renée asked what the net financial benefit for the City would be furloughing Staff, and John said it would be a case by case calculation. Renée did not feel comfortable giving John blanket authorization without the details and hard numbers. John stated he was not looking for blanket authorization- just consideration on a case by case basis. Steve does not think we should be covering the employee contribution as it could create issues with past practice, and John said they would need to meet with collective bargaining units if any members were to be furloughed.

Steve moved to continue benefits for employees as is, Nick seconded.

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

2. Bonding for Potential Capital Projects

In response to the economic and financial impact of the COVID-19 pandemic, the City Manager has enacted several measures to limit or cut expenditures such as a hiring freeze and the reduction of \$500,000 in the amount transferred to the Capital Reserve. This reduction resulted in certain projects being delayed for several years, namely the completion of Hurley Building re-roofing project and the Police Station re-roofing project. The Clerk/Treasurer and City Manager had been discussing potentially bonding for certain capital projects to take advantage of historically low interest rates and Councilmember Unrath requested that Staff specifically address this option.

John provided a brief update on the item. Essentially, bond rates won't be changing and may go into negative rates. The City is hesitant to take on more debt right now with the uncertainty of how COVID will impact the City's finances. Both John and Nancy recommend holding off- especially because the roofs aren't failing yet. We can always go out to bond if we need too, but having a better grasp of our financial situation would be beneficial. She is concerned with going out to bond without understanding our financial situation. She recommended putting a bond resolution in place at the June meeting so we can have the option.

Steve moved to do a bonding resolution, Nick seconded.

Renée dreamt see the benefit in doing this now- she feels like it will mean we are going to bond the projects. Nancy stated the bond resolution needs to be in place before we can execute any contracts.

3 in favor, 1 opposed. Motion carries to Full City Council.

3. Downtown Feasibility Analysis for Building Rehabilitation and Re-Use

In July last year, the City in partnership with the BID applied for and was awarded grant funding

from the New York Main Street Program's Technical Assistance category. In summary, the grant that we were awarded is to conduct a feasibility analysis of 4-7 buildings on Main Street in our Downtown for rehabilitation and re-use options. The focus is revitalization of substandard and/or underutilized 2nd and 3rd floors, whose rehabilitation has been hampered by an incomplete understanding of their condition, renovation needs and costs, market dynamics and viable re-use scenarios. Once completed, the intent is to use the feasibility analysis reports to apply for construction/rehabilitation grants to facilitate the work. The grant is for a total of \$20,000 with a required local match of \$1,053 which will be obtained from participating property owners.

John provided a brief overview of the agenda item.

Nick moved to approve the request, Erich seconded.

4 in favor, 0 opposed. Motion Carries to Full City Council.

Erich motioned to adjourn to Executive Session to discuss Ongoing Litigation Assessment Cases and Personnel Matters, Nick seconded.

Meeting adjourned to Executive Session at 8:13 p.m.

4. Executive Session – Ongoing Litigation Assessment Cases and Personnel Matters

There is a recent development regarding two (2) of the current eleven (11) assessment litigation cases and the City Manager and Corporation Counsel would like to update City Council on including a recent ruling and a potential settlement.

Nick motioned to adjourn; Steve seconded.

Meeting adjourned at 8:33 p.m.

Appendix B
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
Tuesday, April 21, 2020
7:00 PM

<https://zoom.us/j/94260529359>

Environmental Committee: Karen White, Chair
Robert O'Brien
Renée Sutton
Dan Unrath

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

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

1. CSC Grant Projects

In December, the City was awarded a 2019 Smart Communities Grant Program Grant to complete a Government Operations Greenhouse Gas Inventory, Community Greenhouse Gas Inventory, Natural Resources Inventory, and Climate Vulnerability Assessment. 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. Due to the financial impact that the response to COVID-19 will have on the City's finances, the City Council voted to table a resolution appropriating funding for this project. Given the circumstances, the New York State Department of Environmental Conservation will permit the City to submit a work plan that involves the work commencing within the next two years and concluding no later than March 2025. City Staff recommends this course of action. This item was added to the agenda for further discussion.

Karen provided a brief overview of the agenda item, and then moved on to the next agenda item. We returned to this after the 4th agenda item to formalize Council action.

Robert thinks we should hold off on these projects until our budget situation clears up. Rob explained that we would only be submitting the work plan without any financial outlay at this point. Jim is in favor of these projects; he is concerned about committing a future Council to an expense and would not support this. Erich agreed with shouldn't put this to a future Council- we should fund this now. When the COVID crisis subsides, we will still be in a climate change crisis and we need to do these projects now. Karen agreed, and so did Renée. She asked what our exposure was, and Rob explained we could amend the contract if we needed too. Renée loves this idea- gives us financial flexibility while keeping these projects on our agenda. Someone from the community asked if their private funds could be used to do these projects, and John said yes, but there are conditions. He is concerned that future economic years will be worse, and it might be tight for a while.

3 in favor of submitting work plan, 1 against.

Motion carries to full City Council.

2. Adjusting the Hours at Kershaw Park

Under normal circumstances, the beach at Kershaw Park begins Memorial Day Weekend. Beach hours from 11:00 AM-7:00 PM daily until July 1st. After July 1st, hours expand to 10:00 AM-9:00 PM daily through Labor Day when the season ends. With the current pandemic and the Governor extending his “PAUSE” initiative to May 15th, it’s likely that the COVID-19 pandemic will impact Bathhouse and beach operations. In addition, it is not known if there will be any new regulations from the New York State Department of Health. Notwithstanding the above, given the anticipated financial impact that the response to COVID-19 will have on the City’s finances, one suggestion to reduce expenditures is the reduction of hours of the beach. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

John provided a brief overview of the agenda item. Reducing the hours at Kershaw would help the City save on expenditures without severely impacting services. Dan added that, towards the end of the summer, life guards go back to college and staffing becomes an issue. He feels we should not open up until at least July 1st and Renée agreed. Jim pointed out this is a moving target, so at this point it’s all conjecture. It’s premature for City Council to set a schedule when there is no idea what lays ahead. John pointed out that New York State and the Department of Health will dictate this for us. The Mayor added it’s important for the community to have something to look forward to, and Karen agrees. She also stated there have been previous summers with bad weather, issues with lake water, etc. In addition, some may not want to use the beach because of COVID concerns. The consensus was to leave these decisions up to the City Manager and to trust his judgement.

3. Kershaw Concessions Contract

At its March 5th meeting, City Council awarded a contract for concessions at Kershaw Park to Woodard Rentals LLC to provide the food service concession at Kershaw Park with a lease amount of \$1,288 with the option to renew this license for two successive beach seasons. With the current pandemic and the uncertainty around when social distancing guidelines will be lifted, it is difficult to know if/when the bathhouse and beach will be open to the public. Further, as discussed above the hours of operation maybe reduced at the bathhouse and beach. It has been suggested that the lease should also be reviewed for a potential reduction of the rent. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

Dan stated his proposal might be moot based on the previous agenda item, but he thinks we need to be fair because we’re limiting her access. If she is unable to get her money’s worth for the fee she paid, Dan said we should renegotiate. John pointed out she hasn’t asked for this yet, and she is permitted to operate outside park hours. If there was a conflict, however, John suggested charging her based on the percentage of the season she had access. Renée pointed out being in business means taking risk- where do we draw the line? She recognizes this is an uncommon situation, but the net result is still the same. She thinks it’s premature to consider it.

4. City of Canandaigua 4th of July Festivities

Due to the financial impact that the response to COVID-19 will have on the City’s finances, the difficult decisions will need to be made to control expenditures. One suggestion for discussion are the cancelation of July 4th festivities not only for the financial cost of the events, but also the unknown as to if gatherings will be permitted again and if so of that size. The City spends approximately \$35,000 annually on the 4th of July. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

John pointed out there is still minimal guidance, and this is a very expensive day for the City. Canceling this could save the City \$35,000, but the City needs these types of events. Break the Ice Media hasn't provided a "drop dead" date when they would need details finalized, but they, along with City Staff, need time to plan. Renée thinks there is enough compelling evidence to cancel this now, and that with all things considered, and Steve doesn't see any benefit in creating an attractive nuisance. The general consensus was to leave these decisions up to the City Manager and trust his judgment. John added that, unfortunately, we might have a very quiet summer in the City of Canandaigua.

Dan motioned to adjourn, Renée seconded.

Meeting adjourned at 7:52 p.m.

Ordinance Committee: Renée Sutton, Chair
Robert O'Brien
Karen White
Erich Dittmar

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

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

*****Meeting came to order at 7:52 p.m.*****

1. 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 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.

Renée provided a brief overview of the agenda item, and John discussed his recommendation, which amends Section E of the current ordinance which would set the fee at no less than a half hour, but set the fee by resolution which gives Council flexibility moving forward without having to change the ordinance. Renée really liked this approach, and asked if we need a public hearing. John recommended we have one. No decision needed to be made about the fee that evening. Karen supported John's recommendation, as did Erich. He just wanted to ensure the fee is high enough to entice residents to keep sidewalks clear. Robert O'Brien echoed this sentiment. The consensus was in favor of amending the ordinance as recommended by the City Manager. There was some discussion surrounding charging differently for commercial properties, as well as how to address renters. Karen noted this requirement is common in Cities, as is the annual warning i.e. the water bill. She doesn't think the \$80 is out of line- we don't want to provide this service, but

discourage having to. Council asked for a proposal differentiating between commercial & residential, and escalating fees when multiple violations occur.

2. 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.

Staff brought this up, as it may be a redundant process considering Uber & Lyft vet their own drivers, and the taxis we have are primarily medical transport who also have their own standards. Council asked Staff for information on the number of cabs and revenue brought in by licensing them.

**Karen motioned to adjourn, Robert seconded.
Meeting adjourned at 8:32 p.m.**