

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, JULY 5, 2018 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

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

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

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

Approval of Minutes:

June 7, 2018

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Uebbing

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

Recognition of Guests:

- Jenny Goodemote, Director of Wood Library and Mary Ferris, Children's Librarian, spoke about the Baker Park Story Walk. This was a collaborative effort by Wood Library, Literacy Volunteers of Ontario-Yates (LVOY), City of Canandaigua, Rotary and Kiwanis Clubs of Canandaigua, donors and Friends of Wood Library. Communities across the country are creating permanent story walks as a way to encourage people to get outside and exercise while enjoying children's books. The concept for a story walk in Baker Park was approved earlier this year by the Canandaigua City Council. Permanent story boards will be installed along a walking path in Baker Park and each will feature pages from a book. The stories will change monthly, so readers have something to look forward to.
- Denise Chaapel, Downtown BID Manager updated Council with programs in the downtown BID including the Make Music event which was held June 21st, wine walk this Saturday, the Arts and Music Festival July 20-22, and the summer concert series at the Commons Park. Denise also invited everyone to the ribbon cutting for the Farmers Market Mural at 12:45 pm on Saturday.

Committee Reports:

Planning/Development Committee Meeting: No meeting

Environmental/Parks Committee Meeting: June 19, 2018 (Appendix A)

- Composting Committee Report
- Special Event – 5K Race for Kalama

Ordinance/Charter Committee Meeting: June 19, 2018 (Appendix A)

- BID Sign Ordinance
- Permits for pesticides and herbicides

Finance/Budget Committee Meeting: June 28, 2018 (Appendix B)

- Change Order for Water Main Project
- 2019 Street Reconstruction Project
- Security assessment of WWTP and WTP
- Small Business Loan Program Recommendations
- Mini Storage Zoning Request

Resolutions:

Resolution #2018-058

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember Ward 3 White

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

- ***5k for Kalama***

Date: August 11, 2018

Location: Lakeshore Drive, Canandaigua, NY

Coordinator: Canandaigua BID, Festival Director

Time: 9 a.m.

Purpose: Fundraiser for the Kalama Project

Expected Number of Participants: 150

WHEREAS, this request was reviewed and approved at the June 19, 2018 Joint Environmental/Parks and Ordinance Committee meeting;

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

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and

- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

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

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-059:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE WATER MAIN PROJECT AND APPROPRIATING FUNDS FROM THE WATER FUND CAPITAL RESERVE

WHEREAS, at its October 5, 2017 meeting, City Council passed Resolution #2017-106 awarding the contract for the Water Distribution Systems Improvement Project to Nardoizzi Paving & Construction, LLC for a contract amount not to exceed \$287,490; and

WHEREAS, the project included two new mains: (1) through the NYS Boat Launch and (2) under NYS Rt. 5&20 in front of Wegmans that, once complete, will provided needed redundancy in the water distribution system; and

WHEREAS, the contractor was unable to bore through a giant boulder underneath NYS Rt. 5&20 and there has been a disagreement over payment for uncompleted failed work and the completion of the project; and

WHEREAS, a tentative agreement was made, pending City Council approval, to resolve the dispute and complete the project; and

WHEREAS, the agreement requires the appropriation of \$35,000 from the Water Fund Capital Reserve to fund a change order, but the funds would only be utilized if a pilot hole to directionally bore in lieu of a horizontally bore is successful; and

WHEREAS, although this change order results in the necessity of additional funding, the alternative of rebidding the work is anticipated to be costlier; and

WHEREAS, City Staff recommended approving the change order and appropriating \$35,000 from the Water Fund Capital Reserve which was reviewed and approved by the Finance/Budget Committee at its June 28, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council for the City of Canandaigua hereby authorizes the City Manager to execute a change order with Nardozzi Paving & Construction, LLC to complete the Water Main Project; and

BE IT FURTHER RESOLVED, that City Council also appropriates \$35,000 from the Water Fund Capital Reserve to fund the change order, only to be utilized if a pilot hole to directionally bore in lieu of a horizontally bore is successful.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-060:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION AWARDED AN ENGINEERING SERVICES CONTRACT FOR THE 2019
MULTIPLE STREET RECONSTRUCTION PROJECT**

WHEREAS, the City of Canandaigua has a program to complete a street reconstruction project every four years; and

WHEREAS, a collection of streets has been selected for reconstruction in 2019; and

WHEREAS, bidding to complete the required engineering and surveying for this project, and provide full time on-site observation during construction in 2019 opened June 22, 2018; and

WHEREAS, of six (6) proposals received, Hunt Engineering, located at 4 Commercial Street, Suite 300 in Rochester, NY submitted the lowest responsible bid for the scope of the project totaling \$248,650; and

WHEREAS, Staff meet with Hunt Engineering on June 28th to review their proposal and ensure it covered the full scope of work, and found that a single item that needed to be included; and

WHEREAS, this item, obtaining a DEC or USACE permission for the water main stream crossing, would add \$3,500 bringing the total cost of the project to \$252,150 which is still substantially lower than the next highest bidder; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Hunt Engineering for engineering services to complete the design of the proposed 2019 multiple streets reconstruction project, and provide full-time observation during construction; and

WHEREAS, the proposal was reviewed at the June 28th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an engineering services contract with Hunt Engineering for an amount not to exceed \$252,150 to complete the design of the proposed 2019 multiple streets reconstruction project and provide full-time observation during construction.

BE IT FURTHER RESOLVED, that City Council appropriates \$63,000 from the Capital Reserve to the Capital Fund to fund the design portion of the project with the remaining balance of \$189,150 to be funded through a yet to be authorized project bond.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-061

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT AND APPROPRIATING FUNDS FOR FACILITY SECURITY ANALYSIS AT THE WATER TREATMENT PLANT AND WASTE WATER TREATMENT PLANT

WHEREAS, recently, facility security evaluations at both the Water Treatment Plant and the Waste Water Treatment Plant were conducted by Staff.; and

WHEREAS, based on this review, it was determined that updates and upgrades could be made to each plant to upgrade facility security; and

WHEREAS, Staff solicited bids from firms familiar with facility security in order to determine the actual scope and cost of these upgrades, with the only respondent being Hunt Engineering, located at 4 Commercial Street, Suite 300 in Rochester, NY, for an amount not to exceed \$16,500; and

WHEREAS, their proposal includes working with their partner Corporate Consulting Investigations (CCI) from Buffalo, NY who provide security analysis expertise; and

WHEREAS, the funds needed for this project were not included in the adopted 2018 Budget, requiring an \$8,250 appropriation from the Water Fund Balance and an \$8,250 appropriation from the Sewer Fund balance to cover the \$16,500 cost; and

WHEREAS, Staff recommends awarding a contract to Hunt Engineering, in conjunction with CCI, for facility security analysis for an amount not to exceed \$16,500; and

WHEREAS, Staff also recommends appropriating \$8,250 from both the Water Fund Balance and the Sewer Fund Balance respectively to fund the project; and

WHEREAS, this proposal was reviewed at the June 28th Finance/Budget Committee Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Canandaigua hereby authorizes the City Manager to execute a contact with Hunt Engineering, in conjunction with CCI, for facility security analysis at the Water Treatment Plant and Waste Water Treatment Plant for an amount not to exceed \$16,500; and

BE IT FURTHER RESOLVED, City Council appropriates \$8,250 from the Water Fund Balance and \$8,250 from the Sewer Fund Balance to fund the project.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-062:

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 2 Palumbo

A RESOLUTION AUTHORIZING AMENDMENTS TO THE CRITERIA 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, after receiving business community feedback regarding the program scope and stipulations, it was apparent that changes were needed to make the program more accessible and attractive to small business owners and maximize its potential; and

WHEREAS, the Selection Committee and Staff met on Thursday, June 14th to review the program criteria, discuss possible adjustments to program requirements, and develop a proposal listing revisions to make the program more accessible; and

WHEREAS, the proposed program adjustments include changing the minimum project amount from \$10,000 to \$5,000 with an expedited approval process for loans within the range of \$5,000 to \$10,000, reducing the borrower match from 75% to 25% of the total project and streamlining the application requirements; and

WHEREAS, the proposal was reviewed at the June 28th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council for the City of Canandaigua hereby approves the amendments to the Small Business Loan Program outlined as attached hereto and made a part hereof.

Discussion:

Councilmembers would like to see an effort to help homeowners and increase home ownership. The City has focused heavily on businesses and economic development and would like to see a focus on residential revitalization. Councilmember-at-Large Terwilliger abstains from this vote because of the involvement by Canandaigua National Bank.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-063:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large O'Brien

A RESOLUTION RETAINING BOYLAN CODE LLP AS CORPORATION COUNSEL

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

WHEREAS, over the last year, Staff and City Council have been pleased with the services provided by Corporation Counsel, and enjoyed working with attorneys Terence Robinson and Carol Maue; and

WHEREAS, the current agreement is set to expire July 31, 2018, and City Council is desirous to retain retaining the services of Boylan Code, LLP to serve as Corporation Counsel for another year under the terms and conditions approved by City Council;

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

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

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-064:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AMENDING THE PAY SCALE FOR LIFEGUARDS

WHEREAS, the City experienced challenges recruiting lifeguards to work at Kershaw Park this summer; and

WHEREAS, Staff received feedback that one potential reason was the City's pay scale for lifeguards is lower than the pay scale for Ontario County and other area businesses that require lifeguards on staff; and

WHEREAS, lifeguards require special certifications than can be costly, and their work is critical to the operation of Kershaw park as well as the experience quality of life City residents enjoy and the visitor experience in our community; and

WHEREAS, the current pay scale for lifeguards is \$10.40-\$10.75 per hour and the pay rate for the head lifeguard is \$11.25 per hour; and

WHEREAS, the City Manager recommends the pay scale for lifeguards be adjusted to \$10.40-\$12.00 per hour and the pay rate for the head lifeguard position be adjusted \$12.50 an hour to account for increases in minimum wage and remain competitive with other employers without adverse budgetary impact;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby amends the pay scale for lifeguards from \$10.40-\$10.75 per hour to \$10.40-\$12.00 per hour; and

BE IT FURTHER RESOLVED, that City Council also amends the pay scale for head lifeguards from \$11.25 per hour to \$12.50 per hour; and

BE IT FURTHER RESOLVED, City Council hereby authorizes the City Manager to implement these pay scales retroactively to the May 26, 2018 at his discretion.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-065:

Moved: Councilmember Ward 4 Sutton

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION APPROVING RIGHT OF WAY AND LOT LINE ADJUSTMENTS
AT 250 NORTH BLOOMFIELD ROAD**

WHEREAS, the City of Canandaigua is the owner of real property located at 250 North Bloomfield Road bearing Tax Map No. 70.19-1-1 (the "Property"), which is leased to the Greater Canandaigua Civic Center (the "GCCC"); and

WHEREAS, the boundary of North Bloomfield Road was previously altered to improve traffic safety by moving the road to the east to intersect North Street at a 90° angle; and

WHEREAS, the northeast boundary of the Property was not adjusted at that time to reflect the movement of North Bloomfield Road and the right-of-way on the Property (the "ROW") was similarly not adjusted at that time to reflect the portion of the Property actually needed to maintain, operate, and repair public roads and utilities in the area; and

WHEREAS, the GCCC now desires to erect a permanent sign on the Property in the existing ROW near the corner of North Bloomfield Road and North Street; and

WHEREAS, the City’s Director of Public Works has determined that the ROW exceeds what is needed to maintain, operate, and repair North Bloomfield Road and other public utilities in the area, and has recommended that the City abandon all excess portions of the ROW; and

WHEREAS, the Director of Public Works specifically recommends that, as shown on the attached Survey, the City Council: (1) abandon the existing ROW up to the “Proposed Street Line,” (2) retain a twenty (20) foot wide right-of-way and utility easement centered above the water main buried within the Property, and (3) apply for a lot line adjustment extending the northeast boundary of the Property to the “Proposed Street Line;” and

WHEREAS, the Director of Public Works advises that the excess ROW described above serves no public purpose whatsoever, and thus, will have no effect or impact on the City or the public should it be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, as recommended by the Director of Public Works and as shown on the Survey, hereby: (1) consents and agrees with the proposed ROW abandonment, (2) retains the proposed twenty (20) foot wide right-of-way and utility easement, (3) authorizes Corporation Counsel to apply for the proposed lot line adjustment, and (4) finds that the excess ROW serves no public purpose whatsoever, and thus, will have no effect or impact on the City of the public should it be abandoned.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-066:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Palumbo

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING

WHEREAS, the City of Canandaigua is contemplating amendments to Chapter 850 of the Municipal Code regarding window signs in the Business Improvement District; and

WHEREAS, making amendments to the Municipal Code requires that a public hearing be held to obtain citizen comments;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that a public hearing regarding the proposed amendments to Chapter 850 of the Municipal Code shall be held in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York during the City Council meeting held at 7:00 p.m. on August 2, 2018; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given and published as required by law.

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

Ordinances:

Ordinance #2018-006:

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

**AN ORDINANCE AMENDING
CHAPTER 648 OF THE MUNICIPAL CODE
TO CHANGE THE PARKING RESTRICTION ON ONTARIO STREET**

Lift from the Table:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 1 Cutri

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

Vote on ordinance:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 1 Cutri

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinance #2018-007:

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

**AN ORDINANCE AMENDING CHAPTER 850
OF THE MUNICIPAL CODE ENTITLED "ZONING"
Regarding Window Signs
In the Business Improvement District**

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 850 is hereby amended as follows [new language is **in bold italics**, deleted language is stricken]

§ 850-62. Window signs.

A. No permit shall be required for window signs, except for Windows Signs displayed for more than 30 days located within the ***Business Improvement District*** ~~€-2A "Main Street Central Business District"~~, where such signs shall require a Sign Permit.

§ 850-72. Preexisting, nonconforming signs.

C. Certain preexisting nonconforming signs shall be made to conform with existing regulations by a date certain as specified in the following chart:

<u>Type of Sign</u>	<u>Date Certain</u>
Window Signs in €-2A <i>Business Improvement District</i>	January 1, 2019

§ 850-75. Sign Schedule with footnotes.

B. Sign Schedule

Zone District	Sign Type	Maximum Sign Area	Number Permitted	Minimum Setback	Maximum Height
C-2A Business Improvement District	Window Signs	25% of window	NA	NA	NA

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

Local Laws: (None)

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

- Thanked everyone and City employees that worked on the 4th of July.

Appointments: None

Miscellaneous:

- Mayor Polimeni thanked City Staff and Nicole Mahoney at Break the Ice Media for putting the parade together.

Adjournment

Council Member Ward 1 Cutri moved to adjourn the regular session at 8:13 PM. Councilmember Ward 3 White seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
JOINT MEETING MINUTES
ENVIRONMENTAL/PARKS COMMITTEE &
ORDINANCE COMMITTEE
Tuesday, June 19, 2018
7:00 p.m.
Wood Library

Environmental/Parks Committee: Karen White- Chair, Bob Palumbo, Renée Sutton, Dave Whitcomb

Ordinance Committee: Dave Whitcomb- Chair, Jim Terwilliger, Nick Cutri (7:21 p.m.), Karen White

Other Council Members: Mayor Polimeni, Robert O'Brien

Staff: John D. Goodwin, Rob Richardson, Terence Robinson

1. Compost Committee Report

The Composting Committee has been working to assist the City in developing a program to reduce organic solid waste. The group has started a pilot program that provided compost bins and kitchen collectors to 20 City residents to determine the viability of a City wide composting initiative. Suzi van der Sterre has been invited to the meeting to update City Council on the activities and progress of the Composting Committee.

Suzi was at the meeting and gave an update on what the compost committee was doing. The pilot program ended June 17th and she will be aggregating data into a report for the next few weeks. They hope to roll out the program City wide by the end of the summer and have been doing preemptive sign-ups for the City-wide initiative. They went to the Farmer's Market over the weekend and got 9 more people to sign up. They are hoping to do more of these tabling events over the summer. They will also have a booth at the Art & Music festival. Any Council members interested in attending these events are welcome, and just to contact her or Karen White. The Mayor asked if Suzi had spoken to the Town composting committee, and she has. She also invited them to come to the tabling events at the Farmer's Market for sign ups. The Mayor heard there was a composting booth at the open house for the new Town garage and they were doing some composting materials. Suzi said they are using larger wooden bins that won't work for City residents. Jim asked if the 9 who signed up were City residents, and they were. Suzi referred any town residents to the Town composting committee.

Karen added that the committee has worked hard, and she is looking for the Environmental Committee to help man the booth at both the Farmer's Market and the Arts and Music Festival from 10 a.m. to 5 p.m. both days. Bob asked if the City-wide initiative at the end of the summer is voluntary, and Suzi said it is. They are focusing on home owners but hopes to find a way to work with people in apartment complexes. John added the funding comes from a State initiative.

2. Special Event- 5k for Kalama

In June, 2009, St. Benedict's Parish began a mission called the Kalama Project with the goal of bringing potable water, access to Health Care, and access to Education for High School and College Aged Youth in Kalama, Kenya. Thus far, the mission has funded a 160 meter bore hole well, construction of a medical clinic, and the education of 2 high school and 2 college students. This special event, scheduled for Saturday, August 11th on Lakeshore Drive will raise money so that work can continue. Erin Hanlon from the Kalama Project will be at the meeting to discuss the event and answer questions.

Erin was at the meeting to discuss the fundraiser. The race has been for the last 4 years on designated Cross-Country routes with the last few at FLCC, but FLCC's course is under construction. She wants to keep the race in Canandaigua, and also thought a road race might be better than an actually Cross-Country Race. The pier would need to close for about 20 minutes during the first mile. She expects to be cleaned up and finished by 11:30 a.m. Last year Young Lion helped them with the event, but they have not finalized any interaction this time. St. Benedicts would like to reach a larger audience and get more participation. John added this is a pre-approved route that has been used for other races. Karen asked if the City will incur a cost, and John said it would be minimal. The Mayor loves the idea and the route.

Renée motioned to approve the event, Bob seconded.

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

3. BID Sign Ordinance

Last year, a new sign ordinance was adopted as means to improve the aesthetic of Downtown and create a unified character. The intent was to include the BID district; however, the ordinance that was passed only include the C-2A which only covers the Main Street frontages. The ordinance did not include side streets or rear entrances. The BID has requested that City Council amend the ordinance to include the entire BID district.

Denise Chaapel from the BID will be at the meeting to answer questions.

John explained this will cover the entire BID district. Karen asked if business owners had been consulted, and John said as far as he is aware she has. Mike Yarger asked if the BID foot print expands would this ordinance apply, and Dave said he believes it will apply to both current and future businesses. Denise was at the meeting to answer questions. She answered Karen's initial question by saying they were contacted last year. She wants to make these changes while the ordinance is still fresh. Renée asked if the January 1, 2019 deadline will be pushed back with the expansion to include the entire BID. Denise does not think there is anyone not aware. Karen asked if neon lights are allowed, and Denise said they are but they can't be flashing. Jim asked if the deadline needs to be moved, and Denise said she doesn't think so. Renée asked if this was being done to address anything specific, and Denise said no. She just wants the ordinance to serve it's intended purpose.

Jim moved to approve the ordinance, Karen seconded.

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

4. Permits for Spraying Pesticides and Herbicides

At the joint Environmental/Parks and Ordinance Committee meeting on May 8th, the committee voted against sending an ordinance banning the use of pesticides in public right-of-ways to full City Council. Council member David Whitcomb requested that a discussion regarding the possibility of requiring permits to apply pesticides and herbicides be added to the agenda.

Dave referenced the e-mail sent out by Terence, stating the City appears not to have an option. Dave asked if we can apply for a Home Rule exception. Essentially, we can't tell people what they can do on their own property. Renée sent something out regarding this, saying we could petition the DEC commissioner to enact stricter standards and Dave said if we can we should. Karen asked what makes this different, and Dave said it's because the State has claimed explicit jurisdiction over pesticides. It was suggested that this is due to pesticide lobbying. Karen would like to bring back up neighborhood notification. Dave suggested we introduce it at City Council. John added the DEC commissioner might not have the authority to grant an exemption. The Mayor wants to know how we are moving forward, and Karen would like to contact the County Board of Supervisors to get the neighborhood notification in Ontario County. Dave would also like to contact the DEC Commissioner to get an exemption to allow for

permitting and a local law. Karen asked if we could do a moratorium, and Dave said no because it's private property. We can do it in our parks because it's public land. Jim added that he spoke to Terence after the last meeting to see if we could do anything to accomplish the spirit of the legislation, and he had not heard back. John suggested passing a resolution asking the County to consider neighbor notification, and Dave and the Mayor suggested we talk to our county representatives first. Robert asked if rather than a legislative path we could do a "feel good" educational approach where we set the example hoping others follow. He referenced recycling and composting, which started slow and caught on. Karen said she would work on something like that. She also stated she doesn't want people to go to jail for this, she just wants people to know it's being used near them.

The Mayor mentioned for the good of the order that we are presenting our DRI in the City tomorrow. She thanked John and Rob for their work and asked of prayers of support. Robert thanked them for community gardens.

Karen asked about community volunteers doing park maintenance, and the Mayor said there would be an article in the Daily Messenger to help coordinate these efforts moving forward.

The Finance Committee needs to meet, but there is a joint meeting with the Town on the 26th at 6 p.m. at the Elk's Club. John proposed meeting at Jefferson Park on the 28th, and the group approved.

There was discussion about the 4th of the July Parade. The Mayor wanted a Council member to commit to volunteering to organize City Council's role in the parade.

Dave motioned to adjourn, Bob seconded.

Meeting adjourned at 7:51 p.m.

APPENDIX B
FINANCE/BUDGET COMMITTEE
Thursday, June 28, 2018
7:00 PM
Jefferson Park Multi-Purpose Room

Committee: James Terwilliger, Chairman , Robert O'Brien, Steve Uebbing (**absent**), Nick Cutri

Other Council Members: Mayor Polimeni, Bob Palumbo, Karen White, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, Jim Sprague

1. Change Order Request for Water Main Project

At its October 5, 2017 meeting, City Council passed Resolution #2017-106 awarding the contract for the Water Distribution Systems Improvement project to Nardozzi Paving and Construction, LLC for a contract amount not to exceed \$287,490. Once complete the project will result in redundancy in the water distribution system. The project included two new mains: (1) through the NYS Boat Launch and (2) under NYS Rt. 5&20 in front of Wegmans. The contractor was unable to bore through a giant boulder underneath NYS Rt. 5&20 and there has been a disagreement over payment for uncompleted failed work and the completion of the project. A tentative agreement was made, pending City Council approval, to resolve the dispute and complete the project. The agreement requires the appropriation of \$35,000 from the Water Fund Capital Reserve to fund a change order. The funds would only be utilized if a pilot hole to directionally bore in lieu of a horizontally bore is successful. Although this change order results in the necessity of additional funding, the alternative of rebidding the work is anticipated to be costlier. As such, City Staff recommends approving the change order and appropriating \$35,000 from the Water Fund Capital Reserve. Jim Sprague will be at the meeting.

John provided a brief timeline of what has happened with the project thus far. He discussed the proposal from Nardozzi to complete the project. Going out to bid at this point would be time consuming and costly, especially considering this was much less than the initial bid. Going back out to bid would also potentially increase the cost because we now know there is a boulder there. Jim pointed out this is about a 15% increase from the original cost. Robert asked how the bond works with this. John said we could pull the bond, but if we did Nardozzi would go to litigation. Renée asked what Terence's opinion was, and he thought we would win in court but it could be costly. Bob asked if there was an out clause in the contract, and Jim confirmed there is which made this complicated. We showed them the bore that had a boulder in it, but it boils down to a he said-she said. Bob asked how big the bore would be, and Jim said it would be 2-3 inches depending on the drill they choose to use. Ultimately it will be a 14-inch directional bore.

Nick moved to approve the change order, Robert seconded.

Robert asked what an alternative option could be, and Jim said we would have to back up and potentially move several hundred feet down 5&20. Karen asked if we could back to the state and ask for a permit to go through the road, and Jim said they have. They told us we could use a different drilling approach but aren't willing to allow us to cut the road.

3 in favor, 0 opposed. Motion carries to Full Council.

2. 2019 Street Reconstruction Project Engineering

The City's infrastructure program includes the complete reconstruction of multiple streets every four years. The street reconstruction project includes the rebuilding, replacement and/or installation of the roadway, sidewalks, curbing, sanitary sewer, storm sewer, water main and street trees. At the February 27, 2018 Finance/Budget Committee, City Staff recommended continuing this program and recommended reconstructing a portion of Bristol Street, Antis St., Sand St., Bristol Ct. and if available funding permits Bates Street. A bid was prepared for the engineering, design and construction observation/inspection with said bid opening taking place on June 22, 2018. Of the six (6) proposals received, Hunt Engineers submitted the lowest bid for the scope of the project totaling \$248,650. The City Manager and the Director of Public Works recommend awarding the contract to Hunt Engineering for engineering services to complete the design of the proposed 2019 multiple streets reconstruction project and provide full-time observation during construction for an amount not to exceed \$248,650.

Jim offered a brief review of the process thus far. He spent an hour with Hunt Engineering the morning, and he feels confident that Hunt included the full scope of work and did the best job of understanding what the City is trying to accomplish. One thing not included was a DOT permit, which increases the cost by \$3500 but still makes Hunt substantially cheaper. John said we would use cash for the design and bond out the rest of this as well as the contractor for the project. Jim asked what our experience with Hunt has been in the past, and Jim said they have done work for us before and he is comfortable with their firm. They have several retired DOT guys who would represent us well during the construction process and strong design team. Karen asked what the community notification and input on this project, and Jim said community involvement and communication was part of the RFP. They also included a requirement for a design report that will tell us their methodology for the project which will help the City provide better information to residents. John added we learned from last time in a similar situation, so they are going to mark the trees and send the letters at the same time so people see the ribbons and are notified simultaneously. Karen asked when residents would know, and Jim said they hope to get started this summer. Karen suggested we put something in the paper to start the notification process, and John said we can definitely do that. Jim added we could talk to Mike Murphy about doing an article which John said he would. Robert suggested posting signs in the neighborhood. Jim asked if the Tree Committee would be involved, and Jim said that City Arborist Stephanie Crim would act as a liaison. Robert asked when the project will be finished, and Jim said they expect it to be done during the 2019 construction season.

Robert moved to award the contract, Nick seconded.

3 in favor, 0 opposed. Motion carries to Full Council.

3. City Facilities Security Assessment

Recently, Staff evaluated security at certain City facilities. Based on this review, it was determined that updates and upgrades could be made to upgrade facility security. City Council requested that staff solicit bids for a security assessment of facilities. Bids were solicited from firms familiar with facility security in order to determine the actual scope and an estimated cost of these upgrades. The only respondent was Hunt Engineering, located at 4 Commercial Street, Suite 300 in Rochester, NY, for an amount not to exceed \$16,500. Their proposal and price point include working with their partner Corporate Consulting Investigations (CCI) from Buffalo, NY who provide security analysis expertise. The \$16,500 needed for this project were not included in the adopted 2018 Budget, requiring an \$8,250 appropriation from the Water Fund Balance and an \$8,250 appropriation from the Sewer Fund balance to cover the \$16,500 cost. Staff recommends awarding a contract to Hunt Engineering, in conjunction with CCI, for facility security analysis for an amount not to exceed \$16,500. Staff also recommends appropriating \$8,250 from both the Water Fund Balance and the Sewer Fund Balance respectively to fund the project.

John provided a brief synopsis of the request. The Mayor added this is only for the analysis, not the actual project itself. Bob clarified this will provide recommendations for us to use moving forward.

Renée was hoping this could be done through the EPA tools that are offered. She asked if we did the EPA self-assessment, and John said each plant operator did the assessment, but not with the EPA checklist and City Council asked us to take this route. Robert said he is very comfortable having an outside agency do this assessment because Peter is an expert plant operator and this would detract from his day to day operations. Robert thanked Bob and Renée for bringing this item to the attention of City Council. Karen thinks we should look into this ourselves using official checklists and putting this in next years budget. John added we did this, and Council recommended we find an outside firm. He thinks the operators did that already. Bob thinks this is the way to go because this is what they do- our plant operators offered general suggestions but these guys are experts. Nick agreed with Bob.

Nick moved to approve the request, Robert seconded.

Jim also agrees with bringing in a consultant. These people know what is current. John added they recently did work for the City of Buffalo water plants. Robert added they can help us prioritize, and John added that was part of the RFP.

3 in favor, 0 opposed. Motion carries to Full Council.

4. Small Business Loan Program

At its September 7, 2017 meeting, City Council passed Resolution #2017-094 establishing the City's Small Business Development Loan Program. After receiving business community feedback regarding the program scope and stipulations, the Selection Committee is recommending changes to make the program more accessible and attractive to small business owners and maximize its potential. The proposed program adjustments include: changing the minimum project amount from \$10,000 to \$5,000 with an expedited approval process for loans within the range of \$5,000 to \$10,000, reducing the borrower match from 75% to 25% of the total project and streamlining the application requirements. The proposed revisions are attached to this agenda.

Jim needed to recuse himself, which meant we no longer had a quorum to vote on this issue at the Committee level. He turned the item over to John, who gave a brief synopsis of what has happened with the program thus far. He went to people who showed interest but didn't apply and learned our application requirements might be too stringent. He then reviewed the proposed changes to the program to increase interest. Renée likes the changes to the program, and thinks these adjustments make the program much more successful. Karen was not supportive of the program changes. She thinks this is extremely risky, especially going to a 75% match. This is not what CDBG funds are for, and this money is for improving blighted neighborhoods. We've given money to two big projects, but nothing to the community. The Mayor clarified this is not CDBG money- it has been paid back through various loan programs over the course of many years as well as grants from the State of New York. Karen disagrees, and thinks all Council has done is give money to successful businesses. Renée understands where she is coming from, but this cap on the loans is \$50,000. Renée asked what he do in terms of looking at scores, and John said that is why we partner with CNB. Renée asked if the Town has a similar program, and John said no but we could potentially be expanded. Some of the money we are getting from the shared service initiative can be put to economic development. Bob asked if landlords can use this to purchase property, and John said no. The Mayor added this has been a process that has taken 2-3 years and was done by a committee, and any changes we need to make should be run by that committee. Karen doesn't see why landlords should not be allowed to apply. Robert is in favor of this and added this is part of the comprehensive plan. If housing can be added, we can talk about it, but holding this up makes no sense considering this program was set up to benefit small businesses. We should not ignore the feedback from the people who were interested because they are the target audience. Renée doesn't see a need to hold it up either. Bob suggested an asterisk next to the property acquisition bullet to clarify what is and isn't allowed. Nick suggested we table it until the stipulations suggested by Bob are necessary for approval. The Mayor

added there is interest in creating another program that could make loans to rental property owners, but she also thinks it would be a hard sell to the community. If there are other programs that people think we need, we can look at creating them. Eric Cooper is generally supportive of the changes, but he asked how many businesses he spoke to about the changes. He said at least 5 provided comments, and also spoke to CNB who thought our requirements were a bit to stringent. He asked why the submitted applications were denied, and John said he couldn't get into specifics but one was looking for working capital and another didn't meet the matching requirement. There were other red flags that suggested these loans were more risky. He supported Bob's revisions. He asked if we were going to consider raising the interest, and John said that isn't the intent. It is meant to be an incentive.

Nick motioned to table this, Robert seconded.

Robert asked when we could see an adjusted document, and John said he could amend it for the July 5th Council meeting.

5. Proposed Solution for Mini-Storage Rezoning Request

At the May 1st Planning/Development Committee meeting, City Council held a general discussion with the Planning Commission regarding a request from the Tim Stone, City Mini Storage, to rezone South Main Street areas to allow for the expansion of the self-storage business. The Planning Commission determined that the rezoning request was inconsistent with the Comprehensive Plan and City Council ultimately voted down the rezoning ordinance at its May 3rd meeting. City Council did request that City Staff further review the matter in an attempt to find a potential solution that is consistent with the Comprehensive Plan while also meeting the needs of the business owner. City Staff has two solutions. The first is that the business can meet its expansion needs (climate-controlled building) by constructing such a facility on the grounds of the current mini-storage facility (such plans were approved in December 2017). The second is to appoint an ad-hoc committee to revisit the 2013 Comprehensive Plan with the task of reviewing the plan to determine its adequacy and identify need for a possible update.

This item was removed from the agenda after Citi-Mini Storage decided not to submit a rezoning request and wait for the comprehensive plan to be updated. Renée asked if would could see the approvals John mentioned in his e-mail, and John said there he included the information from December 17, 2017. He added if she wanted more information he would be happy to provide it. The Mayor added Tim acknowledged he knew he had the approvals but chose a different building path.

Eric appreciated us not approving his request and asked if we will be establishing a committee to review the Comprehensive Plan, and the Mayor added we will put one together for next year.

6. Executive Session- Work History of Individuals

Nick motioned to adjourn to Executive Session, Robert seconded.

Meeting adjourned to Executive Session at 7:58 p.m.

Nick motioned to adjourn, Robert seconded.

Meeting adjourned at 8:09 p.m.