

REVISED
CITY COUNCIL AGENDA
THURSDAY, August 6, 2020
7:00 P.M.
<https://zoom.us/j/98371065759>

City Council: **Bob Palumbo, Mayor**
 Nick Cutri, Councilmember Ward I
 Dan Unrath, Councilmember Ward II
 Karen White, Councilmember Ward III
 Erich Dittmar, Councilmember Ward IV
 Robert O'Brien, Councilmember-at-Large
 Renée Sutton, Councilmember-at-Large
 James Terwilliger, Councilmember-at-Large
 Steve Uebbing, Councilmember-at-Large

John Goodwin, City Manager
 Rob Richardson, Assistant City Manager
 Nancy Abdallah, City Clerk/Treasurer
 David Hou, Corporation Counsel

Public Hearings:

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Review of 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.**
- 4. Approval of Minutes: July 2, 2020**
- 5. Recognition of Guests:**
- 6. Committee Reports:**
Planning Committee held July 7th & August 4th, next meeting: Tuesday, September 1st.
Finance Committee held July 7th & August 4th, next meeting: Tuesday, September 1st.
Environmental Committee held July 21st, next meeting: Tuesday, August 18th.
Ordinance Committee held July 21st, next meeting: Tuesday, August 18th.

7. Resolutions:

Resolution #2020-051:

A Resolution Supporting the Effort to Rename Squaw Island

Resolution #2020-052:

A Resolution Setting the Snow Removal Fee for the 2020-21 Snow Season

Resolution #2020-053:

A Resolution Authorizing a Municipal Cooperation Agreement to Provide School Resource Officers

Resolution #2020-054:

A Resolution Authorizing the Closure of a Public Parking Lot to Accommodate Outdoor Dining

Resolution #2020-055:

A Resolution Authorizing the Extension of Deferred Payments for the Small Business Loan Program

Resolution #2020-056:

A Resolution Authorizing a Budget Amendment

Resolution #2020-057:

A Resolution Declaring a Used and Unwanted Vehicle Surplus

Resolution #2020-058:

A Resolution Setting the Time and Place of a Public Hearing on Local Law No. 4 of 2020 Relative to Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-C

8. Ordinances:

9. Local Laws:

10. Manager's Report

- Roseland Pennant

11. Appointments

- Thomas Lyon, Climate Smart Canandaigua Task Force Chair

12. Miscellaneous

13. Adjournment

RESOLUTION #2020-051

A RESOLUTION SUPPORTING THE EFFORT TO RENAME SQUAW ISLAND

WHEREAS, Squaw Island, a wildlife management area under the jurisdiction of the New York State Department of Environmental Conservation (NYSDEC), is an island located in Canandaigua Lake, just outside of City Limits, that is visible from the City Pier; and

WHEREAS, while it is widely believed that the island got its name from its purported use as a place of refuge for Iroquois women during the Revolutionary War, the term “squaw” is considered to be a derogatory English term meant to cast Native American Women in a negative light; and

WHEREAS, recently, a member of the community approached City Council asking to have the name of Squaw Island changed, pointing out that other communities, including City of Buffalo, have taken similar action by renaming their own Squaw Island to what is now known as Unity Island in 2015; and

WHEREAS, the City has no jurisdictional authority to rename the island, as it lays in the Town of Canandaigua and under the jurisdiction of the NYSDEC; and

WHEREAS, despite not having the ability to change the name, City Council firmly believes that the offensive name “Squaw Island” should be changed to something more appropriate;

NOW, THEREFORE, BE IT RESOLVED, that City Council recognizes the derogatory and defamatory stigma attached to the name “Squaw Island,” and fully supports the efforts being made to have it renamed.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

RESOLUTION #2020-052

A RESOLUTION SETTING THE SNOW REMOVAL FEE FOR THE 2020-21 SNOW SEASON

WHEREAS, at its June 4th meeting, City Council passed Ordinance #2020-002 Amending Chapter 600-12, Snow and Ice Removal, of the Municipal Code to allow City Council set the fee for snow removal when residents fail to clear their sidewalk 24 hours after a snow event; and

WHEREAS, the ordinance went into effect July 1st, and now Council must now determine what the snow removal fee will be for the 2020-21 snow season; and

WHEREAS, prior to this change, the fee for snow removal was set at \$80, which was calculated based on one hour of work; and

WHEREAS, Staff recommends starting with a flat fee of \$50 per incident; and

WHEREAS, this recommendation was reviewed and approved at the July 7th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby sets the snow removal fee for the 2020-21 snow season at \$50 per incident.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

ORDINANCE # 2020-002

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.

ADOPTED this 7th day of May, 2020

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

RESOLUTION #2020-053

A RESOLUTION AUTHORIZING A MUNICIPAL COOPERATION AGREEMENT TO PROVIDE SCHOOL RESOURCE OFFICERS

WHEREAS, the Canandaigua City School District has contracted with the City of Canandaigua to provide a school resource officer (SRO) program in order to develop a strong, supportive relationship between students, faculty and law enforcement which deters criminal behavior and maintains a safe learning environment; and

WHEREAS, the Canandaigua City School District desires to continue the SRO program with one part-time officer and one full-time officer for the 2020-2021 school year; and

WHEREAS, the Canandaigua City School District has agreed to reimburse the City for 100% of the expense of the part-time officer and 50% of the expense of a full-time officer assigned as the Youth Officer and SRO; and

WHEREAS, the City desires to continue the SRO program;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an agreement with the Canandaigua City School District to provide school resource officers in substantially the same form as attached hereto.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

**MUNICIPAL COOPERATION AGREEMENT
BETWEEN THE
CITY OF CANANDAIGUA AND THE
CANANDAIGUA CITY SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICERS**

This agreement is made this ____ day of _____ 2020 by and between the City of Canandaigua (the “City”) with its principal office at 2 North Main Street, Canandaigua, New York, 14424, and the Canandaigua City School District (the “School District”) with its principal office at 143 North Pearl Street, Canandaigua, New York 14424.

WITNESSETH:

WHEREAS, the School District desires to continue the school resource officer (SRO) program, to develop a strong, supportive relationship between students, faculty and law enforcement in order to deter criminal behavior and maintain a safe learning environment; and

WHEREAS, the School District desires to continue the SRO program with one full-time and one part-time SRO, for the 2020-2021 school year; and

WHEREAS, the City desires to provide SRO services to the School District; and

WHEREAS, it is in the best interests of the citizens of the City and the School District to maintain this program; and

WHEREAS, the School District has agreed to reimburse the City for 100% of the expense of the part-time Police Officers assigned to the SRO program;

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

Term

1. The term of this agreement shall commence on August 1, 2020, and terminate on July 31, 2021.

Eligibility and Appointment

2. The SROs shall be sworn City Police Officers employed by the City.

3. If there is a need to replace an SRO, the School District shall participate in the selection of the SRO and shall be offered the opportunity to interview at least two applicants. The City shall be the hiring authority.
4. The City reserves the right and authority to periodically monitor and evaluate the performance of SROs and, if necessary, initiate remedial measures to correct deficiencies or improve performance. Input from the School District administration will be part of this process. At the time of each SRO's performance evaluation, the School District shall provide a written evaluation of the SRO's work performance to be attached to and included as part of the City's review.

Funding and Compensation

5. During the term of this agreement, the School District shall reimburse the City for the full cost of the part-time Police Officer assigned to the SRO program, including wages and benefits, health insurance, and all other benefits that may be payable to the part-time SRO as required by the current or future collective bargaining agreement between the City and the Canandaigua Police Benevolent Association and all other associated costs (dry cleaning, uniform issue, equipment issue and all other required annual in-service training). It is agreed if these accumulated costs reach \$35,000 for the school year that the City and the School District will meet to determine and reconcile the cause of the expenditure overage for the part-time SRO.
6. The City and School District agree to share the cost of a full-time police officer to serve as an SRO and Youth Officer. The estimated cost is \$134,000, to be shared equally by the City and School District. It is agreed if these accumulated costs exceed the estimated \$134,000, the City and the School District will meet to determine and reconcile the cause of the expenditure overage for the full-time SRO and Youth Officer.
7. In recognition of the value to the City of having SROs stationed at the School District's facilities, the City will not ask for reimbursement from the School District for the expense of providing the SROs with the use of a Police vehicle(s).
8. The City shall invoice the School District for the periods ending December 31, 2020, March 31, 2021 and June 30, 2021.

9. The work hours of the part-time SRO will not exceed an average of 30 hours per week (averaged over a 40-week period), nor exceed 40 hours in any work week, except for a full-time Police Officer in accordance with paragraph 6 of this agreement.
10. The full-time SRO will be assigned work from the City's Police Department during the summer months when school is not in session. Nevertheless, said full-time SRO will be available to the School District as needed, and will continue to fill their role as Youth Officer for the City's Police Department.

Day-to-Day Operation during the School Year

11. The SROs shall act as educators, counselors and police officers. The SRO's hours may be allocated between assignments at the locations of the Academy, the Middle School and the Primary/Elementary School as determined by the School District with consent of the City.
12. The SROs shall coordinate all of their activities with the principal and staff members concerned and will seek advice, guidance and permission from the school administration prior to enacting any program within the school(s).
13. The SROs shall on a daily basis, during their regularly scheduled hours, confer with the on-duty supervisor regarding current police activities. Both SROs will be directly supervised by, and report directly to, an assigned supervisor within the City's Police Department.
14. The SRO's regular working hours may be adjusted on a situational basis with the consent of the School District's administration and approval from the SRO's supervisor at the City's Police Department.
15. When appropriate and authorized by the City, the SROs may keep the School Principal and/or Superintendent of Schools informed of the nature of any investigation of any alleged criminal activities involving students, employees, teachers, or third parties that have allegedly occurred on school grounds. The role of school discipline shall remain with the School District administration.
16. On a daily basis, the SRO's shall update their direct supervisor at the City's Police Department (Sergeant/Lieutenant), and the Assistant Superintendent for Personnel and Support Services regarding any pertinent activities, issues or situations.

Training

17. The City's Police Department shall provide the necessary training considered by the Police Department as needed to maintain the skills and knowledge of the SROs in the capacity of Police Officers. Scheduling of training and/or conferences during the school year shall be coordinated between the School District's administration and the police supervisor prior to the training.

Independent Contractor

18. The City shall be providing services to the School District as an independent contractor, and any and all services performed by an SRO under this Agreement shall be performed in such capacity. The SRO shall not hold himself/herself out as, nor claim to be, an officer or employee of the School District, nor make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the School District, including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage, disability benefits, or retirement membership or credit. The SRO shall not have or hold himself/herself out as having the authority or power to bind or create liability for the School District by the SRO's acts or omissions. As the SRO's employer, the City shall comply with all Federal, State, and local laws rules and regulations, and shall pay any applicable taxes, including income taxes, workers' compensation insurance, unemployment insurance payment, disability insurance payment, and/or any other payments that may be required under the laws, rules, or regulations of any government agency having jurisdiction over the City's Police Department or its relationship with the School District. The City further agrees to indemnify and hold the School District harmless against any claim, cost, penalty, damage, or expense (including attorneys' fees) related to either parties nonpayment and/or underpayment of any such taxes or payments. These provisions shall survive any expiration, termination, or non-renewal of this Agreement. An SRO assigned to the School District is under the direct supervision of the command officers of the City's Police Department.

Mutual Indemnification

19.

(a) Except for any liability, damages, claims, demands, costs, judgments, fees, and attorneys' fees contributed to, caused by or resulting from the negligence or willful misconduct of the City, its Police Department, or the Police Department's officers, employees or agents, the School District shall indemnify and hold harmless the City, its Police Department, and the Police Department's officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the negligent acts or omissions hereunder by the School District; and the School District shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of such acts or omissions and shall bear all other reasonable costs and expenses related thereto.

(b) Except for any liability, damages, claims, demands, costs, judgments, fees, and attorneys' fees contributed to, caused by or resulting from the negligence or willful misconduct of the School District, its officers, employees or agents the City shall indemnify and hold harmless the School District, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the negligent acts or omissions hereunder by the City, the SRO, or third parties under the direction or control of the City; and the City shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of such acts or omissions and shall bear all other reasonable costs and expenses related thereto.

Governing Law

20. The Agreement shall be construed and interpreted in accordance with the laws of New York State.

Assignment

21. This Agreement may not be assigned by either party.

Applicability

22. It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter thereof. Any alterations, amendments, deletions, or waivers of the provisions in this Agreement shall be valid only when expressed in writing and duly signed by the parties.

City of Canandaigua

Canandaigua City School District

By: _____
City Manager

By: _____
Superintendent

RESOLUTION #2020-054

**A RESOLUTION AUTHORIZING THE CLOSURE OF A DOWNTOWN PARKING LOT
TO ACCOMMODATE OUTDOOR DINING**

WHEREAS, one of the industries hit hardest by the COVID-19 Pandemic was the restaurant industry. Even as New York State continues the process of reopening, restaurants continue to deal with occupancy restrictions that threaten their ability to remain in business; and

WHEREAS, to combat these restrictions and remain compliant with State guidelines, several restaurants in the City have started offering outdoor dining; and

WHEREAS, the response to outdoor dining has been so positive, in fact, that restaurant owners have approached the City to explore options to expand the service; and

WHEREAS, restaurant owners are requesting the City close a portion of the parking lot between the Simply Crêpes and the Chamber during designated hours to allow more outdoor dining, with the proposed space estimated to be able to accommodate 100 patrons at socially distant tables; and

WHEREAS, this proposal would also benefit multiple businesses Downtown, as any restaurant would have the ability to display menus for delivery or takeout for patrons dining outdoors with Simply Crêpes holding the liquor license; and

WHEREAS, Staff recommends authorizing the closure, and this recommendation was reviewed at the August 4th Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the closure of the public parking lot between Simply Crêpes and the Chamber of Commerce to accommodate outdoor dining; and

BE IT FURTHER RESOLVED, that the restaurants shall adhere to any regulations that the City Manager or the Police Department establish to ensure the health and safety of Canandaigua residents and visitors.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

RESOLUTION #2020-055

A RESOLUTION AUTHORIZING THE EXTENSION OF DEFERRED PAYMENTS FOR THE SMALL BUSINESS LOAN PROGRAM

WHEREAS, in response to COVID-19, many businesses were required to close or substantially change, or suspend operations to comply with State guidance; and

WHEREAS, this trend also impacted the small businesses in the City of Canandaigua, including those who have taken advantage of the City's Small Business Loan Program; and

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

WHEREAS, at its April 2nd meeting, City Council passed Resolution #2020-027 authorizing deferments for the Small Business Loan Program payments for ninety (90) days; and

WHEREAS, with that ninety (90) day period now lapsed, some of the businesses in the Small Business Loan Program continue to struggle, with one still unable to reopen due to State guidelines; and

WHEREAS, Staff recommends authorizing an additional ninety (90) day forbearance period for the Small Business Loan Program in the hope the additional forbearance will allow businesses in the program to regain their financial footing; and

WHEREAS, this recommendation was reviewed at the August 4th Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the extension of deferred payments for an additional ninety (90) day forbearance period for the Small Business Loan Program.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

RESOLUTION #2020-056

A RESOLUTION AUTHORIZING A BUDGET AMENDMENT

WHEREAS, the City received notification from New York State Department of Environmental Conservation (NYSDEC) that New York State Electric & Gas (NYSEG) discovered five (5) orphaned underground storage tanks (USTs) in the right-of-way in front of 25 Ontario Street, along with petroleum contaminated soil; and

WHEREAS, NYSEG removed four (4) of the five (5) tanks that interfered with their gas main replacement project and properly disposed of the contaminated soil surrounding them. The fifth tank was left in place in the right-of-way and the NYSDEC has declared the City of Canandaigua as the property owner and responsible for its removal as well as determining the full extent of any impacts to soil and groundwater; and

WHEREAS, the City has ten (10) days from the receipt of the letter (July 27, 2020) to claim responsibility for the removal and remediation of the last tank; and

WHEREAS, should the City refuse, the NYSDEC will hire its own contractor to complete the work and bill the City for “all direct and indirect costs associated with the UST removal and any investigation and remediation of the site”; and

WHEREAS, funding for this work was not included in the 2020 Budget, and Staff recommends authorizing a Budget Amendment in the amount of \$15,000 to cover the cost of the project; and

WHEREAS, this recommendation was reviewed at the August 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby appropriates \$15,000 from the 2020 contingency for the removal of the fifth tank in the right-of-way at 25 Ontario Street, as well as any investigation and/or necessary remediation of contaminates and authorized the Clerk/Treasurer to transfer said funds to the appropriate account.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Spill Prevention and Response Program, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5433 | F: (585) 226-8139
www.dec.ny.gov

{sent by email only to JPS@canandaiguanewyork.gov}

July 27, 2020

Mr. James Sprague, P.E.
Director of Public Works
City of Canandaigua
205 Saltonstall Street
Canandaigua, New York 14424

**Subject: Orphaned Underground Storage Tank
Right-of-Way In Front Of 25 Ontario Street
Canandaigua (C), Ontario County
NYSDEC Spill No. 2002378**

Dear Mr. Sprague:

Between about June 30 and July 21, 2020, New York State Electric and Gas (NYSEG) discovered 5 orphaned underground storage tanks (USTs) in the right-of-way in front of 25 Ontario Street, along with associated petroleum contaminated soil. NYSEG removed and properly disposed of four of the USTs, including removing and properly disposing of contaminated soil surrounding the tanks, that were in the way of their gas main project. The fifth UST was left in place by NYSEG.

The purpose of this letter is to notify you that NYSDEC considers the City of Canandaigua, as the property owner, responsible for the fifth UST and for Spill No. 2002378. The Department is requiring the UST be removed by a qualified contractor following standard UST closure protocol, including the collection of confirmation samples. As required by Article 12 of the Navigation Law and/or Article 17 of the New York State Environmental Conservation Law, the full extent of any impacts to soil and groundwater will have to be determined. Following the required investigation, appropriate remedial measures, if necessary, will then need to be implemented.

Please advise this office within **10 days** of receipt of this letter if you will accept financial responsibility for the UST removal and any necessary investigation and remediation. Refusal to accept financial responsibility will result in the Department hiring a contractor to conduct the work, and lead to the payment of the bill by the NYS Oil Spill Compensation Fund. The State will then bill you for all direct and indirect costs associated with the UST removal and any investigation and remediation of the site.

If you require additional information or have any questions or comments, please contact me at the above address or by telephone at (585) 226-5322.

Sincerely,

Gregory Young

Gregory Young
Professional Geologist 1
Spill Prevention and Response Section

Digitally signed by Gregory Young
DN: cn=Gregory Young, o=NYSDEC, ou, email=gregory.young@dec.ny.gov, c=US
Date: 2020.07.27 10:32:46 -04'00'



RESOLUTION #2020-057

A RESOLUTION DECLARING A USED AND UNWANTED VEHICLE SURPLUS

WHEREAS, there exists a used and unwanted vehicle that is no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicle on the attached list so that it may be sold at public auction or via sealed bid;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby declares as surplus the vehicles contained on the attached list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines.

ADOPTED this 6th day of August, 2020.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

SURPLUS VEHICLE

2013 Chevrolet Impala VIN #2G1WD5E39D1249656

RESOLUTION 2020-058

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
LOCAL LAW No. 4 OF 2020
RELATIVE TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE
LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing regarding Local Law No. 4 of 2020 relative to a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, shall be via Zoom during the meeting held at 7:00 p.m. on September 3, 2020; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 6st day of August, 2020.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

LOCAL LAW No. 2020-004
City of Canandaigua, County of Ontario

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY
IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2021 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this 3rd day of September, 2020.

ATTEST:

Nancy C. Abdallah,
City Clerk/Treasurer