

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, SEPTEMBER 3, 2020, 7:00 P.M.

<https://zoom.us/j/96276596897?pwd=MjF5NFJmdnc0eDFBQUsvMUwza1NSUT09>

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 Renee Sutton  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large Stephen Uebbing  
Mayor Bob Palumbo

**Absent:**

Councilmember-at-Large Robert O'Brien (Arrived 7:05 p.m.)

**Also Present:**

City Manager John D. Goodwin  
Corporation Counsel David K. Hou, Boylan Code  
Assistant City Manager Rob Richardson

Mayor Palumbo asked for a moment of silence for the former Canandaigua Police Chief Patrick McCarthy, who passed away last week.

**Review of Community Core Values:** Councilmember Ward 3 White 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:** August 6, 2020

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 3 White

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

**Recognition of Guests:**

- Denise Chaapel Downtown BID Manager spoke about things happening in the Business District. "Central of the Main" is now open to help downtown restaurants to be successful via an outside dining experience. Hours are Friday and Saturday from 4-9 p.m. and Sunday for takeout seating. There is a giant hand painted Adirondack chair in the Commons Park which kicked off the "Adirondack Charity" featuring 20 hand painted Adirondack chairs that are on display which are being sold via an on line silent auction which ends with a live auction on September 12<sup>th</sup>. Frequentem Brewing Company has opened up at the former Byrne Dairy locations.

## **Committee Meetings:**

### ***Planning Committee:***

August 11, 2020 (Appendix A)

- Policy Discussion Follow-Up

September 1, 2020 (Appendix B)

- Records Retention Schedule
- Comprehensive Plan SEQR
- Policy Discussion

### ***Finance Committee:***

August 11, 2020 (Appendix A)

- Staffing and Hiring Freeze

September 1, 2020 (Appendix B)

- Cell Tower Lease Amendments
- Fire Station 1 Apparatus Bay Floor Update
- 2021 Budget Discussion

***Environmental Committee:*** August 18, 2020 (Appendix C)

- Race Track Noise Pollution
- Solid Waste Audit Update

***Ordinance Committee:*** August 18, 2020 (Appendix C) (No Quorum)

- Carry-In, Carry-Out Policy

## **Resolutions:**

### **Resolution #2020-059:**

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 3 White

## **A RESOLUTION ADOPTING RECORDS RETENTION AND DISPOSITION SCHEDULE**

**WHEREAS**, the New York State Archives has revised and consolidated its local government records retention and disposition schedules into a single comprehensive retention schedule for all types of local governments titled Retention and Disposition Schedule for New York Local Government Records and referred to as LGS-1; and

**WHEREAS**, the LGS-1 supersedes and replaces all previous schedules including the MU-1 Schedules for cities, towns, villages and fire districts which will expire on December 31, 2020 and thus requires that local governments adopt the LGS-1 by January 1, 2021; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Canandaigua that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and

**BE IT FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

*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 #2020-060:**

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

**A RESOLUTION AFFIRMING THE FUND BALANCE POLICY**

**WHEREAS**, the City of Canandaigua established a Fund Balance Policy for the General Fund in 2007; and

**WHEREAS**, the objectives of this policy are/were to preserve the credit worthiness of the City, to provide working capital to meet cash flow needs during the year and to stabilize the fluctuation from year to year in property taxes paid by the City's taxpayers; and

**WHEREAS**, this policy was reviewed and approved at the August 11<sup>th</sup> Finance Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby affirms and re-adopts the Fund Balance Policy substantially in the form as attached hereto.

*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 #2020-061:**

Moved: Councilmember Ward 3 White  
Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION DETERMINING  
THE ENVIRONMENTAL SIGNIFICANCE OF  
REVISING THE CITY OF CANANDAIGUA COMPREHENSIVE PLAN**

**WHEREAS**, the City Council has prepared a revision to the City of Canandaigua Comprehensive Plan in accordance with General City Law §28-a (aka “The Project”); and

**WHEREAS**, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed project, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

**WHEREAS**, upon review of the information recorded on the EAF and in consideration of the criteria for determining significance as set forth in NYCRR 617.7(c), the City Council has reasonably determined that the proposed project will not result in a significant adverse environmental impact.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that a SEQR Negative Declaration shall be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

*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 #2020-062:**

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

**A RESOLUTION ADOPTING THE 2020 REVISION TO THE  
CITY OF CANANDAIGUA COMPREHENSIVE PLAN**

**WHEREAS**, by resolution of the City Council, a Comprehensive Plan Committee was appointed and charged with reviewing and revising the city’s Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan Committee has completed this charge and delivered to the City Council a draft of this revision; and

**WHEREAS**, the City Council has reviewed this draft, made the required referrals, held a public hearing, and completed the State Environmental Quality Review.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The City Council commends the Comprehensive Plan Committee for their work on this project.
2. Pursuant to its authority from General City Law § 28-a, the City Council hereby amends the 2013 Comprehensive Plan by replacing it in its entirety with this 2020 revision.
3. The Comprehensive Plan, shall be a statement of goals and recommendations endorsed by the City Council, which shall serve as a guide for the significant decisions and actions of the City Council, city staff, the Planning Commission, and the Zoning Board of Appeals, affecting the immediate and long-range protection, enhancement, growth and development of the City of Canandaigua.
5. All references in the Municipal Code to the terms "Master Plan" or "Comprehensive Plan" shall mean "The City of Canandaigua Comprehensive Plan, 2020 Revision", as hereby adopted.

*The motion CARRIED UNANIMOUSLY on the following vote:*

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

**Ordinances:** None

**Local Laws:**

**Local Law #2020-004:**

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

Lift from the Table: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 1 Cutri

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

Vote on Local Law:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember at-Large Sutton

*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*

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

- Pinnacle North – developers are restoring and regrading the site and the construction fence will be removed until they begin the next phase of construction.
- The Police Reform & Reinvention Collaborative stakeholders have met and decided to first hear from the community on the Canandaigua Police Department and will hold two public forums. You can also submit any comments anonymously on the website.
- There has been an increase of truck activity on the side streets due the Lisk building construction and work by RGE on the gas lines blocking the regular truck routes. This should be a short term issue.
- Due to COVID 19, many restaurants around the Country will go out of business. Please support the downtown restaurants so we do not become one of these statistics.
- Wood Library and City of Canandaigua's Equity and Diversity Task force will present a three-part virtual discussion series on race and racism from September 15-17, 2020.

**Miscellaneous:**

Please fill out your CENSUS!

**Executive Session:**

Councilmember Ward 4 Sutton moved to close the regular meeting to go into Executive Session at 8:17 PM work history of a particular individual. Councilmember Ward 3 White seconded the motion.

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

**Regular Session:**

Councilmember Ward 3 White moved to close the executive session and return to the regular meeting at 8:34 PM. Councilmember-at-Large O'Brien seconded the motion.

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

**Adjournment**

Councilmember-at-Large O'Brien moved to adjourn the regular session at 8:40 PM. 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, August 11, 2020**  
**7:00 PM**  
<https://zoom.us/j/92214562693>

**Planning Committee:** Steve Uebbing, Chair  
Jim Terwilliger (**Absent**)  
Nick Cutri  
Dan Unrath

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

**Staff:** John D. Goodwin, Nancy Abdallah, Jim Sprague, Chief Hedworth, Chief Magnera, Robert Marx

**1. Policy Discussion Follow-Up**

At last Tuesday's Planning Committee meeting, a work group was formed amongst City Council to further define the scope of the discussion and policy review process with the idea of coming back to the Committee with a list of policies that City Council should review. This item has been added to the agenda for continued discussion.

Steve mentioned the group has met twice, and that John has done a great job assembling personnel policies to give a strong starting point. "Policy" can be defined in many ways, but ultimately City Council is responsible for adopting policy. Steve would like to devote 10-20 minutes (1 or two per meeting) a meeting with an eye towards having Council approve them to create a repository. Robert gave Kudos to John for the well written Staff Handbook. Steve then shared his screen to provide an example. The Mayor asked if we would funnel these to Corporation Counsel first, and Steve said it would depend on the policy. The goal is not to have two-hour policy discussions monthly, but to stay on top of the work by doing it on a regular basis, with other committee heads addressing policies in their area. This will be an ongoing discussion.

**Nick moved to adjourn the meeting, Dan seconded.**

**Meeting adjourned to Finance Committee at 7:32 p.m.**

**Finance Committee:** Jim Terwilliger, Chair (**Absent**)  
Nick Cutri  
Steve Uebbing (**Acting Chair**)  
Erich Dittmar

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

**Staff:** John D. Goodwin, Nancy Abdallah, Jim Sprague, Chief Hedworth, Chief Magnera, Robert Marx

**\*\*\* Meeting came to order at 7:32 p.m. \*\*\***

## 1. Staffing and Hiring Freeze

The COVID-19 health crisis has had a large negative impact on the finances of municipalities across the country. The City Manager instituted a hiring freeze on any positions created in the 2020 Adopted Budget, hiring replacements for any staff who retired and several seasonal positions to help mitigate the fiscal losses caused by the pandemic. A discussion about all the proposed mitigation measures took place at the April 7<sup>th</sup> Finance Committee meeting and a special discussion regarding the hiring freeze took place at the June 2, 2020 Finance Committee which resulted in the Committee reaffirming the City Manager's hiring freeze. At last week's Finance Committee meeting, the six (6) month financials were shared with an updated projection. This projection showed a deficit of \$1,150,125. Although this projection is an improvement over previous projections, it is still a considerable deficit and includes the savings from continuing the hiring freeze for the remainder of 2020. As such, the City Manager recommends continuing the hiring freeze. The Mayor has expressed his concerns about the level of staffing at the Fire Department and DPW and requested a continued discussion on lifting the hiring freeze in the interest of public safety and providing services to the community.

The Mayor started by discussing his concerns over staffing issues in the Fire Department. There have been some retirements that he believes should be filled, and they are in the budget so they shouldn't be part of the freeze. He wants these firefighters hired now. Chief Magnera said we are at 12 FT Firefighters, and after retirements he's concerned. We have no idea when civil service exams will resume, and we have 4 who can retire tomorrow if they wanted. That's one of his major concerns- even though he has 12, that could change at any moment. The Chief added that hiring these firefighters will take an extended period of time- depending on transfer or new hire, it could take 6-12 months and without a civil service list our best and only option is transfers. We're back to 2 on duty with vacations and illness. Having one firefighter at each station is not only dangerous, but also creates logistical issues when responding to calls. He'd like to start looking at bringing in transfers. Renée asked if that is every night, and he said no. They get creative with scheduling, but that was how it worked out tonight. We're lucky to have firefighters come back to respond to calls when needed, but that is on overtime. Renée asked John what the status of the contract with the Town is, and John said we'll lose \$25,000 in revenue because there wasn't a qualified candidate. Renée asked if we got up to the appropriate level if that revenue would come back, and John said yes. Steve is committed to getting to 14 on January 1, 2021 when we have a new budget to work with. John added finding transfers might be hard, because if we need to lay off Staff the last one in would be the first one out. Steve asked how long it would take to get in a good transfer, and John said it can take time because we need to vet them and so does Civil Service. That can take around three months.

Steve asked how we can ensure the process is completed by January 1<sup>st</sup>, and John said we would follow the same process we did in 2019. Because of COVID, we've only maintained current staffing levels. Steve asked John if we have the resources to hire 2 new firefighters, and John said no. We're looking at a budget deficit on \$1.1 million, and those are projections that could go either way. Without adding a single penny to the budget and just dealing with the fund balance gap, the City is looking at an 11-12% levy increase. Contractual increases and health insurance or retirement costs, so right off the bat we're looking at 15%. We're looking at a historic increase in the City, even without adding these positions. Renée asked at one point is it no longer sustainable to have a fire department- we could go down to 8 tomorrow and that isn't good enough for our residents. Safety services are a necessity, not an amenity, and while these are exceptional times at what point do we say we need to hire people regardless. John added it's up to Council to provide the resources to raise the levy to support these positions, and even when talking about the fire study his plan to

get to 18 was shot down due to expense. Renée thinks we already have a path forward and that's what we should pursue. The Mayor pointed out this is the lowest budget of any department due to Town support, and at some point, we need to raise taxes to meet service needs. You can not sustain the safety of this City with the current staffing levels. We have a policy against discrimination, but there is no policy protecting residents from fire emergencies. The money for the 13<sup>th</sup> was in the budget and should be hired now. So was the money for the 14<sup>th</sup> as well. He pointed as public safety director, John should be telling them what they need and Council can worry about how to get there. Steve added we can look at a minimum staffing policy, but added the Town supplements the budget because they get more service. Steve is worried whether or not we can do this now without digging a larger hole at Budget time. Bob added if we don't start the process now, we wouldn't be ready to hire January 1<sup>st</sup>. Steve agreed.

Karen is extremely concerned about the cost, and for her entire time on Council we've operated at a lower level than we have now- and we've been safe. People can learn how to be safer in their homes, and she isn't horribly worried about structures. She doesn't know a City our size can afford a department with 18 firefighters. She is in favor of moving forward sustainably, and randomly recommending these positions doesn't make sense until we know what our budget will look like. She'd love to live in a perfect world, but we just don't have it right now. Dan added John said he wants to hire as many firefighters as possible, but it's up to Council to give him the money- and he's right to put that responsibility in their laps. He supports getting to 15, and if it requires a 20% tax increase so be it. Dan asked what the overall cost for a new firefighter would be in year one, and Chief said about \$100,000 per person after salary, benefits, and equipment. A new hire can take up to a year before they come back to work for us. Dan would support a tax increase for this purpose. Erich was originally against lifting the freeze, but after hearing 4 can go at any time he thinks we should start putting out feelers and Council needs to accept the responsibility to fund these positions. Nick agrees, and he's always been for increasing the numbers in the Fire Department, He doesn't want to overcommit us and thinks we should wait until January 1<sup>st</sup>. Robert supports maintaining the hiring freeze, and reminded the group that we're facing a massive shortfall heading into next year even after John's work diligently managing expenses. He's not interested in hiring anyone now, but if there is a retirement they should be replaced. He sympathizes that it takes a while to hire these positions, and while it's an unfortunate situation there is nothing Council can do about that. Steve supports moving forward to start the process so we can be at 14 on January 1, 2021. If we start the process now, we can accomplish that, and he stand committed to go to 15 by the end of 2021. He also disagrees with Karen, and thinks we can afford and sustain a larger department. He asked for a motion to move the City back to 14 by January first.

**Nick moved to have the City back to 14 firefighters by January 1<sup>st</sup>, Erich seconded.**

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

John added that he doesn't know if this needs to go back to Council- the positions were budgeted but a hiring freeze was put in place to reduce expenditures knowing the revenue shortfall the City is facing. He added we all agreed to be at 14 by 2020, but one of the two didn't pan out and then the pandemic hit. We were actually at 11 in 2019, because one of those firefighters was on sick leave the entire year. His goal was to stick to 12 this year to prevent us from going into next year in a larger hole. We had a plan to get to 18, but that was reject due to cost. The plan that was approved to get to 15 stated another would be added in 2022. That was the plan approved by Council and the Town, and we can do whatever Council wants, but we need to be willing to pay for it. Steve clarified that John understood committee instructions to get the City to 14 firefighters by January

1<sup>st</sup>. John said yes, but some of that is out of his control. Although John said he would move forward as instructed, the Mayor was frustrated that John wouldn't do what he was told. John reminded Council there are 6 vacancies in DPW, but the Mayor said we aren't talking about that department- we're talking about adding firefighters. Karen took issue with the committee directing John doing anything- there are more than 3 people who vote. Steve agreed with Karen's point, but Renée didn't. John put in the hiring freeze, not City Council, and Council gave him the resources to hire these positions so it doesn't need to go back to Council. She sees no issue with the process being followed. Robert disagrees- he sees a huge issue with John being told to do this when 3 committee members, prompted by the Mayor, to break the hiring freeze. It's his job to manage the budget, as well as to decide when the hiring freeze should be lifted considering we just heard another department is severely short staffed, the hiring freeze is at his discretion and it's his decision. Why should we fill the needs of one department while ignoring the needs of others? Steve clarified it was always his intent to have this go back to Council, and apologized if that wasn't clear. Robert added we shouldn't have any vote until we hear from all departments, because they have needs too. That said, this discussion is starting to get into justification of staffing levels, which is John's job to decide. We're starting to micromanage and that's not what we should be doing. Renée said DPW is more than welcome to come to Council, but that shouldn't prevent the fire department from getting what they need. She also stated that there's quite a bit difference in necessity to the City between DPW and the Fire Department. While she recognizes DPW has a role, but it's not the same level of need or what residents should expect from the safety services. Robert disagreed with Renée, saying the DPW serves a much wider audience than the Fire Department. The Mayor argued that not properly staffing the Fire Department violates our core values. In his mind, the elected officials were chosen to run the City. They are elected to make sure people are safe, and John works for them. When problems arise, they won't go to John, they will go to Council. They were elected to manage the City and direct the City Manager. Council is going to be the face when something goes bad, and he doesn't want to be that guy. Life safety is our #1 priority right now. Steve clarified his vote to move this to Council was based on feedback from the Fire Chief, and it taking up to a year to get full functioning firefighters. We need to replace the retiring firefighters starting January 1 when we have a new budget to work with. We're only asking John to start lining up people so they could be hired January 1<sup>st</sup>. It will be City Council who decides if those firefighters get hired in the 2021 Budget.

After the discussion concluded, Steve redirected the group back to the fund balance policy. He asked John to recap the policy and what it could mean going into next year's budget, John stated that at a bare minimum, we need two months of expenditures with a maximum of three months of expenditures- roughly 16%-25% of the over all general fund. Having strong fund balance allows us to have a higher credit rating and get more favorable rates. Steve brought this up because we might be in a year where we can't hit that three-month target without a huge levy increase. On the flip side, if we back off the fund balance policy it could expose the City future economic stress down the road. John projects that at the end of this year, there will be a \$1,150,125 deficit at the end of 2020. We would be left with a fund balance slightly over policy, but only gives \$55-56K to appropriate to the 2021 Budget- an immediate \$611,000 budget gap without doing anything. That's a 11-12% levy increase if nothing changes. John is trying to be sustainable as the community doesn't normally support large levy increases. Steve asked if the Finance Committee was comfortable asking Council to readopt this policy, and they were. The policy was adopted prior to the previous recession, and Robert asked how the City handled this during that recession. Did we break the policy? What numbers did we keep? We should look at what happened as this policy has served us well. Karen thinks this is one of our strongest policies, and she supports this policy 100%.

People made bold moves in 2008-09 to keep this policy intact, and we need to manage the other aspects of our budget such as purchases, projects, and staffing. Nick agrees with Karen.

**Erich motioned to readopt the policy, Nick seconded.**

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

Steve pointed out this policy gives us a lot of flexibility. John said he will review what we did during the last recession to see how they managed the financials.

Karen promoted the importance of filling out the Census, and she would be attending a webinar.

**Erich motioned to adjourn, Nick seconded.**

**Meeting adjourned at 8:35 p.m.**

## **Appendix B**

### **PLANNING COMMITTEE & FINANCE COMMITTEE**

**TUESDAY, September 1, 2020**

**7:00 PM (7:02 p.m.)**

<https://zoom.us/j/97027592872?pwd=dmV2Tkp1N3BVR1U3VC9tOGhCZVdDdz09>

**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, Jim Sprague

#### **2. Records Retention Schedule**

The New York State Archives has revised and consolidated its local government records retention and disposition schedules into a single comprehensive retention schedule for all types of local governments. The new Retention & Disposition Schedules for New York Local Government Records (LGS-1) supersedes & replaces all former schedules including the MU-1 Schedule for use by cities, towns, village and fire districts which expires December 31, 2020. The City is required to adopt the new LGS-1 which can be found at the following link: <http://www.archives.nysed.gov/common/archives/files/lgs1.pdf>

John stated that we have always been required to follow these, but the State consolidated it. It's consistent with our previous schedule. We have to do it whether we like it or not, but we tend to maintain physical documents for longer than necessary.

**Nick motioned to approve the retention schedule, Jim seconded.**

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

#### **3. Comprehensive Plan SEQR**

In 2019, the City Council established a Comprehensive Plan Committee charged with reviewing and revising the City's Comprehensive Plan. Earlier this year, the Committee completed this charge and presented the draft revisions to City Council. The City Council reviewed the draft and made the required referrals and held a public hearing. A State Environmental Quality Review is required as well. Attached to the agenda is an Environmental Assessment Form (EAF).

Dan asked if there was a reason we need a SEQR to approve the document- Thomas Lyon shared that because it addresses land use for the whole City, but it provides a broad overview on whether the plan will impact the local environment.

**Dan motioned to approve the SEQR, Nick seconded.**

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

#### 4. Policy Discussion

This is an ongoing discussion and will involve the discussion the following policies:

**a. Equal Opportunity**

The City has an Equal Opportunity Policy. Councilmember Uebbing has suggested modifying the policy to include all City operations and not just employment. The current policy is attached to this agenda.

**b. Investment Policy**

It has been the practice of City Council to review financial policies every two years. The Investment Policy was last adopted by City Council in 2019 via Resolution 2019-008. City Staff has no recommended changes at this time. The current policy is attached to this agenda.

**c. Department Head Appointments**

The City Charter empowers the City Manager to appoint and when necessary suspend or remove any City employee. The City Charter also states that the City Council is prohibited from controlling or demanding in any manner the appointment or removal of City employees. Nevertheless, the City Charter requires City Council approval of the City Manager's Department Head appointments. Per the request of Councilmember Terwilliger, a discussion was added to the agenda to discuss what the City Council should or should not do prior to approving the City Manager's appointment.

Steve explained that this is an ongoing discussion, and we are looking to identify gaps in those policies. David has a new equal opportunity policy we can adopt, as opposed to revising the existing one. The current policy only applies to employees, but not the general public. David said he would circulate the product for further discussion when ready.

The Investment Policy was approved last year, and no one saw any issues with it.

Steve drafted a department head policy for review. The Charter gives the City Manager wide spread management control, so he/she has sole responsibility for the process of who gets hired. Council needs to be kept aware, and ensure the hired candidate is qualified. Steve reviewed the policy he drafted, which included steps towards department heads approval the City Manager must follow for positions he appoints. The only way they can override a hire is if they think the applicant isn't qualified, which can create tension between Council and the City Manager. David thinks this is a good policy to have in place, because it formalizes the process that needs to be followed for hiring department head positions. Nick thinks the policy is well written. Robert doesn't believe it's necessary to get involved in interim appointments, because it's meant to be temporary. It should be at his discretion. Steve agreed. Karen believes this modifies the charter quite a bit- in particular, section D when it comes to hiring. Steve pointed out that they would only review the final candidate- unless John requested assistance from Council. She also would like to know how long John thinks this will prolong the process. She thinks it might involve Council too much. Renée think the policy looks great- it allows John to make his choice and allows Council to be comfortable with his decision. She thinks there should be some fine tuning on this to make it more precise. She would also like Council to consider adding something about internal candidates, who aren't covered with this policy- she'd like to get summary information for them as well. She is only interested in

his recommendation(s) FINAL candidate(s). Bob asked if there are any chain of command measures, and John said yes. This is meant for a long-term substitute. Bob wanted to make sure people knew there was leadership in the interim. John has no problems with the policy as written. Steve will work on this and bring it back to the October Planning Committee Meeting.

**Nick motioned to adjourn to Finance Committee, Dan seconded.  
Meeting adjourned at 7:42 p.m.**

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

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

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

**\*\*\* Meeting came to order at 7:42 p.m. \*\*\***

### **1. Cell Tower Lease Amendments**

At the last Finance Committee meeting, the Committee discussed and reviewed a proposed lease amendment to extend an existing lease agreement for a cell tower and related facilities located at the Water Resource Recovery Facility (also known as Waste Water Treatment Plant). The Committee requested additional information pertaining to the proposed rent. Attached is a letter from American Tower with additional information and its reasoning for its inability to pay an increased rental rate beyond the current rate and escalator clause.

As directed, John contacted the tower company, who said they can not afford to pay more. He confirmed that this is exactly the case, and on top of this they also pay property taxes. David is still trying to research other cell tower arrangements with other towns. Jim doesn't think we have enough information, and Erich thinks we should wait until we have all the needed information. Renée would also like to know about the companies that deal with this specific issue- have we looked into this? Jim asked David to look into this further, and he said he would. He has some experience with this specific issue in another municipality- the municipality chose not to use the company and just renegotiated the contract.

### **2. Fire Station 1 Apparatus Bay Floor Update**

The 2020 Capital Budget included funds (\$270,000) for the replacement of the apparatus bay floor at Fire Station 1. Only one bid was received on Monday, August 24th for a total base bid of \$497,400. With the addition of bid alternates which include the replacement of pedestrian doors and a temporary heated parking for trucks the total costs equate to \$573,000 which is \$303,000 over the budgeted amount. Given that only one bid was received and the large discrepancy between the budgeted funds and the total bid amount, City staff recommends rejecting the bid and rebidding the work in the spring in the hopes that there will be additional bidders and more competitive pricing.

John provided a brief synopsis of the agenda item. Jim said the bidder we had wanted it, but his number is much higher than what we budgeted. Staff would like to reject these bids, look at the

design, look at our budget, and then rebid in the Spring. Had we gotten more bids, or it was closer to our number, maybe, but the gap was too large. Renée asked what are the consequences of not doing this now- and John said we have been using the floor in this condition for several years. The original floor wasn't built with a vapor barrier, which is likely the cause of the current issue. Jim said the floor was done in the late 80's and is original to the building. He does not believe we have any recourse. Renée asked if we're getting a reasonable floor, or if we need to scale back? Jim said her analogy to the Honda Accord is pretty accurate. The one update is radiant in-floor heating, which will prolong the trucks, but overall, the design is standard. This would be a great time to do the doors, though. Robert asked for a history of the job specs, which Jim provided. The cost was already in the Capital Budget when he was hired, which could also contribute to the cost difference. Robert would like to hire someone to give us an engineer on the project, and Bob agreed. Jim added that the original number did not include the excavation of the floor, doors, or radiant in-floor heating. Robert asked if we need a resolution to hire an engineer, and Jim said we aren't there yet.

### **3. 2021 Budget Discussion**

The New York State Comptroller reported that sales tax was down again for the month of July and the State has begun announcing its reduction in aid to local governments and school districts. Although it is still too early to know, it will likely not be prudent to budget both state aid and sales tax revenues at the same levels budgeted for in 2020. The projected 2020 Budget deficit is \$1,150,125 which will significantly decrease the amount of fund balance available to appropriate in the 2021 Budget. The City Manager has advised that all of this will result in a large double-digit tax levy increase without adding a penny for contractual wage and health care increases. Given this situation, Councilmember Dan Unrath requested a preliminary discussion ahead of the budget.

Jim provided a brief interview of the intent of this discussion. Jim showed a few slides that he thinks will help guide budget discussion. Other members of Council found his presentation helpful.

And additional agenda item was added to discuss Resolution #2020-063 regarding preparing to hire fire fighters January 1, 2021. Steve found there were some inconsistencies, or at least he thought, during the special PCFC Meeting August 11. Steve tweaked the resolution so we aren't committing ourselves to hiring those firefighters. He agrees with adding more firefighters, but only if we can afford it. Erich feels Steve's revisions more match the intent of the resolution, and Nick agreed. The Mayor is concerned that this doesn't adequately address public safety concerns that were raised, and this resolution does not address any of that. Karen does not think there is a need to have a resolution that reflects the meeting minutes, and aren't we already prepared to hire when needed? All this does is summarize the meeting. John reminded everyone there is no civil service list- all we can do is advertise for transfers. No one would transfer who has any seniority, especially knowing we laid off fire fighters during the last recession. There is a Civil Service Exam tentatively scheduled for October 10<sup>th</sup>, and it takes 6 weeks to get results. We're in a hiring freeze for a reason- we need to make sure the money is there for next year. Steve said the intent of the resolution was to disrupt the hiring freeze to get the process started- he wants to be ready to be hire 2 new fire fighters as close to January 1<sup>st</sup> as possible. The decision was made to withdraw the resolution.

**Nick motioned to adjourn,**

**Erich seconded.**

**Meeting adjourned at 9:04 p.m.**

**Appendix C**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**Tuesday, August 18, 2020**  
**7:00 PM**  
<https://zoom.us/j/97545878822>

**Environmental Committee:** Karen White, Chair  
Robert O'Brien (**Absent**)  
Renée Sutton  
Dan Unrath

**Other Councilmembers:** Mayor Palumbo, Nick Cutri, Jim Terwilliger

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

**1. Race Track Noise Pollution**

The Land of Legends Raceway, located at 2820 CR10 is a motorsport track located in the Town of Canandaigua. Despite not being located within City limits, some City residents report that they can hear the vehicles racing at the track and are frustrated by what they consider to be noise pollution. One of those residents, Nancy Yacci, requested to speak to Council to see what can be done or if the Town of Canandaigua can be approached about the issue.

There were several members of the community on the meeting to discuss their concerns, including Nancy Yacci who brought the concern to City Council. The Mayor spoke to the promoter of the track, and neighbors want the races to end before 11 p.m. They used to start the races earlier, but the setting sun creates serious accidents and risks to drivers. The cars have mufflers, and they have begun running the big block cars earlier to reduce noise. Essentially, the track was there before any of the homes. The track has had racing since 1953, and has taken several actions to be more neighbor friendly over that time span. Ms. Yacci spoke reiterating her concerns. She says the track violates the City's noise ordinance. She has been using an app to measure decibel levels on her phone. She was told by the Town, where the track is actually located, that there is nothing they can do and any ordinances would not apply to a pre-existing, non-conforming use. She wants City Council to contact the Town Board. Councilmember Unrath would like the racing to end tomorrow out of fear it could impact children's hearing. Jim asked how we enforce our noise ordinance on an entity outside the City, and Dave said he will take a closer look. It's problematic, as he's looked at it in a different situation. If we take the racetrack label away and we were just talking about a business, we wouldn't look to do this. It's arguably a legally operating business, and the fact it's out of the City's jurisdiction is an issue. Second, even if they were lawfully permitted, a non-conforming use is still legal. He will bring his comments and thoughts back to the next committee meeting. Other community members who are impacted by the noise also voiced concerns. Renée is sympathetic to the problem, and we can all agree the issue is concerning. The real question is "What can the City Council do about it?" Ms. Yacci said the Town said they'd form a committee, but no one has contacted her. One Town Board member said they would like to hear what City Council thinks about the noise. Another community member said they can accept racing on Saturday Nights- Thursday is unacceptable. They would also like to know why it went from racing one night a week to three nights a week. She also doesn't think the City is in a position to mitigate the issue, and it may require the neighbors to file suit against the track to make any progress. We will continue to work on this.

## **2. Solid Waste Audit Update**

In 2019, the City completed a Municipal Waste Assessment to determine its landfill diversion rate and identify opportunities reduce the amount of solid waste sent to the landfill as a result of municipal operations. The assessment found that while the City's landfill diversion rate of 36% is substantially higher than baselines established for other agencies, there were opportunities for improvement that could allow the City to achieve a 60% diversion rate by 2021. At the March 10<sup>th</sup> Environmental Committee Meeting, Staff provided an update on progress being made, however the COVID-19 pandemic has impacted some of these projects. Assistant City Manager Rob Richardson will provide an update on the status of these projects and answer questions for Council.

Rob Richardson provided an update on the progress made from the data obtained during the Solid Waste Audit. Many of the plans were postponed or put into jeopardy due to COVID-19. The City remains committed to reducing the solid waste generated City operations. The Staff mugs are budget dependent, as is Municipal Composting, which Rob hopes can be included in the City's 2021 Budget.

Renée stated that without a quorum, there should not be an Ordinance Committee meeting. Jim asked about the installation of dog waste receptacles, which John confirmed. Jim said this is a great step forward. John stated additional signage was being installed about Carry-In, Carry-Out.

We adjourned directly to Executive Session.

**Renée motioned to adjourn to Executive Session to discuss an on-going investigation and the work history of a particular individual, Dan seconded.**

**Meeting adjourned to Executive Session at 7:46 p.m.**

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

**\*\*\* There Was No Quorum for this Meeting \*\*\***

### **1. Carry-In, Carry-Out Policy**

§519-13 entitled "Littering" of City Code establishes a Carry-In, Carry-Out Policy for all City parks, except for the City Pier. Although this has been the policy for many years and is an established best practice used in all New York State and National Parks, the question of whether it should be utilized by the City of Canandaigua comes up every so often. At the July 21<sup>st</sup> Environmental Committee meeting, a member of the community made a presentation regarding his own individual efforts to remove trash from City parks, and asked Council to consider changing the policy. Despite the fact that 70% of residents strongly supported the and only 5% strongly opposing the use of Carry-In, Carry-Out in City Parks and feedback from Parks and Kershaw Beach Staff as well as some daily users of the park saying they've seen less litter at Kershaw Park than ever before, some within the community believe that the City should install waste receptacles in City Parks.

### **2. Executive Session**

**Karen motioned to adjourn Executive Session, Renée seconded.**

**Executive Session adjourned at 8:59 p.m.**

**Renée motioned to adjourn the meeting, Dan seconded.**

**Meeting adjourned at 8:59 p.m.**