

MINUTES OF THE CANANDAIGUA CITY  
COUNCIL MEETING  
THURSDAY, OCTOBER 5, 2017 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 2 Anita Twitchell  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Cindy Wade  
Councilmember-at-Large Matt Martin  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Members Absent:** Councilmember Ward 1 Nick Cutri absent due to illness

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

**Public Hearing:** Local Law #1: Relative to Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-C

Mayor Polimeni opened the public hearing at 7:01 PM.  
No one was present to speak at the public hearing

Mayor Polimeni closed the public hearing at 7:01 PM.

**Public Hearing:** An application for Community Development Block Grant funding from the New York State Office of Community Renewal to provide financing to assist in the establishment of a restaurant at 796 S. Main St.

Mayor Polimeni called the public hearing to order at 7:02 PM.

- Harry Sicherman, representing Nolan's, reviewed the application and answered questions. This is a \$1.6 million project that is to be built on the same site. It will be a slightly larger facility that will have an event space to accommodate tour groups and a rooftop lounge. It is estimated to employ around 49 FTE's. This grant request is for \$400,000.
- Kathy Rayburn, Canandaigua Resident, asked about ownership of the property. Mr., Sicherman replied that there will be a 49 year lease with the owners of the property.

Mayor Polimeni closed the public hearing at 7:07 PM.

**Review of Community Core Values:** Councilmember-at-Large Whitcomb 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:**

- September 7, 2017 Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember-at-Large Whitcomb  
Vote Result: Carried unanimously by voice vote (8-0)
- September 21, 2017 Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember-at-Large O'Brien  
Vote Result: Carried unanimously by voice vote (8-0)

**Recognition of Guests:**

- Mayor Polimeni welcomes back students from FLCC that work on filming our council meetings.
- Mayor Polimeni recognized the following employee for NYCOM's "Long Service Award"
  - 25 Years: Michael Miller  
Donald Phillips
  - 30 Years: Lee DeRuyter  
Bryan Kransler  
Robert Murphy
  - 35 Years: Willard Clark
- Maria Bucci, West Gibson St., Canandaigua – Due to the acts of terrorism witnessed by our Country on August 11 and 12<sup>th</sup> a vigil was held at Atwater Park to oppose acts of hatred and bigotry. Ms. Bucci presented a petition asking City Council to take a stand against such acts and asked that they take this topic up at a future meeting.
- Mayor Polimeni thank Councilmember-at-Large Martin for driving a truckload of items generously donated by City residents for Puerto Rico to the Regional transportation center in Rochester.

**Committee Reports:**

Joint meeting of *Planning/Development Committee and Ordinance/Charter Committee Meeting:*  
October 3, 2017 (Appendix A)

- Proposed Changes to the City Charter
- West Ave. Fence
- Restore NY Grant
- Chlorine Conversion Project – Construction Management
- BID Sign Ordinance Proposal
- Chapter 496 – "Chronic Nuisance Properties"
- Police Department Updates - Downtown Cameras and Narcan Program
- Executive Session – Legal Update

*Environmental/Parks Committee Meeting:* September 12, 2017 (Appendix B)

- Special Event – Light the Hill
- Tree Advisory Board- Heritage Trees
- Together We CANandaigua Partnership
- Pesticide Moratorium

***Finance/Budget Committee Meeting:*** September 26, 2017 (Appendix C)

- Opposing the Elimination of the SALT Deduction
- Water Capital Budget Amendment- Water Treatment Plant Electrical
- Shared Court Facility Support
- Water Capital Budget Amendment – Water Main
- Sodium Hypochlorite
- Fort Hill Apartments - PILOT Request

**Resolutions:**

**Resolution #2017-097:**

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION REPEALING A MORATORIUM ON PESTICIDES  
AND REINSTATING INTEGRATED PEST MANAGEMENT**

**WHEREAS**, at its meeting held May 6, 2010, City Council adopted the Turf and Landscape Management Policy, developed by Kevin Olvany, in conjunction with Cornell Cooperative Extension, via Resolution #2010-037; and

**WHEREAS**, that policy used Integrated Pest Management (IPM), in combination with sound agricultural and horticultural practices, to successfully managing its turf and landscaped areas while minimizing the use of fertilizers and pesticides; and

**WHEREAS**, the purpose of that policy was to guide the City in successfully managing these lands for their multiple uses while protecting City staff, park users and the environment; and

**WHEREAS**, at the City Council's June 2, 2016 meeting Council amended the policy and enacted a Pesticide Moratorium prohibiting the City of Canandaigua from applying pesticides, as set forth above in the *Turf and Landscape Management Policy*, on City park lands for five (5) years via Resolution #2016-037; and

**WHEREAS**, as required by the Moratorium, Department of Public Works staff made a presentation on the impact of the Pesticide Moratorium during its first year at the Environmental/Parks Committee meeting held September 12, 2017; and

**WHEREAS**, the report indicated that attempts to abide by the parameters of the Pesticide Moratorium have been more expensive, required more labor, and have been less effective than the Turf and Landscape Management Policy established in 2010; and

**WHEREAS**, the Environmental/Parks Committee at its September 12, 2017 meeting recommended repealing the Pesticide Moratorium and reinstating IPM;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Canandaigua officially repeals the Pesticide Moratorium established in Resolution #2016-37; and

**BE IT FURTHER RESOLVED**, that the Turf and Landscape Management Policy enacted by Resolution #2010-37, including IPM, for all City-maintained property is hereby reinstated.

**Discussion:**

- *Councilmember-at-Large Terwilliger does not support this resolution because it is too soon to repeal the five-year moratorium after only one year. There are other approaches out there that should be tried before we give up on this.*
- *Councilmember Ward 3 White does not support this resolution because we made a promise to the community which was supported by the majority of Council for a five-year moratorium.*
- *Councilmember Ward 4 Wade researched this issue and DEC and Cornell both recommend an Integrated Pest Management (IPM) approach. We need to use common sense because some of the fields at our parks are unusable or soon will be. If the issue is the watershed, then let's not forget that we have only 3 parks that drain into the watershed yet 70% of the land in the watershed is agricultural which is not regulated at all by any moratorium. Another problem, bigger than our parks, is the State Boat Launch where pollution from 250 boats are launched into our lake each weekend. Studies done by school districts have shown that using IPM created a healthier student population. This is because they are managing weeds that cause allergens and pests that cause disease.*
- *Council Member Ward 2 Twitchell is not in favor of this resolution because we made a commitment to the public and we are here to decide if we are going to honor that commitment.*
- *Councilmember-at-Large Martin did not support the moratorium in the first place and will support this resolution. IPM is a compromise in itself which is restrictive on the use of pesticides and urges everyone on the Council to review the policy that was enacted in 2010. IPM was developed with help from Cornell and is supported by Kevin Olvany, Director of the Watershed Council. This issue has been politicized. We have heard from our staff and professionals but we do not listen to them and use common sense to be good steward of our parks.*
- *Councilmember-at-Large Whitcomb does not support the moratorium and stated that we spent years developing the IPM policy. The moratorium was a last-minute thought and it passed with the compromise being that we have to find alternatives and a requirement for reporting. The first report we received from staff was that it was not working. It's not wise policy to say that we passed this law for five years and we realize it's not working, but because we said five years we are going to allow damage to our fields for the next four years. Well I am 100% supportive of the IPM I realize that we are trying to overturn this in October when we are not going to be using a lot of pesticides so the political reality is to let the new Council decide this next year.*
- *Mayor Polimeni stated that one of the reasons we went with the moratorium is so staff would come back with information regarding things they have looked at and things they have tried. I would like to have more than one report and more research on things that could be done.*
- *Danielle Lyon, West Gibson St., sent information to Council members stating that the listing of restrictions and approved chemicals that are allowed to be used under the current moratorium is the same that was put into place by NYS in 2010 under the Child Safe Playing Fields Act so the school district operating under the same rules and has been for a number of years. This has been done successfully by other entities. We need to make our parks as safe as our schools.*
- *Joel Freedman, Canandaigua Resident, we didn't hear about pesticides when we were growing up and majority do not use pesticide. Pesticides does pollute our lake, causes Parkinson's and cancer. We need to protect our children on public property.*
- *Sarah Hamlin, West Gibson St., charged with the protection of our health and safety. There is no question that herbicides and pesticides harm children and animals and we should not give up on this. We took a huge step in this direction so rely on your staff to work this out.*
- *Maria Bucci, West Lake St., Need more than one year if we are going to do a study. Also charging City Council to look at alternatives. Northeast Park was overused and would be hard to save the turf and encourage looking at alternatives to chemicals.*
- *Steve Uebbing, Roseland Lane, Superintendent of school when a partial moratorium was put into place and it is very hard to do without the use of commercial chemicals. But the research we saw*

*was that children walk on their hands and then their hands go into their mouths. It happens years later when people suddenly get sick and we are not sure if chemicals are the reason but we should make every effort to make this moratorium work.*

- *Kathy Rayburn, Deerfield Drive, supports the moratorium to show other communities that we are working on this issue and they should do something about their pesticides. City should be the one that starts the conversation.*
- *Mike Yarger, Canandaigua2020, this is not first time. City has said no to experts and to Cornell who put the IPM together. Our own experts are asking to go back to IPM so we should listen to them. The schools are pulling out their fields and putting in artificial turf. City staff needs tools to fight pests that carry diseases such as West Nile and Lyme.*
- *Renee Sutton, Academy Place, experts have linked Round up to diseases such as liver cancer and breast cancer as well as active ingredients which produce blue green algae in our lake. I live in the City and my children pay in the parks and I do not want them to be exposed to such chemicals.*

*The motion FAILS on the following vote:*

*AYES: Councilmember Ward 4 Wade, Councilmember-at-Large Martin*

*NOES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

### **Resolution #2017-098:**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Whitcomb

## **A RESOLUTION OPPOSING ELIMINATION OF THE DEDUCTIBILITY OF STATE AND LOCAL TAXES**

**WHEREAS**, Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes; and

**WHEREAS**, this deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our State; and

**WHEREAS**, New York residents already pay more into the federal treasury than the federal government returns to New York; and

**WHEREAS**, the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments; and

**WHEREAS**, this federal cost shift onto local governments would place extreme pressure on municipal budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

**WHEREAS**, increased federal taxation and reduced municipal services will harm our local housing market, decrease home values and erode our local tax base;

**NOW, THEREFORE, BE IT RESOLVED THAT,** the City of Canandaigua expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges Representative Chris Collins to join us in publicly opposing any such proposal.

*Discussion:*

*Councilmember Ward 4 Wade – we should also send a letter asking why we are one of the highest taxes in the Country and should ask NYS for tax reform.*

*Councilmember-at-Large Martin – asked if anyone has seen the proposal in total.*

*Councilmember-at-Large Terwilliger – does not support this legislation because this is acting on a national issue and City Council has no business weighing in on this which is a small piece of a larger bill. Is not voting against this because of the content of the resolution. Most of our NYS delegation is against this it is a waste of our time.*

*The motion CARRIED on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, and Mayor Polimeni.*

*NOES: Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger*

**Resolution #2017-099:**

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**  
***Light Hill/Canandaigua Comfort Care Home – Light [the] Hill***

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

- ***Light Hill/Canandaigua Comfort Care Home – Light [the] Hill***

Date: November 12, 2017

Location: Kershaw Park

Coordinator: Mary Kay Naioti

Time: Set up: 5:30pm; Start of Event: 6:00pm; Clean up: 8:30pm

Purpose: Benefit for Light Hill in conjunction with memorial service

Expected Number of Participants: ~100

**WHEREAS,** this request was reviewed and approved at the September 12, 2017 Environmental/Parks Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned 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.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2017-100**

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 3 White

**A RESOLUTION ESTABLISHING THE HERITAGE TREE DESIGNATION**

**WHEREAS**, The City of Canandaigua Tree Advisory Board (TAB) has been working to create a Heritage Tree Program to honor trees that help create the City's unique character, as well as ensure they are enjoyed by future generations; and

**WHEREAS**, as part of the Heritage Tree Program, the TAB created the "Heritage Tree" designation to identify note-worthy trees in our community with special significance; and

**WHEREAS**, to be considered for "Heritage Tree" status, the tree must be nominated, meet established criteria regarding size, age, species, history and aesthetics, and receive approval for official recognition by the TAB; and

**WHEREAS**, recognition and conservation of these trees is vital to maintaining the character of the community, however this is an honorary distinction and does not result in any restrictions on the tree or property;

**NOW, THEREFORE, BE IT RESOLVED THAT**, City Council hereby establishes the Heritage Tree Designation to commemorate note-worthy trees in the City of Canandaigua with special significance.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2017-101:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

Amendment: Councilmember-at-Large Martin moved to change "Together we CANandaigua" to the "Character Education Initiative" in the first whereas. Councilmember Ward 3 White seconded the motion.

Vote Result: Carried unanimously by voice vote (8-0)

**A RESOLUTION AUTHORIZING PARTNERSHIP WITH CANANDAIGUA CITY SCHOOL DISTRICT FOR THE "TOGETHER WE CANANDAIGUA" INITIATIVE**

**(AMENDED)**

**WHEREAS**, Canandaigua City School District, in 1996, started the “Character Education Initiative”, designed to help children develop strong character; and

**WHEREAS**, the program recently revamped to expand on its core competencies of Respect, Responsibility, Honesty, Kindness, Effort and Healthy Choices to include desired outcome for students; and;

**WHEREAS**, these expanded competencies read Respect leads to Civility, Responsibility leads to Accountability, Honesty leads to Integrity, Kindness leads to Compassion, Effort leads to Perseverance, and Healthy Choices lead to Healthy Living; and

**WHEREAS**, the School District had invited the City to partner with them on this initiative to help improve the Culture of CANandaigua for future generations and the program also reflects the community core values

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City of Canandaigua expresses its strong support of this initiative and hereby is a “Proud Partner” with the Canandaigua School District on this initiative.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2017-102:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AMENDING THE 2017 WATER FUND CAPITAL BUDGET- ELECTRICAL SYSTEM MAINTENANCE/UPGRADE**

**WHEREAS**, the 2018 Water Capital Budget included \$190,000 to replace the plant’s main 1600-amp electrical feed and switch gear, along with its pump breakers, which date back to 1979; and

**WHEREAS**, the Water Plant has experienced several failures of electrical components within the system over the last few months due to the age of the several system components as well as mixing old parts with new parts; and

**WHEREAS**, the high lift soft starts now also need to be replaced, which will cost an additional \$30,000; and

**WHEREAS**, although all the recent failures were fixable, they temporarily stopped the Plant from producing water; and

**WHEREAS**, additional failures put the city at risk of being without the ability to pump water, leaving the City with only a two to three (2-3) day supply; and

**WHEREAS**, starting the required system maintenance and replacing faulty components now is necessary to help avoid potential system failures that would halt water production;

**WHEREAS**, as a full-service municipality, the City of Canandaigua believes that providing clean drinking water is the most vital service the City provides;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby approves a Water Budget Capital Amendment appropriating \$220,000 from the Water Capital Reserve for the required system replacement and upgrades.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-103:**

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

**A RESOLUTION SUPPORTING THE TOWN OF CANANDAIGUA  
LEGISLATIVE REQUEST TO SHARE COURT ROOM FACILITIES**

**WHEREAS**, in keeping with the overall spirit of New York State Law, enacted by Part BBB of Chapter 59 of the Laws of 2017, the City of Canandaigua and the Town of Canandaigua have taken it upon themselves to take a hard look at all opportunities for shared services between the two municipalities; and

**WHEREAS**, New York State mandates relating to operations of the court system, along with security access control, necessitates that the Town of Canandaigua provide a more suitable space for legal proceedings; and

**WHEREAS**, the court for the City of Canandaigua is located 1.64 miles away from the current Town Court and instead of building a new facility, sharing Court Space would save the Town significant construction costs; and

**WHEREAS**, sharing Court Facilities with the Town of Canandaigua requires special State Legislation permitting both municipal courts to operate out of the same facility;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City of Canandaigua supports the Town of Canandaigua's request for State Legislation permitting a shared Court Facility; and

**BE IT FURTHER RESOLVED**, that the City of Canandaigua agrees to share its Court Facilities with the Town of Canandaigua once the aforementioned State Legislation is enacted.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2017-104:**

Moved: Council Member Ward 2 Twitchell  
Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION SETTING THE PRICING POLICY FOR ELECTRONIC VEHICLE CHARGING STATION**

**WHEREAS**, The City of Canandaigua recently installed a ChargePoint Electronic Vehicle Charging Station at 105 S. Main Street; and

**WHEREAS**, a pricing policy must be determined and put into place for this station; and

**WHEREAS**, the City currently pays kWh and ChargePoint charges a 10% of each charging session fee to cover its administrative costs; and

**WHEREAS**, City Staff recommended that the city charge a fee equal to the above referenced cost, and the Finance/Budget Committee, at its September 26<sup>th</sup> meeting, reviewed and approved said recommendation;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City of Canandaigua will charge the rate charged by RG&E/kWh plus 10% for the EV Charging station, which is ultimately charging the customer a fee “at cost.”

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O’Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-105:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION MANAGEMENT OF THE CHLORINE CONVERSION PROJECT**

**WHEREAS**, at the City Council Meeting held September 7, 2017, the City Council awarded the Water Treatment Plant Chlorine Conversion Project contract to Empire State Mechanical Contractors, Inc., 3039 Sherwood Road, Palmyra, NY 14522; and

**WHEREAS**, The RFP for design services relative to said project did not include the typical construction phase services; and

**WHEREAS**, LaBella Associates, the engineer design firm for the project, has submitted a proposal to extend and amend the professional services contract (authorized via Resolution 2016-044) to include construction management services for the project at a total cost of \$11,375; and

**WHEREAS**, City staff recommends authorizing the amendment to the professional services contract, and said recommendations were reviewed and approved by the Planning/Development Committee at its October 3, 2017 meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a Performance Contract with LaBella Associates, D.P.C. in the amount of \$11,375 for Construction Management during the Water Chlorination Project.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-106:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR WATER DISTRIBUTION SYSTEM IMPROVEMENTS AND A RELATED PROFESSIONAL SERVICES AGREEMENT AMENDMENT**

**WHEREAS**, the City of Canandaigua opened bids for the construction of multiple improvements to the water distribution system on September 20, 2017 with six bidders participating; and

**WHEREAS**, the lowest bid was submitted by Nardozzi Paving & Construction, LLC, 124 North Genesee Street, Geneva, New York 14456, for the amount of two hundred eighty-seven thousand four hundred ninety dollars (\$287,490); and

**WHEREAS**, Chatfield Engineers, P.C., the engineer of record for the design of the project will be providing additional construction services during the execution of the project that justify an amendment to their agreement for professional services in the amount of seventeen thousand eight hundred forty-eight dollars (\$17,848); and

**WHEREAS**, the Director of Public Works and the City Manager recommend providing funding for a construction contingency in the amount of ten percent (10%) of the construction contract, or twenty-eight thousand seven hundred forty-nine dollars (\$28,749); and

**WHEREAS**, the 2017 Water Capital Budget included \$200,000 for this project; and

**WHEREAS**, the Director of Public Works and the City Manager recommend transferring \$135,000 appropriated in the 2017 Water Capital Budget for water meter replacements to this water distribution system upgrade project; and

**WHEREAS**, the Director of Public Works and the City Manager recommend the contract be awarded to Nardozzi Paving & Construction, LLC, 124 North Genesee Street, Geneva, New York 14456, to construct these water distribution system improvements; and

**WHEREAS**, the Director of Public Works and the City Manager recommend the professional services agreement with Chatfield Engineers, P.C., be amended so that Chatfield Engineers can provide inspection and oversight of the construction of these water distribution system improvements; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to transfer \$135,000 within the water capital fund from the water meter replacement project to this water distribution system improvements project; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the City Manager to execute a contract with Nardozzi Paving & Construction, LLC, 124 North Genesee Street, Geneva, New

York 14456, for the construction of multiple water distribution system improvements in the amount not to exceed \$287,490; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the City Manager to execute a professional services agreement amendment with Chatfield Engineers, P.C., in the amount not to exceed \$17,848 for providing inspection and oversight services during the construction of these water distribution system improvements.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-107:**

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

**A RESOLUTION SUPPORTING AND ENDORSING CHANGES  
TO THE CITY CHARTER RECOMMENDED BY  
THE CHARTER REVIEW COMMISSION**

**WHEREAS**, at the October 3, 2017, Ordinance/Charter Committee, Paul Bringewatt, Chair of the City of Canandaigua Charter Review Commission, made a presentation to City Council regarding changes to the City Charter recommended by the Commission; and

**WHEREAS**, the first change would, beginning in 2019, with the election of the City's ward council members, amend the City Charter to create 4-year staggered terms of office for all City Councilmembers; and

**WHEREAS**, the second change would, beginning in 2019, amend the City to create 4-year terms of office for City Supervisors that represent the City of Canandaigua on the Ontario County Board of Supervisors; and

**WHEREAS**, the third change would amend the City Charter to make all other changes that have been proposed by the City Charter Commission, including modifying, amending and deleting language from the current Charter, to conform to state law, current technology and best practices; and

**WHEREAS**, The Commission believes these changes will assure stability while still giving voters frequent opportunity for feed-back to the City Council as well as recognize the changes in law, technology and best practice to support efficient city government;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua supports and endorses the changes to the City Charter of the City of Canandaigua recommended by the Charter Review Commission.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-108:**

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AUTHORIZING AN APPLICATION  
TO THE RESTORE NY COMMUNITIES INITIATIVE**

**WHEREAS**, on September 26, 2017 the City submitted a letter intent to apply for grant funding from the Restore NY Communities Initiative administered by the Empire State Development Corporation (ESDC) for the rehabilitation/reconstruction of 10 Chapin Street, known as the Labelon Building; and

**WHEREAS**, the grant requested \$1,000,000 funding would fund the majority of the hazardous materials and environmental remediation of the building with the private developer Canandaigua Crossroads LLC (DHD Ventures) fulfilling the 10% local match requirement and funding the \$10 million redevelopment of the property into a mixed-use building with commercial uses on the ground floor and residential units on the upper floors; and

**WHEREAS**, the proposed redevelopment of the Labelon Building is consistent with the goals and recommendations outlined in the City's Comprehensive Plan; and

**WHEREAS**, the redevelopment of the Labelon Building was identified in the City's Strategic Economic Development Plan as being vital towards the success of Downtown and the City's overall economic development;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to submit a grant application to the Empire State Development Corporation for funding from the Restore NY Communities Initiatives for the rehabilitation/reconstruction of 10 Chapin Street, known as the Labelon Building; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project is consistent with the City's Comprehensive Plan and Strategic Economic Development Plan; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed financing for the project is appropriate for the project; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project facilities effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project will develop and enhance infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the City.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2017-109:**

Moved: Council Member Ward 2 Twitchell

Seconded: Councilmember-at-Large Martin

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON RESTORE NY APPLICATION AND PROPERTY ASSESSMENT LIST**

**WHEREAS**, the City is applying for funding from the Restore NY Communities Initiatives administered by the Empire State Development Corporation (ESDC); and

**WHEREAS**, the program requires that a public hearing be held to discuss the grant application and the property assessment list (attached) associated with the grant application;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding its Restore NY Communities Initiatives application and the associated property assessment list, be held during the City Council Meeting held at 7:00 p.m. on November 2, 2017 in the City Council Chambers at City Hall at 2 North Main Street, Canandaigua, New York; 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 (8-0)*

**Resolution #2017-110:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH CANANDAIGUA CROSSROADS, LLC**

**WHEREAS**, as part of the City’s grant application for funding from the Restore NY Communities Initiative for the hazardous materials and environmental remediation at 10 Chapin Street, known as the Labelon Building, a matching contribution of no less than ten percent is required; and

**WHEREAS**, the matching contributions must be “firmly committed” via a signed, written agreement to provide the resources and services; and

**WHEREAS**, the developer, Canandaigua Crossroads LLC (DHD Ventures) will be investing over \$10 million to rehabilitate/reconstruct the Labelon Building into a mixed-use building with commercial uses on the ground floor and residential units on the upper floors and has agreed to provide the matching contribution;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to execute a Memorandum of Understanding, in substantially the same form as attached hereto, with Canandaigua Crossroads, LLC to “firmly commit” the matching contribution required for the grant application.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O’Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

**Resolution #2017-111:**

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION  
TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

**WHEREAS**, Nolans on the Lake, LLC (hereinafter “Nolan’s Restaurant”) plans to complete the construction, equipping, and reestablishment of a restaurant facility at 726 South Main Street in the City of Canandaigua, New York at an estimated cost of \$1.6 million (hereinafter the “Project”); and

**WHEREAS**, Nolan’s Restaurant and its affiliate, Nolan’s at CCC, LLC (hereinafter “Nolan’s Catering”), are reliant upon the restaurant to support their combined operations; and

**WHEREAS**, Nolan’s Restaurant and Nolan’s Catering are expected to employ 20 full-time and 52 part-time persons in their combined operations with an annual payroll of over \$2 million; and

**WHEREAS**, the Project will add to the City’s property and sales tax revenues and support the area’s tourism economy; and

**WHEREAS**, the Company has requested that the City of Canandaigua apply on its behalf for funding for the Project from the New York State Office of Community Renewal (OCR); and

**WHEREAS**, the City has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the Project;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Canandaigua, that the Mayor is hereby authorized to submit a grant application in an amount to be determined by the OCR and not to exceed the sum of four hundred sixteen thousand dollars (\$416,000), such amount to be provided as a grant to the Company to finance a portion of the furnishings, fixtures, equipment, or working capital costs required for the Project; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, subject to review and approval by the City Attorney.

*Discussion:*

- *Michael Yarger, Canandaigua 2020, encourages Council to support this grant*
- *Councilmember Ward 3 White-not sure this application is in the spirit of the CDBG funds which should be used for low income housing or to eliminate blight in a community.*
- *Councilmember-at-Large Martin – disagreed because this grant is also used to provide employment in the community.*

- *Councilmember-at-Large Terwilliger – supports this resolution and we need to do what we can to access the state funds which are available for this. The State which will review the application and determine if it fits the criteria.*
- *Councilmember Ward 4 Wade supports the CDBG application and to let the State decide if it fits the criteria.*
- *Council Member Ward 2 Twitchell – we did support the CDBG grant for the hotel so we should support this also.*

*The motion CARRIED on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: Councilmember Ward 3 White*

**Ordinances:** *None*

### **Local Laws:**

**Local Law #2017-001:** *(Introduced and tabled at the September 7, Council Meeting)*

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

**Lift from the table:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 4 Wade

*Vote Result: Carried unanimously by voice vote. (8-0)*

**Vote on Ordinance:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None*

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

- This week our community experienced two events that we all wish did not occur. We had an arson/homicide and a shooting. Because events such as this do not happen every day some in our community are feeling unsafe or are having concerns. City Manager Goodwin wants to assure the community that Canandaigua was and is a safe community. There also is a concern about the amount of information we are releasing in those instances but both are active investigations and we do not want to release information that will compromise the investigations or have not been

confirmed as facts. We have skilled investigators from Canandaigua Police Department, Sheriffs and State Troopers working on this.

- Mayor Polimeni stated that as a Council we depend on the employees that work for us that they know what they are doing and share with us what they can and we are not made privy to every single detail.

**Appointments:** None

**Miscellaneous:** None

**Executive Session:**

Councilmember-at-Large Martin moved to close the regular meeting to go into Executive Session at 9:24 PM to discuss pending litigation. Councilmember Council Member Ward 2 Twitchell seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Regular Session:**

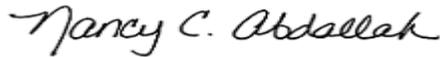
Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:43 PM. Councilmember-at-Large Martin seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0).*

**Adjournment**

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:43 PM. Councilmember-at-Large Martin seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0).*



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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

**APPENDIX A  
PLANNING/DEVELOPMENT  
ORDINANCE/CHARTER**

**(Joint Meeting)**

**Tuesday, October 3, 2017**

**7:30 p.m.**

**Hurley Building Conference Room**

**Committees:**

**Planning/Development:** Cindy Wade-Chair, Robert O'Brien (Arrived 7:05), Anita Twitchell (Absent), Jim Terwilliger

**Ordinance/Charter:** David Whitcomb, Chair; Matt Martin (Arrived 6:39); Karen White; Nick Cutri

**Other Council Members:** Ellen Polimeni,

**Staff:** John Goodwin, Stephen Hedworth, Terence Robinson, Frank Magnera

**1. Proposed Changes to the City Charter (10-15 minutes)**

Paul Bringewatt, Chairman of the Charter Review Commission will be at the meeting to make a presentation on the proposed changes and request the endorsement of the proposed changes from City Council.

Paul Bringewatt was in attendance to discuss the proposed changes. He discussed what the Charter Review Committee is, how it was assembled, who it is comprised of, and the process followed by the Committee to make the recommended changes that will appear on the November 7<sup>th</sup> ballot. Overall, the original document was well written but did need revisions. There are three questions proposed that City residents will vote on individually. The first question involves changing City Council terms from 2 years to 4 years, and to begin staggering them in 2019. The second question involves changing the term for County Board of Supervisors representatives from 2 years to 4 years. The third question involves modifying language in the existing Charter to clarify language, align with applicable changes to Local, State and Federal laws make the document current. Paul reviewed each of these changes proposed in Question 3 and discussed these changes in depth. Paul shared that the Charter Review Committee unanimously recommends these changes, and there are several community agencies, businesses, and former City Officials who support these changes as well. Among other steps to notify the community of the proposed changes, there will be a mailing going out to City Residents this month with information on these changes. There will be a public information meeting on October 11<sup>th</sup> at Wood Library at 6:30 p.m. regarding these changes.

**Nick moved to endorse the changes, Matt Martin seconded.**

**Straw Poll showed unanimous approval- motion carries to City Council.**

**2. West Ave. Fence (15-20 minutes)**

A fence was erected at 115 West Ave. that is encroaching into the right-of-way by six (6) feet. Upon receipt of a notice of violation after a final inspection, the property owner requested that the fence encroaching on the right-of-way be permitted to remain in accordance with New York State General City Law §38-a. New York State General City Law §38-a permits a City, upon a written request and public hearing, to grant permission to maintain an encroachment on the public right-of-way. The City has received similar requests in the past and has granted permission for encroachments when appropriate. City staff has reviewed the request and does not believe that it is causing a public safety hazard, any line-of-sight issues, or restricting pedestrian or vehicular traffic on the street or sidewalk (see attached pictures). As such, City staff is recommending that the City Council grant permission via a revocable license for the fence to remain. Such license would be revocable at any time when/if the City needs to make improvements to the street or if the encroachments interferes with the use of the sidewalk or street.

**APPENDIX A (Continued)**  
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John gave a background on the issue- Mike Rappaport, who owns the property and installed the fence, was at the meeting along with the Saxby's and their lawyer who want the fence removed. The only way to keep the fence is for City Council to issue a revocable license agreement allowing the fence to remain as is.

Mike explained he put the fence up because of parking issues on his property. The property owners who want the fence removed we told to tell their customers not to park on his property, but they continued. Mike does not believe there are any safety concerns, and he pointed out the City has done lots of work to make West Ave safer and more appealing.

Tom Blair, the Saxby's attorney, strenuously opposed granting a revocable license. He believes there are safety concerns, and that the City should not knowingly grant a license that could create safety concerns. He believes the City's current zoning code is clear, and that all fences must be erected within property lines and not encroaching on a public right of way. He does not feel the City has followed the appropriate process or held to Dave LeClair's notice to remedy and it should go to the zoning board of appeals. He also referenced a 2015 international code which prohibited encroaching on a public right of way. His issue is not with erecting the fence, but that encroaching on the public right-of-way is improper. The way the fence is positioned now creates further parking issues, and a customer of the Saxby's salon has already hit the fence and filed a police report. He thinks the City should be cautious as opposed to increase risk. In other municipalities he represents, encroachments without public purpose do not exist. He believes this sets a dangerous precedent and creates a slippery slope.

Nick commented that he can't support the revocable license because it is on public property. Jim believes the process to address this has been short circuited, and it's in front of Council early. Cindy agreed with Nick, and she thinks it's sad that neighbors can't get along but the part on the right of way should come down. There was a permit to build a fence issued. John pointed out the permit was issued with a survey that didn't include dimensions, and that there was an honest mistake of the property owner and the City that he was given the wrong schematics. Dave thinks this could be setting a bad precedent, but he sees the logistical concerns being presented.

**No motion was made, so this request was denied.**

**3. Restore NY Grant (5-10 minutes)**

On September 25, 2017, City staff submitted a Letter of Intent to Empire State Development for the Restore NY grant program for the rehabilitation of the property at 10 Chapin Street (known as the Labelon Building). As part of the grant application a resolution must be adopted "finding that the proposed project is consistent with the municipality's local revitalization development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable." There are several requirements, including a public hearing and an agreement with the developer, to provide matching contributions.

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John explained that this is the same process we went through last year, and we are re-applying for the same grant this year.

**Nick motioned to approve the request, Matt seconded.  
4 in favor, 0 opposed. Motion carries to City Council.**

**4. Chlorine Conversion Project – Construction Management (5-10 minutes)**

The RFP for design services relative to the chlorine conversion project did not include the typical construction phase services. LaBella Associates, the engineer design firm for the project, has submitted a proposal to extend and amend the professional services contract (authorized via Resolution 2016-044) to include construction management services for the project at a total cost of \$11,375. City staff recommends authorizing the amendment to the professional services contract.

John pointed out this was not included originally because of time frame, and the money would come from the water project that is well under budget.

**Matt moves to authorize the amendment to the professional services contract, Nick seconded.  
4 in favor, 0 opposed. Motion carries to Council.**

**5. BID Sign Ordinance Proposal (15-20 minutes)**

The BID's Recruitment Committee has been reviewing the City's sign regulations with the goal to improving the aesthetic of Downtown and have a more unified character. Attached to the agenda are proposed changes that a representative from the BID will present to the Committee. It should be noted that the proposed changes have been discussed with and reviewed by the Planning Commission.

Denise and Penelope from the BID were at the meeting to discuss this proposal. The BID feels requiring professional signage will attract the right type of business to the City, and reviewed the changes to sign regulations that BID is proposing. Currently, the Planning Department only regulates signage, not what is hung in windows. Potential businesses have expressed concerns over operating out of or investing in certain properties because of the signage. The BID doesn't want to be restrictive in permitted signage, but they do want to present a clean, professional appearance. They aren't trying to be historically accurate, but focusing on the BID District.

Dave pointed out the language used doesn't work, and that a special section would need to be created for the BID essentially creating two signage standards. Cindy believes the BID needs to clarify how they define the word "historic." Denise pointed out there aren't a ton of issues, but the ones that exist are glaring and BID wants to help bring them up to standard. She spoke to business owners and asked, if given a 12 month time frame and BID assistance, would these changes be feasible and they said yes.

Karen agrees with the proposal for the most part, but thinks painting in windows done professionally should be permitted. Denise disagreed. Cindy believes there is a lot of ambiguity in the proposal and it should be tighter and more definitively explaining what is and isn't appropriate.

**APPENDIX A (Continued)**  
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Matt doesn't want the regulations to be so prohibitive that it pushes businesses away. In general, he likes the wording of the document. Cindy points out that it doesn't have to be restrictive, but better defined.

Denise stated that the BID is working on establishing a loan program or a line of credit to help business owners bring their signage up to standard. Robert asked about second story signs and whether or not these changes would apply. Denise said she needed to check with the Planning Department but believed they would. Robert pointed out those windows are small, so the 25% window covering allowance may be challenging.

Mike Yarger stated the Unique Toys made the improvements without these changes in place, and he doesn't think they should be approved. If property owners want restrictions on the façade of the building, they open in the mall. There is nothing in the proposal saying these changes will promote or facilitate successful businesses Downtown, which is what is important. Jim asked what percentage of current businesses would be out of compliance with the new standards- Denise replied 6%. Penelope also pointed out they assisted Unique Toys in the process of changing their signage.

Denise reiterated the goal is to clean up signage to help recruit new businesses and improve the overall look of the Downtown Area. Matt thinks what the BID is proposing is great, and he thinks the tone they are trying to set is perfect. If it was his committee, he'd move to approve the proposal. Dave supports it as well. Jim pointed out that our shared goal of City Council is a vibrant downtown, and believes BID has proposed something that will support that goal.

**Jim motions to approve the BID Sign Ordinance proposal, Robert seconded.** Robert pointed out that sometimes businesses run low on funds and signage is an afterthought. If the BID is willing to help these businesses remedy and comply with the new standards, they need to assist and not hinder. Cindy reiterated her belief they should set guidelines and not rules/regulations.

John pointed out this would only be for the BID district, and that needs to be clear. The mayor pointed out there would need to be a new subsection so we can see the corrected language.

This agenda item is being deferred to the October 17<sup>th</sup> Ordinance Meeting to allow for BID to update their proposal, **NO ACTION TAKEN.**

**6. Chapter 496 – “Chronic Nuisance Properties” (5 minutes)**

At the Ordinance Committee meeting on August 15<sup>th</sup>, the committee decided to start over with a new ordinance, instead of attempting to amend the current ordinance. Corporate Council has drafted a new ordinance that would address the nuisance properties in the City which is attached to this agenda for introduction purposes. A review and discussion of the ordinance is planned for the October 17<sup>th</sup> Ordinance Committee meeting.

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John pointed out that this item is only being introduced at this meeting, and that it will be discussed more in depth at the October 17<sup>th</sup> Ordinance Committee meeting. Terrence from Corporation Council was present to discuss the changes made to the Ordinance. He distilled and simplified the Ordinance, and highlighted some of the changes. He briefly discussed how the process would unfold. Terrence also clarified some of the language in the new Ordinance for City Council.

**7. Police Department Updates - Downtown Cameras and Narcan Program (60 minutes)**

At the City Council meeting held August 4, 2016, Council passed Resolution #2016-060 authorizing the purchase, installation and upgrades to surveillance cameras for the Police Station and Downtown Canandaigua area. Installation of these cameras began in January 2017; and since then the Police Department has used them to record events and solve multiple crimes due to the cameras that were installed. Chief Stephen Hedworth will be at the meeting to update the community on the program and discuss the impact the cameras have had on the safety and security of the City of Canandaigua.

Communities across the country are experiencing and combating an Opiate/Heroin epidemic. Battling the issue of Heroin/Opiate addiction and substance abuse as a whole requires a multi-faceted approach and many community partners. Community organizations and non-profits such as the Ontario County Partnership have been working to address substance abuse within the County. More community awareness and support of these programs is needed. A more comprehensive review and discussion is necessary and due to the complexity of the issue, a separate meeting should be scheduled to focus solely on the issue. For the purposes of this update, Chief Hedworth will update the Committee on the Narcan Program (see attached memo). It should be noted that although the statistics in Chief Hedworth's memo are very concerning for the Canandaigua community, communities across the nation have similar or worse situations.

Chief Hedworth was at the meeting to update City Council on all the aforementioned topics. The first topic discussed was an update on the Video Surveillance System. So far, these cameras have been a huge asset. These cameras have helped clear officers in use of force situations, led to arrests and solved crimes, and been an excellent tool helping the Police Department investigate high profile crimes and to keep the City safe. He recommends the City expand the program, especially considering how hard we are working to grow the community and improve quality of life. He also discussed using Body Cameras as another tool. He also pointed out he needs more manpower and that he's down 5 spots. Having all these tools is great, but to keep the City safe he needs more officers.

The Mayor mentioned that she received a call regarding the West Ave area, and suggested if the program is expanded they should look at putting cameras there. Cindy received a similar request for putting cameras in the same area. There have also been discussions about cameras at the pier and Jefferson Park- areas that have heavy traffic and could be problematic.

**APPENDIX A (Continued)**  
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The second item Chief Hedworth discussed was the use of Narcan in the City. Heroin and other opiates are dangerous, and other drugs beginning to surface are more dangerous. In 2015, the City used 1 Narcan dose, and in 2016 9 doses were administered. This year we've already used Narcan 13 times, in some cases multiple doses on the same person. Our supply comes through a grant received in 2015, but we continue to need a larger supply. He stated our country has an addiction problem, and opiates are a huge part of that. He thinks the decrease in overdose fatalities directly correlates to the use of Narcan, but the statistics are alarming none the less and a huge cause for concern. We need more early intervention, early education, and to work with families in crisis.

Dave pointed out this is why he asked us to discuss this- we have a problem in this community and it isn't going away. This problem transcends age, gender, and socio-economic standing, and that this issue could affect anyone. Lisa, who lives at 16 Gorham St on the 3<sup>rd</sup> Floor, joined Chief to share her experiences. She loves her apartment, but she knows her building is overrun with heroin. While she doesn't fear for her personal safety she does fear for the City; she saw the same pattern of drugs leaking into the community when she lived in Geneva in the 1990s and doesn't want it to happen here. She is willing to support the Council in educating the public on the problem.

Matt stated that he thinks there is no peer to peer accountability in drug court cases like there is in Veteran's Court. He thinks as a community we can focus on volunteerism, and invited anyone to join him at drug court to see how this impacts the community first hand as well as get involved in helping addicts recover.

**Matt motioned to move to Executive Session, Karen seconded.**

**4 in favor, 0 opposed. Meeting closed at 8:59 P.M.**

**8. Executive Session – Legal Update (10 minutes)**

An update to City Council on legal matters including litigation.

Terrence updated us on pending litigation. The employment history of someone was discussed.

**Matt motioned to close Executive Session, Cindy seconded.**

**Executive Session Adjourned at 9:29 P.M.**

**APPENDIX B**  
**ENVIRONMENTAL/PARKS**  
**Tuesday, September 12, 2017**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Nick Cutri-Chair; Anita Twitchell; David Whitcomb; Matt Martin

**Other Council members:** Karen White, Robert O'Brien, Jim Terwilliger **(7:06)**

**Staff:** John Goodwin, Jim Sprague, Dick Gates

**1. Special Event – Light the Hill**

Light Hill/Canandaigua Comfort Care Home provides specialized care for the terminally ill and their family as an alternative to nursing home, hospital or home care. Light Hill is planning a luminaria celebration at Kershaw Park on Sunday, November 12<sup>th</sup> at 6 PM as a fundraiser and a memorial event. Mary Kay Naioti, Development and Volunteer Coordinator for Light Hill, will be at the meeting to answer any questions.

Mary Kay was at the meeting to discuss the special event. This is the first time they are hosting the celebration- it's in conjunction with their annual memorial service to honor residents who are no longer with us. Light the Hill will be a luminary celebration, and they will be selling luminaries for \$10 each or 12 for \$100. They will be filled with sand and candles, and then lined along the cinder path at Kershaw Park. They plan on having bins on site to dispose of luminaries, and there will be no environmental impact. The event will be held on November 12<sup>th</sup>, and they have changed the time from 7 p.m. to 6 p.m.

**Matt Martin motioned to approve the celebration, Dave Whitcomb seconded.**

Mike Yarger asked about a backup plan for rain, and Mary Kay said they will do their best to handle whatever conditions arise. The bags will be wax coated to help deal with moisture.

**4 in favor, 0 opposed. Motion carries.**

**2. Tree Advisory Board- Heritage Trees**

The City of Canandaigua Tree Advisory Board (TAB) has been working to create a Heritage Tree Program to honor trees that helped create the City's unique character, as well as ensure they are enjoyed by future generations. As part of the Heritage Tree Program, the TAB created the "Heritage Tree" designation to identify note-worthy trees in our community with special significance. To be considered for "Heritage Tree" status, the tree must be nominated, meet established criteria regarding size, age, species, history and aesthetics, and receive approval for official recognition by the TAB. Recognition and conservation of these trees is vital to maintaining the character of the community, however this is an honorary distinction and does not result in any restrictions on the tree or homeowner's property.

John turned the floor over to Dave and Bill from the TAB. Bill stated it's a program to make the community aware of the landscape and how it relates to the history of the City of Canandaigua. Any trees in the City are eligible for nomination and approval by the TAB. Dave added that they have been trying to do this for several years. If these trees are designated it can prevent them from being damaged by utility companies like RG&E.

Anita stated this is a good idea and suggested ideas to raise awareness. Dave Whitcomb asked if there were discussions about placing restrictions on trees to prevent them from being cut down, and it was discussed but it was decided that to get more community participation to not pursue restrictions on

**APPENDIX B (Continued)**  
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**Tuesday, September 12, 2017**

private property at this time. Dave suggested a possible permit process so that if residents want to cut trees down they would need to explain why. Bill said he would like there to be some kind of permit

process, but the TAB didn't want to put restrictions on property owners or burden on the City. The TAB said they would take Dave's suggestion under advisement and get back to the Environmental Committee at some point.

**Matt Martin motioned to approve the Heritage Tree Status, Anita Seconded.**

**4 in favor, 0 opposed. Motion Carries.**

**3. Together We CANandaigua Partnership**

At the City Council meeting held September 7, 2017, Andy Thomas and Ralph Undercoffler presented the "Together We CANandaigua" Character Building Program being used by the Canandaigua City School District. The program, which began in 1996, was designed to help children develop strong character thus benefitting the entire community. The program recently revamped to expand on its core competencies of Respect, Responsibility, Honesty, Kindness, Effort and Healthy Choices to include desired outcomes for students: Respect leads to Civility; Responsibility leads to Accountability; Honesty leads to Integrity, Kindness leads to Compassion; Effort leads to Perseverance; and Healthy Choices lead to Healthy Lifestyles. The District has invited the City to partner with them on this initiative to help improve the Culture of CANandaigua for future generations. Because good character benefits us all, Staff recommends we become "Proud Partners" with the Canandaigua City School District on this initiative. With the collaboration and commitment of the whole community, the program will help students reach their full potential.

John would like City Council to be an official partner and support the district.

**Dave Whitcomb motioned to approve, Matt Martin seconded.**

**4 in favor, 0 opposed. Motion Carries.**

**4. Pesticide Moratorium**

At the City Council meeting held May 6, 2010, Council adopted Resolution #2010-037 implementing a Turf and Landscape Management Policy for all City-Maintained Lands. In accordance with this policy, the City utilizes an Integrated Pest Management (IPM) program that, in combination with sound agricultural and horticultural practices, monitors the conditions and only utilizes chemicals when necessary.

At the City Council meeting held June 2, 2016, Council passed Resolution #2016-037 which placed a five (5) year moratorium on the use of pesticides in all City of Canandaigua parks. As part of the Resolution, City Council requested bi-annual reports for City Staff on how the Pesticide Moratorium was affecting City Parks. Jim Sprague, Director of Public Works, and Park staff have prepared the attached report and will present it to the committee.

Jim Sprague and Dick Gates were at the meeting to discuss the condition of City parks and discuss the first year with the moratorium. Jim stated the first year has not gone well. They used an organic herbicide but it was ineffective. Where typical methods offered weed control for the entire season, but this year the beds had weeds less than a month after spraying. The organic herbicide is a citric acid

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base, but instead of killing the weeds it only turned weeds yellow. The organic herbicide costs three times more than commercial pesticide, and doesn't adequately control the problem and creates more labor for Park Staff. Without using commercial herbicide we are going to lose entire fields to clover, grubs, and weeds. Jim recommends using traditional herbicides on Field #2 at Northeast Park and in

flower beds where kids don't play. Dick added that our policy is far more restrictive than the one used by the City School District. In the past, they have only sprayed the Parks once every 5 years.

Matt stated that when the moratorium was passed he did not support it. He recommends we go back to the Integrated Pest Management (IPM) created by Kevin Olvany so we don't lose our Parks.

**Matt Martin motioned to go back to the IPM and repeal the moratorium, Dave Whitcomb seconded.**

Anita said absolutely not, and we should use a different kind of landscaping so weeds aren't as visible. She offered other suggestions to fight grubs, and that people getting stung by bees in hyperbolic. Matt added that we need to be good resources of City resources, including funds. The current plan is labor intensive and ineffective, and we can't keep throwing money at a problem when we already know the solution. Robert stated he thinks we need to think about this a little more before scrapping the initiative.

**3 in favor, 1 opposed. Motion Carries.**

**Anita motioned to close, Dave seconded. 4 in favor, 0 opposed.**

**MEETING ADJOURNED AT 8:01 p.m.**

**APPENDIX C**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, September 26, 2017**  
**7:06 p.m.**  
**Hurley Building Conference Room**

**Committee:** James Terwilliger, Chairman; Robert O'Brien; Cindy Wade; Karen White  
**Other Council Members** – Ellen Polimeni; Matt Martin  
**Staff:** John Goodwin; Jim Sprague

**1. Opposing the Elimination of the SALT Deduction**

As part of the ongoing federal tax reform debate underway in Washington, the future of the deductibility of State and Local Taxes (SALT) is now in doubt. The century-old deduction is heavily utilized by residents in New York State, with 34% of tax payers claiming the SALT deduction for an average deduction of \$7,182 annually. In addition, 87% of tax payers who claim this deduction make less than \$200,000 per year. If this deduction is eliminated, millions of families across the State will pay higher taxes on homes with lower property values with detrimental effects on municipalities including the City of Canandaigua. NYCOM is recommending the attached resolution be adopted and sent to our Federal representatives.

John went over the background information on eliminating the SALT deduction. He recommended that City Council support the resolution against eliminating the deduction. The Mayor added each Councilmember should contact their federal representatives as well. Cindy thinks we should use stronger language because New Yorker's pay high taxes.

Karen motioned to support the resolution, Cindy seconded.

**3 in favor, 1 against. Motion carries to City Council.**

Jim does not believe this is Council business. Cindy agreed.

**2. Water Capital Budget Amendment- Water Treatment Plant Electrical**

The water plant's main 1600-amp electrical feed and switch gear, along with its pump breakers date back to 1979. As part of plant's Capital Plan, \$190,000 was allocated to replace these components in 2018. However, in the last couple months, the water plant has experienced several failures of electrical components within this system. These failures can be attributed to the age of the components within the system and also the mixing of new and old parts within the system. All of the recent failures were fixable, but they temporarily stopped the plant from being able to produce water. Without being able to pump water, only a 2-3 day supply of water exists in storage. In addition, the high lift soft starts now need to be replaced, which will cost an additional \$30,000. Due to the recent failures, Staff recommends by starting on the replacement of these components now. In order to do this staff recommends that City Council approve a Water Budget Capital Amendment appropriating \$220,000 from the Water Capital Reserve for the required system replacement and upgrades to avoid disruption to our City's water supply.

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Peter Virkler was at the meeting to discuss why the upgrades to the facility are needed now. City recommends we move forward with the amendment to ensure the City can continue to produce water. We've known this was coming, but it is coming sooner than expected. John believes as a full service City, providing drinking water is the most important thing we do. This is essentially a three month shift.

Cindy motioned to approve the Water Capital Budget Amendment, with the money not being replaced in 2017, Karen seconded.

Robert had a question about fund balances that John answered. Matt asked if there were any backup systems needed. Our generator was purchased in 1992- Matt thought it might be time to replace that as well. We have it scheduled to be replaced in about 5 years or so.

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

Robert asked about time frame, and Jim said the project would probably have to go out for RFP.

**3. Shared Court Facility Support**

At the Joint City Council/ Town Board meeting held September 21<sup>st</sup>, the idea of a shared Court Facility was discussed. State mandates relating to operations of the court system, along with security access control, indicate the Town of Canandaigua needs a more suitable space for legal proceedings. Sharing Court Space would save the Town \$1.73 Million in construction costs, but it would require State Legislation permitting both municipal courts to operate out of the same facility. A Public Hearing to be held at Canandaigua Town Hall, October 16, 2017 at 6 p.m. Staff recommends that City Council support the Town's request for State Legislation allowing the municipalities to share Court Facilities.

Skipped this item and moved to number 5- came back to this when item 5 was completed.

Robert moved to support the legislation, Karen seconded.

Jim asked about time frame, and John answered this will take some time. Since the State is encouraging shared services, they should support this legislation. Matt shared he spoke to someone at the DA's Office that really wants this to pass, and he does too. The Mayor spoke to Craig Doran, who is also supportive. One issue is Town Law and City Statute are very different. She thinks this will move quickly.

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

**4. Water Capital Budget Amendment – Water Main**

At the Finance Committee meeting held July 25<sup>th</sup>, a Capital Budget Amendment was requested reallocating \$100,000 from the Phase I Water Meter System Replacement to the water main project. Engineers estimated the water main project would cost \$264,330, but the 2017 Water Capital Budget only included \$200,000 for this project. City Council decided to wait until bids had been received before supporting a Budget Amendment. The project has since gone out to bid with bids opened on Thursday, September 21st. Staff is reviewing the bids with consulting engineers and will be prepared to recommend the lowest responsible bidder and the necessary budget amendment for the Committee's consideration.

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This is business that was discussed at the July meeting. John explained it's good we didn't approve the amendment, because it looks like it is going to be much more expensive. He is asking for an amendment of \$135,000 from Phase I and move it to the distribution project.

Robert moved to approve the amendment, Karen seconded.  
**4 in favor, 0 against. Motion carries to City Council.**

**5. Sodium Hypochlorite**

The Water Treatment Plant utilizes sodium hypochlorite as part of the water treatment process and recently received bids with the lowest responsible bid received by Bison Laboratories at a unit price of \$0.84 per gallon. City Staff recommend awarding the bid to Bison Laboratories.

City recommends we go with the lowest bid. Peter explained this is part of the new water chlorination process.

Karen moved to award the bid, Robert seconded. John stated he will be watching every dime that is spent to make sure the costs are kept down. This is a project that we hoped to do a few years ago but grant funding didn't come through. We are now getting back this this using our own financing.

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

**6. Electric Vehicle Fee Structure**

John added this item at the meeting. Now that we have a charge station, we need to make sure people are paying to use it. He recommended we make the electric station available at cost plus 10% through the Chargepoint Network. Chargepoint pays us based on the electricity usage. The first three years of the program are grant funded.

Karen moved to approve the price structure, Robert seconded.

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

**7. Fort Hill Apartments - PILOT Request**

At the Finance Committee meeting held August 22<sup>nd</sup>, Michael Birkby from Conifer made a presentation asking for a new PILOT agreement on behalf of the Fort Hill Housing Development Fund Company, Inc. to update the existing apartments. The potential financial impact on the City, County and School District was discussed, with City Council ultimately deciding it needed more information on the scope of work for the project, estimated costs, schedule, and any State or Federal grants that may be utilized for this project and to speak to the other stake holders before awarding the PILOT. Since then, City staff has worked with Mr. Birkby to generate accurate numbers on the financial impact the PILOT would have. The impact is significantly different than discussed at the last meeting. Staff recommends reviewing these numbers and taking another straw vote on whether or not to support the PILOT before speaking to the other stakeholders.

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John and Conifer worked together to generate some numbers, and they were very different. John thought it should come back to Council, and Michael Birkby and Brian Dinatto were at the meeting representing Conifer. Fort Hill is subject to two different TAX ID's, for the apartments and the Brighter Day space. The adjusted numbers now only show the apartments. The theatre space is under a different abatement under State Law under the Opera House Exemption. If we go forward, there will be three parcels, not two. Brighter Days is not included in the updated numbers.

Michael walked us through the projected impact on the City, County and School District tax revenue. This would not begin until 2019 once the work is complete. Payments and Tax Rates escalate annually at the rate of 2%. Every 4 years the reassessment hit, and John anticipated this as a 2% increase every four years. Michael believes the further out we go, however, the variability increases and the accuracy of the projections decreases. He would hold more weight to the differences early. Brian added that under whatever scenario happens moving forward, the residential component would be governed by 581(a). All these projections are based on the ability to keep costs down and raising rent 2% annually isn't always feasible when renting apartments to senior citizens. The proposed PILOT is for 15 years, expiring in 2033.

Jim noticed that in year 1 the municipalities would lose about \$9,000, but at the 15 year point the impact is about \$50,000 more. He believes the taxes would be at about 4%, so this is a divergent model. Michael restated these projections are best case scenario and may not be realistic. He doesn't think the difference will be that great in year 15.

After reviewing the numbers, it appears there was a calculation error in the spreadsheet. John made some changes to the spreadsheet on the spot, and adjusted the PILOT payments to correct the miscalculation. The new spreadsheet was reviewed. As seen with the original spreadsheet, the impact is still considerably high. The cost to the City would be \$54,349.20, but the overall cost is \$252,059.88. Cindy believes we should talk to the County and the School District.

Jim proposed we see a starting at a base number, and then increase it by 2% rider fixed each year. This would prevent the City tax payers from being impacted should the enterprise not go well. We would use the schedule and making it fixed with a 2% annual increase as shown on the spreadsheet. Both Michael and Brian said they would be comfortable with that agreement and nailing down the PILOT numbers.

Karen asked how many units are income contingent under 50%, all apartments are 60% or under and Brian said it would stay that way for 50 years. She asked if they get a tax credit- the program was going to initial but the state has changed how they are funding it. Karen thinks the community was fortunate to have Conifer come on board, and it seems to be thriving. A PILOT allows that to happen at the expense of the City Taxpayers. Does what it is going to cost the City benefit the project? She is leaning towards letting the City have its tax revenue- we aren't bound to give them a PILOT.

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The Mayor thinks this project is an important project for the City because we don't have enough moderate income housing in the City. She thinks for what the costs look to be, it is reasonable. Michael pointed out it gives them an advantage in terms of lowered operating costs allowing them to leverage those to do the renovation. The PILOT savings lets them leverage funds to accomplish all the points in the scope of work. They calculate the numbers differently than the City.

Cindy agrees with the Mayor, and sees the importance of the project as filling a void we wouldn't fill otherwise. If they don't do the renovations, the assessment would go down, not up, and may not reach the proposed impact discussed.

Matt voiced his concerns, but he hears the counter argument offered by Conifer. He would like to see a proposal on how we are going to prevent a third pilot 15 years down the road, and thinks the Committee should require that if the PILOT is approved.

Mike Yarger asked how much Conifer would save over 15 years with this PILOT. He also asked how much Conifer saved with the previous PILOT. Those numbers would need to be calculated. He also asked how much rent has increased on the tenants there during the first PILOT, and those numbers would need to be calculated. He pointed out that other landlords make renovations without a PILOT, and his rent is less than theirs. He doesn't think it creates new low-income housing, but only preserves what is already in place.

Brian pointed out the money needed to renovate the Opera House is contingent on the apartments being renovated. They will figure out the project if the PILOT is rejected- the savings don't go to Conifer but to leverage debt for a larger scope of work.

Karen agrees with Matt in terms of the plan for future renovations. She thinks it would be nice for Conifer to show need for the PILOT instead of giving it to them because of who it impacts. She is starting to think projects should have to stand on their own two-feet, and maybe this is where the City starts. Brian explained the need is to facilitate the rehab, and they will continue to manage the property.

Robert pointed out this is exactly what we did last month, and that we should show these new numbers to the district and the county before making any decisions. Jim agreed with Robert, but he wants to know if we should just show them the numbers or show them the numbers with the recommendation.

Everyone agree with the saying we are generally in favor of this, but we would like feedback. Jim wants to see a schedule with the fixed payments. The Mayor asked Conifer to respond to Council's questions, and John will go back and see what the impact of the first one. Karen is not in favor of saying "we generally support" the letter. John said he will tell the other municipalities that City Council is considering it. It's a neutral presentation.

Robert motioned to close, Karen seconded.

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