

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

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 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

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

Review of Community Core Values: Councilmember Ward 3 White 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:

October 5, 2017 Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large Whitcomb
Vote Result: Carried unanimously by voice vote (9-0)

November 2, 2017 Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large Whitcomb
Vote Result: Carried unanimously by voice vote (9-0)

Recognition of Guests:

- Denise Chaapel, BID Manager, updated City Council on holiday events downtown

Committee Reports: Budget Meetings

Resolutions:

Resolution #2017-127:

Moved: Councilmember Ward 4 Wade
Seconded: Councilmember-at-Large Martin

**A RESOLUTION SUPPORTING THE PILOT INCREMENT FINANCING AMENDMENT
FOR THE PINNACLE NORTH DEVELOPMENT**

WHEREAS, the Pinnacle North Development received assistance from the Ontario County Industrial Development Agency (IDA) via a PILOT Increment Financing (PIF) Agreement dated May 1, 2015; and

WHEREAS, the PIF agreement allows for the debt service payment related to the development to be subtracted from the total property taxes due to the City, School and County; and

WHEREAS, the Developer has recently submitted an application to the IDA to amend the PIF Agreement to:

- Fix the assessment per residential unit for Phase I, II and III at the current assessment per unit grown at 1% per year for the remainder of the PIF Agreement,
- Fix the assessment for Phase V at \$2.5 million in the year it is completed; and calculate the tax assessment for Phase II and III by using units occupied by March 1st of any tax year, and
- Calculate the assessment for Phase II and III by using units occupied by March 1st of any tax year except for once a Phase reaches 90% occupancy, 100% of that Phase's units is subject to the assessment per residential unit for the respective tax year for the remainder of the PILOT

In each case, as more particularly set for and described in the ~~schedule~~ *illustration* of PILOT payments attached hereto as Exhibit A.

WHEREAS, the PIF Agreement requires the consent of all three taxing jurisdictions (City, School and County) for any proposed amendments; and

WHEREAS, the City Council's Committee of the Whole reviewed the proposal at special meetings held November 6, 2017 and November 20, 2017, and recommended granting consent for the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED that the City of Canandaigua hereby establishes its support of, and consent to the PILOT Increment Financing Amendment Application as described above, contingent upon review and approval of the amendment by the City's Corporation Counsel.

Amendment: Councilmember-at-Large Terwilliger moved to change the wording in the third whereas from schedule to illustration. Council Member Ward 1 Cutri seconded the motion. Vote Result: Carried by voice vote (8-1).

Discussion:

- *Joel Freedman, 329 Main St. – Understands the arguments on both sides and opposes this resolution. Assessments are not lowered for others who may be in financial trouble and this could be a slippery slope. If you do it for one then you must do it for others.*
- *Laura Kenyon, 57 Granger St. – Morgan is under FBI investigation. This alone should put this PIF on the back burner just like the City of Rochester did.*
- *Thomas Lyon, 179 West Gibson – They already have a PIF agreement and this settles some of the issues. Makes it clearer to enable better planning and budgeting and hopes this is approved.*
- *Joe Naaca, 109 Chapel St. - Never knew you could get assessment certainty and this is a whole new ball game – the new normal is gaming the tax system and rewards those who can hire lawyers, lobbyists and accountants to negotiate assessment certainty and the IDA jumps in as an ally. Small businesses have City Council on their side. City assigns them a property assessment and tax rate*

whether employed or unemployed. Some may even have to take out a loan but still pay full property bill. Any changes should be applied uniformly to everyone. Developers have more money than any of your constituents.

- *Laurie Desantis, 91 Chapin St. – Looked closely at PILOT's which were designed for federal lands or tax-exempt organizations to give back to community to reimburse for tax loss. In other States such as New Jersey PILOTS were given to private companies who would do something for the community such as environmental cleanup. The property along the lake was contaminated and the company was given a 25-year PILOT on prime location but now want more. The City will lose due to loss of increase in assessment value over 25 years. This development will also cause an increase in families which will require more City resources such as fire and police. Finally, we are setting a precedent for any future development by private companies. We should get more information and not pass this now.*
- *Mike Yarger, Rochester NY - Main St. property owner – small businesses have to compete with Pinnacle North and given tax breaks but Main St. property owners have no certainty. They pay more taxes such as parking meters and BID tax so they can compete with the malls.*
- *Ryan Wilmer, 190 Parrish St. – already PIF in place but this provides more stability in knowing what is going to happen. This is vital in order to complete this project.*

Motion: Councilmember Ward 2 Twitchell – motion to table this till march and get further information before we make a big decision such as this.

- *Councilmember-at-Large O'Brien - Need more information on phase 5 to make a decision.*
- *Councilmember Ward 3 White- Recommendation from management was to wait until March to get a more accurate view of the rental income to evaluate the values.*
- *Councilmember-at-Large Whitcomb - City staff recommended we wait to get a full year of rental income. The preferred valuation method for this type of property in the income approach. By March we would have full year of rents and have more information to make a decision on the value of the property.*
- *Mike Czlonka, Morgan-LeChase Development – Will not have a complete year because we did not reach 90% occupancy until November so will not have a complete year of revenue and delay will affect tax recognition. We have obtained a letter from our financing institution which indicated that they will not go forward until assessments are locked in at 1%.*
- *Councilmember Ward 4 Wade stated we have discussed this at length and has been comfortable with this. The amended proposal gives more value to the City than the original PIF and should be approved*

The motion FAILED on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large O'Brien and Councilmember-at-Large Whitcomb,

NOES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger and Mayor Polimeni.

Discussion on Amended Motion:

- *Councilmember-at-Large Whitcomb - there already is a PIF and this is the new reality to attract businesses and developments. Thought this was needed on the original project and voted for original PIF. Not comfortable with this amendment and not sure we have enough information to determine if this is better or worse than the original PIF we approved. Not convinced that we should amend this because they want a better deal or they will walk. We should go back to the staff recommendation and get more information.*
- *Councilmember Ward 3 White is not against the project or original PIF but not in favor of the amendment. We have given all we could to this project and this is not good for the community.*

- *Councilmember-at-Large O'Brien not comfortable because this is a 25-year agreement and they get certainty we get uncertainty and this is not in our benefit.*
- *Councilmember Ward 2 Twitchell was speaking with paper and this move will be fear based one and not based in logic. This is some of the best property in the United States and blatant scare tactic to say the project will fail if we do not immediately pass this.*
- *Councilmember-at-Large Terwilliger it was suggested that we need to wait for more information but what are we going to learn. We accepted it then without knowing what it would be. Original intent of PIF stands. Methodology has not changed and paying full taxes, part goes to pay debt service and rest goes to the taxing jurisdictions.*
- *Councilmember Ward 1 Cutri is in favor of this amendment.*
- *Councilmember Ward 3 White states that there is an occupancy requirement which they need to be 90%. Councilmember-at-Large Terwilliger explained that the income method also relies on occupancy rates.*
- *Councilmember Ward 4 Wade thanked Councilmember-at-Large Terwilliger for explaining what we are looking at and what the issue is.*
- *Councilmember Ward 2 Twitchell thanks everyone that has come and spoke about this issue.*

The motion Carried on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger and Mayor Polimeni.

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

Resolution #2017-128:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AWARDED A HVAC CONTRACT
FOR HURLEY BUILDING RENOVATIONS**

WHEREAS, the City of Canandaigua opened bids for multiple renovations to the Hurley Building, with one being HVAC improvements, on November 1, 2017 with eight bidders participating; and

WHEREAS, the lowest bid was submitted by Nairy Mechanical LLC, 105 Commercial Street, Webster, NY 14580, for the amount of Six Hundred Sixty-Eight Thousand Seven Hundred dollars (\$668,700); and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Nairy Mechanical LLC, 105 Commercial Street, Webster, NY 14580, to provide HVAC improvements to the Hurley Building; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Nairy Mechanical LLC, 105 Commercial Street, Webster, NY 14580, for HVAC improvements to the Hurley Building in the amount not to exceed \$668,700.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-129:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AWARDING AN ELECTRICAL CONTRACT
FOR HURLEY BUILDING RENOVATIONS**

WHEREAS, the City of Canandaigua opened bids for multiple renovations to the Hurley Building, with one being electrical improvements, on November 1, 2017 with seven bidders participating; and

WHEREAS, the lowest bid was submitted by ME Quinlan, Inc., 3648 Ridge Road, Williamson, NY 14589, for the amount of Two Hundred Eighty-Three Thousand Seven Hundred dollars (\$283,700); and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to ME Quinlan, Inc., 3648 Ridge Road, Williamson, NY 14589, to provide electrical improvements to the Hurley Building; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with ME Quinlan, Inc., 3648 Ridge Road, Williamson, NY 14589, for electrical improvements to the Hurley Building in the amount not to exceed \$283,700.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-130

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AWARDING A PLUMBING AND FIRE PROTECTION CONTRACT
FOR HURLEY BUILDING RENOVATIONS**

WHEREAS, the City of Canandaigua opened bids for multiple renovations to the Hurley Building, with one being plumbing and fire protection improvements, on November 1, 2017 with five bidders participating; and

WHEREAS, the lowest bid was submitted by Billone Mechanical Contractors, 370 Summit Point Drive, Suite 2, Henrietta, NY 14467, for the amount of Five Hundred and Five Thousand Eight Hundred and Fifty dollars (\$505,850); and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Billone Mechanical Contractors, 370 Summit Point Drive, Suite 2, Henrietta, NY 14467, to provide plumbing and fire protection improvements to the Hurley Building; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Billone Mechanical Contractors, 370 Summit Point Drive, Suite 2, Henrietta, NY 14467, for plumbing and fire protection improvements to the Hurley Building in the amount not to exceed \$505,850.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-131:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AWARDED A GENERAL CONSTRUCTION CONTRACT
FOR HURLEY BUILDING RENOVATIONS**

WHEREAS, the City of Canandaigua opened bids for multiple renovations to the Hurley Building, with one being general construction improvements, on November 1, 2017 with nine bidders participating; and

WHEREAS, the lowest bid was submitted by Frank J. Marianacci, Inc., 6905 Route 5&20, Bloomfield, NY 14469, for the amount of Two Million, Seven Hundred Sixty-Five Thousand dollars (\$2,765,000); and

WHEREAS, this bid amount includes the base bid (\$2,700,000) and an alternate bid item (\$65,000) addressing necessary repairs to column base plates throughout the facility; and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Frank J. Marianacci, Inc., 6905 Route 5&20, Bloomfield, NY 14469, to provide general construction improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Frank J. Marianacci, Inc., 6905 Route 5&20, Bloomfield, NY 14469, for general construction improvements to the Hurley Building in the amount not to exceed \$2,765,000; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to utilize remaining funds in the 2017 Bond Authorization as contingency funds budgeted for this project for any of the work related to the Hurley Building renovations.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-132:

Moved: Council Member Ward 2 Twitchell

Seconded: Councilmember Ward 3 White

A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF CANANDAIGUA AS A MEMBER OF THE WATERSHED COMMISSION, TO EXECUTE A CONTRACT WITH ONTARIO COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR CONTINUANCE OF THE WATERSHED INSPECTOR PROGRAM

WHEREAS, under the provisions of Part 132 of Chapter III, of Title 10, of the Public Health Laws of the State of New York, which established the Canandaigua Lake Watershed Rules and Regulations, the Members of the Commission, including the City of Canandaigua, have determined that they want to continue to provide for management and control of the Canandaigua Lake Watershed, through the continuance of a Watershed Inspector program; and

WHEREAS, under provisions of Chapter III, Section 9, Subsection 3, of New York State Conservation District Law, which provide for the District to enter into agreements with any agency in carrying on erosion control, flood prevention and sediment damage prevention operations, and control and abatement of non-point sources of water pollution for effective conservation and utilization of the lands and waters; and

WHEREAS, the City of Canandaigua is willing to enter into this agreement with the understanding that all other Members of the Watershed Commission will also enter into similar agreements with the Ontario County Soil and Water Conservation District;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the Manager is authorized to execute an Agreement for Ontario County Soil and Water Conservation District to manage the Watershed Inspector Program, provided that the Agreement clearly sets forth that the City's compensation for services shall be limited to and shall not exceed the City's pro-rata financial liability to the Canandaigua Lake Watershed Commission on an annual basis.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-133:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Martin

RESOLUTION #2017-133

**A RESOLUTION TO ADOPT THE 2018 BUDGET OF THE CITY OF
CANANDAIGUA AND TO APPROPRIATE REVENUES AND
EXPENDITURES
FOR PURPOSES SPECIFIED IN EACH FUND**

WHEREAS, in accordance with Chapter 14 of the City Charter, the City Council of the City of Canandaigua has met and considered the City Manager's proposed budget for the 2018 fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the 2018 budget, a copy of which is on file with the Clerk/Treasurer, is hereby adopted, and that the amounts set forth for each expenditure activity and revenue item be and hereby are appropriated for the purposes specified in each fund.

General Fund

General Fund	
Expenditures	Adopted Budget
General Government	\$ 1,748,840
Public Safety	4,052,713
Transportation	1,258,537
Economic Development	149,357
Recreation & Culture	939,105
Home & Community	1,026,996
Employee Benefits	3,084,794
Interfund Transfer	2,100,000
Contingency	100,000
Total Expenditures	\$ 14,460,342
Revenues	
Property Taxes	\$ 5,287,135
Non-Property Taxes	4,778,781
Departmental Income	942,116
Intergovernmental Charges	537,154
Use of Money and Property	56,040
Licenses and Permits	80,300
Fines and Forfeitures	196,800
Miscellaneous	5,000
Interfund Transfers/Revenues	635,065
State and Federal Aid	1,466,422
Total Revenue	13,984,813
Appropriated Fund Balance	475,529
Total Revenue and Appropriated Fund Balance	\$ 14,460,342

Capital Fund

	Adopted Budget
Expenditures	
General Government	\$ 122,000
Public Safety - Police	238,000
Public Safety - Fire	31,700
Transportation	437,635
Code Enforcement	-
Culture and Recreation - Parks	363,235
Home and Community	328,005
Technology	-
Total Expenditures	<u>\$ 1,520,575</u>

Revenues

Transfers from Reserves and Special Funds	1,138,705
Donations	78,000
Grants	91,235
CHIPS (Consolidated Highway Improvement Fund)	212,635
Total Revenues	<u>\$ 1,520,575</u>

Debt Service Fund

	Adopted Budget
Expenditures	
Debt Service Payments	\$ 748,623
Debt Administration	2,000
Total Expenditures	<u>\$ 750,623</u>

Revenues

Interest	203
Transfer from General Fund	674,007
Total Revenue	674,210
Appropriated Reserve	76,413
Total Revenue and Appropriated Surplus	<u>\$ 750,623</u>

Water Fund

Adopted Budget

Expenditures	
Water Treatment Plant (8320)	\$ 911,661
Water Distribution (8340)	548,440
Undistributed Costs	436,588
Interfund Transfers	690,000
Employee Benefits	358,048
Debt Service	513,284
Capital Budget	536,000
Total Expenditures	<u>\$ 3,994,021</u>

Revenues	
Water Charges	\$ 3,383,691
Charges to Other Gov'ts	-
Use of Money and Property	11,380
Other Revenue	9,700
Transfers from Reserves	511,000
Total Revenue	<u>3,915,771</u>
Appropriated Fund Balance	78,250
Total Revenue and Appropriated Fund Balance	<u>\$ 3,994,021</u>

Sewer Fund

		Adopted Budget
Expenditures		
Sewer Collection (8120)	\$	267,553
Sewage Treatment Plant (8130)		983,871
Undistributed Costs		211,044
Interfund Transfers		462,500
Employee Benefits		253,545
Debt Service		681,999
Capital Budget		463,000
Total Expenditures	<u>\$</u>	<u>3,323,512</u>
Revenues		
Sewer Use Charges	\$	1,489,560
Charges to Other Gov'ts		814,842
Use of Money and Property		2,500
Other Revenue		1,250
Transfers from Reserves		993,832

Total Revenue	3,301,984
Appropriated Fund Balance	21,528
Total Revenue and Appropriated Fund Balance	\$ 3,323,512

Technology Fund

Expenditures	Adopted Budget
Equipment/Software	19,840
Materials & supplies	500
Contractual Services	148,580
Contingency	-
Total Expenditures	\$ 168,920
Revenues	
City Tower Rentals	\$ 143,256
Interest Income	400
Other	-
Total Revenue	143,656
Appropriated Fund Balance	25,264
Total Revenue and Appropriated Fund Balance	\$ 168,920

BE IT FURTHER RESOLVED that the said budget, as adopted by the City Council of the City of Canandaigua, shall be effective for the fiscal year commencing January 1, 2018.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

Resolution #2017-134:

Moved: Councilmember Ward 3 White
 Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION ESTABLISHING THE 2018 TAX LEVY AMOUNT
 AND AUTHORIZING THE CLERK/TREASURER
 TO SPREAD AND COLLECT THE SAME**

WHEREAS, the City Council of the City of Canandaigua has adopted the 2018 Budget; and

WHEREAS, said budget calls for a property tax levy of \$5,048,800; and

WHEREAS, said budget also includes a special assessment levy of \$9,000, which is spread and extended upon properties that are within the boundaries of the Parking Lot Assessment District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that the amount of \$5,048,800 shall constitute a levy of the amount to be raised by taxation in 2018 for the City of Canandaigua, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the current assessment tax roll, and to collect the same; and

BE IT FURTHER RESOLVED, that the amount of \$9,000 shall constitute a levy of the amount to be raised by the Parking Lot Assessment, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Parking Lot Assessment District.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-135:

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

A RESOLUTION AUTHORIZING COLLECTION OF COUNTY TAXES

BE IT RESOLVED, that the Canandaigua City Clerk/Treasurer is hereby directed to collect from the several persons and corporations named in the Assessment Roll to which this warrant is annexed, the several sums of money mentioned in the column thereof, to wit: the one marked "County Taxes" and set opposite to the name of such persons or corporations respectively, together with your fee thereon, as hereinafter provided; and further

RESOLVED, that upon delivery of said Roll and Warrant, the Clerk/Treasurer shall mail to each taxpayer against whom any tax shall be charged on such roll, at last known post office addresses, a statement of the amount of such tax, designating the Clerk/Treasurer's Office in said City, as the place for receiving payment of the taxes from January 2nd to January 31st, both dates inclusive, from nine o'clock in the morning until four o'clock in the afternoon, and any person may pay her/his tax at the time and place designated; and further

RESOLVED, that upon all taxes collected after January 31, 2018 such Clerk/Treasurer shall collect one per centum; and after the expiration of said last day of February, collection of unpaid taxes shall proceed in the manner provided by the Statutes of the State of New York.

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

Resolution #2017-136:

Moved: Council Member Ward 2 Twitchell
Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION APPROVING THE 2018 BUSINESS IMPROVEMENT DISTRICT (BID) BUDGET, ESTABLISHING THE 2018 BID CHARGE LEVY, AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

WHEREAS, the Downtown Business Improvement District (BID) was established by the City Council on July 9, 1992 by Local Law No. 4; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2018 BID budget will be accepted by the Board of Directors of the Downtown Canandaigua Business Management Association, Inc. at its meeting of December 20, 2017; and

WHEREAS, the BID's 2018 budget, a summary of which is attached hereto, includes an amount not to exceed \$36,466 in anticipated revenue to be generated by the BID charge;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the proposed 2018 BID budget is hereby approved; and

BE IT FURTHER RESOLVED an amount not to exceed \$36,466 shall constitute a levy of the amount to be raised by the district charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Business Improvement District in accordance with the district plan, and to collect the same.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-137:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SELECTED OUTSIDE AGENCIES AS APPROVED IN THE 2018 BUDGET

WHEREAS, the organizations, made a part of this resolution, have agreed to administer and provide individual or group programs for the citizens of the Canandaigua area; and

WHEREAS, said programs complement City goals through public safety, promotion of economic development, personal development, and social enrichment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute contracts with these organizations as required and in accordance with the amounts appropriated in the 2018 Budget.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-138:

Moved: Councilmember-at-Large Whitcomb

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION ADOPTING THE
CITY OF CANANDAIGUA FEE SCHEDULE**

WHEREAS, in accordance with the Municipal Code of the City of Canandaigua, various fees pertaining to applications, permits, inspections, and services shall be set by resolution of the City Council, and;

WHEREAS, the City Council has reviewed the proposed "City of Canandaigua Fee Schedule" as part of its 2018 budget process;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that:

Section 1. The "City of Canandaigua Fee Schedule" shall be adopted as attached.

Section 2. Said fees shall take effect January 1, 2018.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-139:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Martin

**A RESOLUTION ESTABLISHING THE 2018 WATER RATES
FOR THE CITY OF CANANDAIGUA**

WHEREAS, the City Council has adopted the 2018 Operating Budget for the Water Fund; and

WHEREAS, the Water Fund Budget calls for an increase in the water rates in order to meet the financial requirements of the Water Fund in 2018; and

WHEREAS, the City of Canandaigua sells water to residential and commercial water customers within the City and by contract to several town water districts;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the water rates charged for residential and commercial water customers within the City is \$3.317 per 1,000 gallons of water with a minimum quarterly charge of \$37.15 and that said rates shall be in effect for all water consumption billed on or after January 1, 2018.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-140:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION AWARDING AN ASBESTOS ABATEMENT CONTRACT
FOR HURLEY BUILDING RENOVATIONS**

WHEREAS, the City of Canandaigua opened bids for asbestos abatement to the Hurley Building, on November 15, 2017 with three bidders participating; and

WHEREAS, the lowest bid was submitted by NRC NY Environmental Services, Inc., 1260 Scottsville Road, Rochester, NY 14624, for the amount of Thirty-Six Thousand Nine Hundred and Fifty dollars (\$36,950); and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to NRC NY Environmental Services, Inc., 1260 Scottsville Road, Rochester, NY 14624, to provide asbestos abatement to the Hurley Building; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with NRC NY Environmental Services, Inc., 1260 Scottsville Road, Rochester, NY 14624, for asbestos abatement to the Hurley Building in the amount not to exceed \$36,950.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-141:

Moved: Councilmember Ward 4 Wade

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR AN ENGINEERING SERVICES CONTRACT FOR THE DESIGN OF A NON-GASEOUS CHLORINATION SYSTEM AT THE WATER TREATMENT FACILITY

WHEREAS, Water Treatment Facility's Capital Plan has included the installation of an alternative non-gaseous system for the currently used gaseous chlorine system which is utilized to disinfect drinking water; and

WHEREAS, engineering services were secured and authorized by City Council to identify and design for an alternative non-gaseous system (Resolution#2016-044)

WHEREAS, early this year a final design was completed and submitted to the New York State Department of Health and, although the design complied with all existing regulations for both the NYSDOH and NYSDEC, the resulting NYSDOH comments and direction lead to the need to redesign a significant portion of the proposed work; and

WHEREAS, LaBella Associates submitted a proposed fee change order of \$12,500 and performed the work; and

WHEREAS, because the original resolution authorizing for engineering services did not include a contingency or authorization for change orders, City Council authorization is required for the above referenced change order;

WHEREAS, funding for this project is included in the 2017 Water Treatment Facility Capital Budget and the overall project is well under budget and bids for the project were approved by City Council at its September 7, 2017 meeting via Resolution #2017-090; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the contract change order with LaBella Associates, 300 State Street, Suite 201, Rochester, NY 14614 for the redesign engineering services for the non-gaseous chlorination system at the Water Treatment Facility for a not-to-exceed amount of \$12,500.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-142:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 1 Cutri

A RESOLUTION GRANTING A PERMANENT EASEMENT TO THE CANANDAIGUA CROSSROADS LLC

WHEREAS, Canandaigua Crossroads LLC owns and is redeveloping the property at 10 Chapin Street known as the Labelon Building; and

WHEREAS, part of the access drive from Chapin Street to the parking area located off West Ave is owned by the City of Canandaigua and Canandaigua Crossroads has requested a temporary construction easement to make improvements and a permanent access easement to the city owned portion of the access drive as identified in Exhibit A of the attached Easement Agreement; and

WHEREAS, in consideration for the easements Canandaigua Crossroads LLC will pay the City the fair market value of \$50;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute any and all documents necessary to transfer a temporary construction easement and permanent access easement to the Canandaigua Crossroads, LLC for the portion of the access drive as identified in Exhibit A of the attached Easement Agreement.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-143:

Moved: Council Member Ward 1 Cutri

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION AWARDING AN ASBESTOS ABATEMENT AIR MONITORING CONTRACT FOR HURLEY BUILDING RENOVATIONS

WHEREAS, the City of Canandaigua opened bids for asbestos abatement air monitoring for the Hurley Building, on November 22, 2017 with two bidders participating; and

WHEREAS, the lowest bid was submitted by Lozier Environmental Consulting, Inc., 2011 East Main Street, Rochester, New York, for the amount of Three Thousand Seven Hundred and Fifty dollars (\$3,750); and

WHEREAS, the 2017 Capital Budget includes funding for this project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Lozier Environmental Consulting, Inc., to provide asbestos abatement air monitoring for the Hurley Building;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Lozier Environmental Consulting, Inc., 2011 East Main Street, Rochester, New York 14609, for asbestos abatement air monitoring for the Hurley Building in the amount not to exceed \$3,750.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-144:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING A CONTRACT FOR EAP SERVICES

WHEREAS, in an effort to comply with the Shared Services Initiative, Ontario County and the City of Canandaigua have identified an opportunity to share and coordinate Employee Assistance Program (EAP) services by jointly bidding for said services; and

WHEREAS, an EAP program is designed to assist employees achieve emotional and mental well-being and is an important benefit for the overall health and wellness of the City of Canandaigua's employees; and

WHEREAS, the City of Canandaigua joined in the joint bidding process with the ultimate recommended service provider being ESI Employee Assistance Group located at 55 Chamberlain Street in Wellsville, NY at a cost of \$16 per FTE; and

NOW, THEREFORE, BE IT RESOLVED, that City Council authorizes the City Manager to enter into an agreement with ESI Employee Assistance Group for EAP services with a cost of \$16 per FTE in the City of Canandaigua.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-145:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING AN UPGRADE
TO THE CURRENT ACCOUNTING SYSTEM**

WHEREAS, the existing accounting software was purchased in 2006; and

WHEREAS, a migration to new software (Version 10) is available to replace the existing software, and

WHEREAS, the new software offers many advantages in areas of database management, security, user interface, general ledger, accounts payable, purchasing, payroll, personnel management, reporting, and utility billing, and

WHEREAS, the Clerk-Treasurer's Office has reviewed a proposal from Tyler Technologies, our existing Financial Management System provider; and

WHEREAS, the Clerk-Treasurer's Office reviewed several other software providers to compare with our current provider, and

WHEREAS, based on the, price, service, functionality and reporting the Clerk-Treasurer has recommended that we migrate to the new software, Version 10, offered by Tyler Technologies, for a total cost not to exceed of \$59,000, and

WHEREAS, the funding for this conversion has been budgeted in the Capital Fund for the last two years; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute a contract with Tyler Technologies, Local Government Division, 5519 53rd St., Lubbock Texas for the purchase of the Version 10 migration for an amount not to exceed \$59,000.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-146:

Moved: Council Member Ward 2 Twitchell

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION AMENDING THE APPOINTMENT OF MARY BEER, RN MPH AS LOCAL HEALTH OFFICER FOR THE CITY OF CANANDAIGUA

WHEREAS, in an effort to comply with the Shared Services Initiative Ontario County and the City of Canandaigua have identified an opportunity to share and coordinate the services of Mary Beer, RN MPH, the Public Health Director of Ontario County, to act as the Local Health Officer for the City of Canandaigua; and

WHEREAS, on November 2, 2017 via Resolution #2017-125, the Canandaigua City Council appointed Mary Beer as the Local Health Officer for with a term beginning January 1, 2018 and ending December 31, 2018; and

WHEREAS, since said appointment, the New York State Department of Health is requiring a term of four (4) years with the option to include annual reviews; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Canandaigua hereby reaffirms the appointment of Mary Beer, RN MPH as the Local Health Officer and the duration of said appointment is hereby amended to be a four (4) year term with annual reviews beginning January 1, 2018 and ending on December 31, 2021.

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

Resolution #2017-147:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING THE CREATION THE DEPUTY FIRE CHIEF POSITION

WHEREAS, the City of Canandaigua desires to add the Deputy Fire Chief position to support the Fire Chief; and

WHEREAS, the creation of this position was included in the 2018 Fiscal Year Budget approved at the December 7th City Council meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the creation of the Deputy Fire Chief position for the City of Canandaigua Fire Department.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinances:

Ordinance #2017-002: *(Introduced and tabled at the November 7, 2017 Council Meeting)*

AN ORDINANCE AMENDING CHAPTER 496 OF THE MUNICIPAL CODE ENTITLED "NUISANCE PROPERTIES"

Lift from the table:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

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

Vote on Ordinance:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinance #2017-003: *(Introduced and tabled at the November 7, 2017 Council Meeting)*

AN ORDINANCE AMENDING CHAPTER 850 OF THE MUNICIPAL CODE ENTITLED "ZONING"

Lift from the table:

Moved: Councilmember-at-Large Martin
Seconded: Council Member Ward 1 Cutri

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

Vote on Ordinance:

Moved: Councilmember-at-Large Martin
Seconded: Councilmember-at-Large Whitcomb

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinance #2017-004: *(Introduced and tabled at the November 7, 2017 Council Meeting)*

**AN ORDINANCE AMENDING CHAPTER 648-29 OF THE MUNICIPAL CODE ENTITLED
"ENFORCEMENT OF NO-PARKING RESTRICTIONS IN FIRE LANES OF HOSPITALS,
SHOPPING CENTERS AND NOT-FOR-PROFIT CORPORATIONS"**

Lift from the table:

Moved: Council Member Ward 1 Cutri
Seconded: Councilmember-at-Large Martin

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

Vote on Ordinance:

Moved: Council Member Ward 1 Cutri
Seconded: Councilmember-at-Large Martin

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Local Laws: (None)

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

- Thankful for working with such hard working and dedicated staff.
- Thanked Management team for work on the budget.

Appointments: None

Miscellaneous: None

Executive Session:

Councilmember-at-Large Whitcomb moved to close the regular meeting to go into Executive Session at 8:48 PM to discuss ongoing litigation. Councilmember-at-Large O'Brien seconded the motion.

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

Regular Session:

Councilmember-at-Large Martin moved to close the executive session and return to the regular meeting at 9:43 PM. Councilmember Ward 3 White seconded the motion.

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

Adjournment

Councilmember-at-Large Martin moved to adjourn the regular session at 9:43 PM. Councilmember Ward 3 White seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua