

AGENDA
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
Tuesday, January 21, 2020
7:00 PM
Council Chambers- The Hurley Building

Environmental Committee: Karen White, Chair
Robert O'Brien
Renée Sutton
Dan Unrath

1. Complaint Regarding Snow Removal Ordinance

§600-12 of City Code "Snow and Ice Removal" requires that property owners and occupants keep adjoining sidewalks free from snow and ice within 24 hours after the end of a snowfall. Whenever the owner or occupant fails to remove the snow and ice from the sidewalk within the 24 hour period, the Department of Public Works may remove the snow or ice with the expense incurred by the amount of labor, equipment, materials used as well as administrative overhead charged to the adjoining property owner in an amount not less than one (1) hours cost. In response to resident feedback, this ordinance is proactively enforced. Pictures of the sidewalk are taken before and after work is completed. Some residents that receive a bill from the City will call to protest the charge. The City Manager has only waived the charge if there is evidence that a mistake was made in the enforcement/billing. Nevertheless, in some cases a resident will persist and request an audience before City Council to have the City Manager's determination overturned. Recently, Heather Lyon, owner of 210 Pleasant Street, contacted the City believing she was assessed a bill for snow removal incorrectly. Although there is no provision in City Code for such a request, she has requested to meet with the City Council to plead her case. In accordance with the City's core values of responsive, participatory governance, the item has been added to the agenda.

2. Community Choice Aggregation

At its November 7th meeting, City Council passed Local Law #2019-003 establishing a Community Choice Aggregation (Energy) Program in the City of Canandaigua. The next step required is to choose a Third-Party Administrator to run the program, and after doing some research Staff recommends awarding the contract to Roctricity. The City can 'piggyback" an RFP recently completed by the Town of Brighton, the Town of Irondequoit, the Town of Pittsford, and the Village of Pittsford where their consortium found Roctricity to be the best choice for their Third-Party Administrator. In addition, several members of City Council expressed great interest in the potential to aggregate with these communities, as well as the City of Rochester. If the City of Canandaigua does not select Roctricity as our Third-Party Administrator, we will be unable to aggregate with these large communities moving forward. Ben Frevert from Roctricity will be at the meeting to answer questions for City Council.

3. Special Event- Eastern Freestyle Standard Championship Skier Recognition

The BID has submitted a special events application to host "Eastern Freestyle Standard Championship Skier Recognition," an event to celebrate skiers from around the World coming to our area for the 2020 USSA EQS Eastern Freestyle Championships Opening Ceremony. The proposed date for the event is March 20th and from 4 pm to 8 pm in Commons Park, the Main Street Sidewalks, Coach Street, and the Coach Street Parking lot with an estimated 1000 people attending. Because this is a new event it must be approved by City Council. Denise Chaapel from the BID has been invited to discuss the event and answer questions for Council.

4. Special Event- Canandaigua Mile

Abbie Sullivan has submitted a special events application to host "The Canandaigua Mile," a Race Community Event. The proposed date for the event is May 2nd at 9 a.m. on Main Street with an estimated 200 people attending. Because this is a new event it must be approved by City Council. Ms. Sullivan has been invited to the meeting to discuss the event and answer questions for Council.

5. Kayak Rack Lease

There are two businesses, Canandaigua Sailboard and Seager Marine & Freedom Boat Club of Canandaigua, who would like to utilize the City small craft boat launch area on the west end of Kershaw Park. In the past, kayaks and paddleboards have taken up a great deal of the public park for the operation of the rental business without any compensation for the use of the park land. To correct this and to be fair to other adjacent businesses, City staff is recommending a lease of the kayak rack located at this location. Two permits (one for each side of the rack) with an annual fee of \$400 (based roughly \$25 per week from Memorial Day to Labor Day). Each business would be allowed to the kayak rack at the launch for storage during the day, while all other equipment must be stored on their own property and transported to and from the launch site. This item has been added to the agenda for further discussion.

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

1. Removal of Stop Sign on Sand Street

At its October 3rd meeting, City Council passed Ordinance 2019-005 amending §648-7 Entitled One-Way Roads and Parking Lots of the Municipal Code making Sand St. "One Way" heading south from Telyea St. to Bristol St. With this ordinance now in place, there is no need for the existing stop sign at the intersection of Sand St. NB and Telyea St., and Staff recommend it be removed from the list of stop sign intersections listed in §648-13.

2. Permits for Parking Garages and Conduct Condition Assessments

Under New York law, the Secretary of State is authorized to issue rules and regulations for the administration of the State's Uniform Fire Prevention and Building Code (Uniform Code). Local governments are charged with enforcement of the Uniform Code and are directed to adopt certain portions of the Uniform Code by local law. The Secretary of State recently adopted amendments to 19 NYCRR 1203.2 that now require local governments to adopt code provisions regarding condition assessments and operating permits for parking garages. The attached Proposed Local Law # 2020-002 gives effect to the requirements imposed under 19 NYCRR 1203.2, as amended.

3. Tabled IDA Resolution – Continued Discussion

At the January 7th Planning Committee & Finance Committee Meeting, the City Council discussed the proposed resolution and other potential requests or potential solutions to concerns that some on City Council have regarding the Ontario County IDA. City Council requested that staff conduct some research. This item has been added to the agenda to review preliminary research and for further discussion.

Next Meeting: February 18, 2020



For Sale
Fabio
11/14/2019

FOR SALE
11/14/2019

FOR SALE
11/14/2019

11/14/2019



Fabio
Candidates for City Council

Candidates
for City Council
Donna Baker
Sean Buck
Matt Martin
Bill Schaefer

11/14/2019



11/14/2019



11/14/2019



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

July 2016

To: Chief Fiscal Officers

Subject: New “Piggybacking” Law - Exception to Competitive Bidding (Updated)

Please provide copies of this bulletin to others who may need this information.

Background

Effective August 1, 2012, a new subdivision 16 was added to General Municipal Law (GML) § 103 to authorize political subdivisions and districts therein to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be made available for use by other governmental entities.

This exception to GML § 103 (1), as originally enacted, provided that the contract must have been let in a manner that constitutes competitive bidding consistent with state law. GML § 103 (16) was amended by chapter 497 of the Laws of 2013, to provide that the contract must be let either to the lowest responsible bidder or on the basis of best value in a manner consistent with GML § 103. The amendment to subdivision 16 became effective on November 13, 2013. GML § 103 (16) is scheduled to expire on July 31, 2019.¹ Political subdivisions (other than New York City) that wish to make procurements under GML § 103 (16) through the use of a contract let on the basis of best value must have first authorized the use of best value for awarding their own purchase contracts by local law, or in the case of district corporations (e.g. fire districts), school districts and BOCES, rule, regulation, or resolution. This authorization may be accomplished by the adoption of a single local law or single rule, regulation, or resolution. The stated purpose of GML § 103 (16) is to reduce administrative and product cost, and increase efficiencies.²

Many local governments have been approached by vendors offering goods and services under other governmental contracts and, in some cases, vendors have asserted that the contract falls within the exception in GML § 103 (16). It is the responsibility of local officials to review each proposed procurement to determine, on advice of the local government’s counsel as appropriate, whether the procurements falls within the exception. To assist local government officials in undertaking this review, we offer the following guidance.

Three Prerequisites

There are three prerequisites that must be met in order for a procurement of apparatus, materials, equipment and supplies, and related installation, repair and maintenance services, to fall within this exception:

(1) The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by one of the listed governmental entities. Contracts developed for use by local governments that are let by private parties (e.g., a private company, association or not-for-profit corporation is the party awarding the contract to the vendor), and not by the United States or any agency thereof, any state or any other political subdivision or district therein, would not fall within the exception.³

The phrase “any state or other political subdivision or district therein” clearly includes other states, and political subdivisions in other states. In our view, it also includes New York State political subdivisions. Therefore, in addition to the current competitive bidding exception for certain purchases through contracts of New York State counties (County Law § 408-a; GML § 103 [3]), local governments also may purchase through qualifying contracts let by other New York State political subdivisions under this exception.

(2) The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contract available for New York local governments. In general, this would occur by inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms and conditions would not fall within the exception.

(3) The contract must have been “let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section.” The term “consistent with this section” refers to General Municipal Law § 103 (and related case law) applicable to New York State political subdivisions. The purchasing local government would need to obtain background information on the procedures used to let the contract and, as necessary, consult with its counsel, to determine whether this prerequisite is met. Additional guidance on complying with this prerequisite follows.

Determining Consistency with GML § 103

In order for a non-New York contract to have been let to the lowest responsible bidder or on the basis of best value (competitive offering)⁴ in a manner “consistent” with GML § 103, the procedures used by that government need not be exactly the same as those under GML § 103.

Rather, the procedures for letting the non-New York contract must be in harmony or general agreement with, and further the same principles as the competitive bidding or best value requirements of GML § 103.⁵ In this regard, the courts in this state have stated that the underlying purposes of GML § 103 are to guard against favoritism, improvidence, extravagance, fraud and corruption, and to foster honest competition in order that the local government may obtain the best goods and services at the lowest possible price to protect the public fisc.⁶

Based on the provisions of GML § 103 as construed by the courts in this State, and the underlying purposes of GML § 103, we believe there are four fundamental elements that should be present in the procedures used by the non-New York entity in letting its contract in order for the process to have been let to the lowest responsible bidder or on the basis of best value consistent with GML § 103. These elements are:

- Public solicitation of bids or, in the case of best value, offers. A public solicitation is consistent with the statutory advertising requirement in GML § 103,⁷ and serves to ensure that the purposes of GML § 103 are furthered.
- Submission of sealed bids or offers, or analogous procedures to secure and preserve the integrity of the process and confidentiality of the bids or offers submitted. A secure competitive bidding or best value process is consistent with the sealed competitive bidding and competitive offering requirements of GML § 103⁸ and helps foster honest competition and guard against collusion.
- Preparation of specifications, or a similar document that provides a common standard for bidders or offerers to compete fairly. Consistent with the purposes of GML § 103, the contracting entity, in advance of the submission of bids or offers, should convey the nature of the goods or services and other information necessary for prospective bidders or offerers to make an intelligent evaluation and bid or offer, without being unduly restrictive.⁹ In the case of a best value process, this generally should include a description of the manner in which the evaluation of the offers and award of the contract will be conducted and, as appropriate, identify the relative importance or weight of price and non-price factors.¹⁰
- Award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder, or in the case of a best value process, an award to the responsive and responsible offerer¹¹ which optimizes quality, cost and efficiency, reflecting objective and quantifiable analysis, whenever possible.¹² A contract awarded through a negotiation process would not be consistent with the requirements and purposes of awarding to the lowest responsible bidder or on the basis of best value in a manner consistent with GML § 103.

Other Factors to Consider; Internal Controls.

- Contractual Relationship. By placing an order with the contract vendor, the purchasing local government generally will be entering into a contractual relationship with that vendor in accordance with the terms and conditions of the contract. Accordingly, local officials, in consultation with the attorney for the local government as necessary, should carefully review those terms and conditions before making the purchase. In some cases, the contract may have been let in a manner consistent with GML § 103, but the terms and conditions of the contract may conflict with other New York State laws or regulations.¹³ This could result in the local government being unable to use the contract.
- Audit of Claims. The payment to the contract vendor will be subject to standard procedures for claims processing, including audit of claims procedures.
- Cost Savings Justification. Unlike recent amendments to GML §§ 103 (3) and 104 pertaining to county and certain federal contracts (e.g. L 2003, ch 62; L 2011, ch 97), GML § 103 (16) does not expressly require local governments to consider whether the contract will result in cost savings. Nonetheless, local officials should perform a cost-benefit analysis before utilizing this exception. This will help ensure that the local government is furthering the underlying purposes of the new law, and that the procurement is consistent with the purposes of GML § 103. The analysis should be used to demonstrate whether “piggybacking” is cost effective and should consider all pertinent cost factors, including any potential savings on the administrative expense that would be incurred if the local government initiated its own competitive bidding or best value process.
- Documentation. Local governments should maintain appropriate documentation to allow for a thorough review of the decision to use this exception to competitive bidding by local government officials, external auditors and taxpayers. This documentation may include such items as copies of the contract, analysis of the contract to ensure it meets the three prerequisites stated above, and cost savings analysis including consideration of other procurement methods.

Procurements Below the Bidding Monetary Threshold; Policies and Procedures

As noted, GML § 103 (16) provides an exception to the requirements of subdivision one of that section. However, procurements that are below the monetary thresholds set forth in Section 103 (1)¹⁴ (or otherwise fall within another exception, such as emergency purchases)¹⁵ already are exempt from the requirements of GML § 103. Those procurements, instead, are subject to the local government’s own procurement policies and procedures adopted pursuant to GML § 104-b. Therefore, whether a local government may make purchases that are below the statutory thresholds by “piggybacking” on contracts let by governmental entities listed in GML § 103 (16) will be governed by the local government’s own procurement policies.¹⁶

Please feel free to contact Mark Stevens in our Division of Legal Services (518-402-4437) with legal questions, and the State Comptroller's regional office that serves your local government with internal control and documentation questions.

End Notes

¹ See L 2014, ch 55, part G.

² NY Senate and Assembly Memos in Support of S. 5525-C/A. 8034-C, 2012. The amendment also states that the authority provided in GML § 103 (16) does not relieve any obligation of the local government to comply with any applicable M/WBE business enterprise mandates and the preferred source requirements of State Finance Law § 162.

³ In 2011, the GML was amended to permit political subdivisions to participate in two specific federal contract extension programs ("Supply Schedule 70" and "Section 1122") as exceptions to the requirements of GML § 103 (GML §§ 103 [1-b], 104 [2]). GML § 104 (2) was further amended by chapter 497 of the Laws of 2013 to provide that political subdivisions, as exceptions to the requirements of GML § 103, may make use of several additional federal programs made available to local governments (local preparedness acquisition act ["Schedule 84"]; section 833 of the John Warner national defense authorization act for fiscal year 2007; and federal supply schedule usage act of 2010). These exceptions, which are separate from, and not subject to the prerequisites of GML § 103 (16), are scheduled to sunset on July 31, 2019 (see L 2014, ch 55, part G). Any other federal contracts are subject to the prerequisites of GML § 103 (16).

⁴ The "lowest responsible bidder" requirement dictates that the contract award is made to the low price bidder who is determined to be a responsible bidder (see e.g. AAA Carting v Town of Southeast, 17 NY3d 136). As an alternative to lowest responsible bidder awards, GML § 103 allows political subdivisions, by local enactment, to make awards of certain purchase contracts to "responsive and responsible" vendors on the basis of "best value," as defined in State Finance Law § 163. "Best value" is defined in State Finance Law § 163 as a basis for awarding a contract to the offerer which optimizes quality, cost and efficiency among responsive and responsible offerers, reflecting, whenever possible, objective and quantifiable analysis. The definition of "best value" provides that "[s]uch basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services." Political subdivisions, other than New York City, are required to first authorize the use of best value awards by local law, or in the case of district corporations (e.g. fire districts), school districts and BOCES, by rule, regulation, or resolution. The amendments to GML § 103 which added the best value option (L 2011, ch 608 as amended by L 2012, ch 2) distinguished the best value process from competitive bidding, referring to the best value process as a "competitive offering" (GML § 103 [1-a], [4], [6], [7]; see also GML § 103, section heading).

⁵ See e.g. Stocker v Sheehan, 13 AD3d 1.

⁶ See e.g. AAA Carting v Town of Southeast, 17 NY3d 136; Associated General Contractors v New York State Thruway Authority, 88 NY2d 56; Jered v NYCTA, 22 NY2d 187; see also GML § 100-a.

⁷ See GML § 103 (2).

⁸ See GML §§ 103 (1), (5).

⁹ See e.g. AAA Carting v Town of Southeast, 17 NY3d 136; Browning-Ferris v City of Lackawanna, 204 AD2d 1047; Progressive Dietary v Wyoming County, 90 AD2d 214; Matter of L & M Bus Corp. v New York City Dept. of Educ., 17 NY3d 149; Gerzof v Sweeney, 16 NY2d 206.

¹⁰ See State Finance Law § 163 (9) (b); see also footnote 12 for a discussion on non-price factors.

¹¹ Whether a bidder or offerer is "responsible" involves a factual, case by case examination into a bidder's background, assessing factors such as a bidder's capacity and financial ability to complete the contract, accountability, reliability and integrity (see e.g. DeFoe v New York City, 87 NY2d 754; Abco Bus v Macchiorola, 75 AD2d 831 rev'd on dissent 52 NY2d 938; State Finance Law § 163 [1] [c]). The New York Court of Appeals has held that, as a matter of due process, a bidder is entitled to reasonable notice and a timely and adequate opportunity to be heard before a determination of non-responsibility is made (LaCorte v County of Rensselaer, 80 NY2d 232). In addition, the New York courts have distinguished between the case by case determination of responsibility and the authority to debar or suspend bidders from future contracts (see e.g. Callanan v White, 118 AD2d 167 lv denied 123 AD2d 462 and 69 NY2d 601). There is only limited authority in New York to debar bidders from future contracts (e.g. Labor Law § 220-b, 235). There is, however, authority for bidders on contracts for public work to be "pre-qualified" under certain circumstances (GML § 103 [15]). For purposes of a contract that has been awarded on the basis of best value, a "responsive" offerer is an offerer meeting the minimum specifications or requirements as

prescribed in the procurement solicitation (see State Finance Law § 163 [1] [d]). Consistent with the best value requirements of GML § 103, no political subdivision, other than New York City, may use a contract awarded on the basis of best value unless the political subdivision has first adopted a local law, rule, regulation or resolution, as the case may be, in accordance with GML § 103 (1), authorizing the use of best value for awarding purchase contracts.

¹²GML § 103 (1); SFL § 163 (1) (j). With respect to whether a contracting entity has let a contract on the basis of best value in a manner consistent with GML § 103, the contracting entity may have considered non-price factors when awarding the purchase contract, such as reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. To ensure that, whenever possible, there has been an objective and quantifiable analysis consistent with the requirement under GML § 103 (1) and SFL § 163 (1) (j), as a rule, the contracting entity should have used a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of the rejected lower price offer (see e.g. Matter of Transactive v New York State Department of Social Services, 236 AD2d 48 affd on other grounds 92 NY2d 579. If the contracting entity let the best value contract based on criteria that was not objective and quantifiable, some form of justification should be provided (see State Finance Law § 163 [9] [a]).

¹³ For example, an out-of-State contract may require advance payment to the vendor. With limited exceptions, local governments may not pay a claim for goods or services prior to audit and approval by the claims auditing body or official, or prior to the receipt of goods or services (see e.g. Town Law § 118; Village Law § 5-524 [4]; County Law § 369 [2]; Education Law § 1724; 8 [A-2] NYCRR § 170.2 [k]). Therefore, such a clause may conflict with New York State statutes.

¹⁴ The monetary threshold is \$20,000 for purchase contracts, and \$35,000 for contracts for public work, calculated as prescribed in GML § 103 (1).

¹⁵ See GML § 103 (4).

¹⁶ GML § 104-b generally requires that the procurement policies and procedures provide for obtaining alternative proposals or quotations when a procurement is not subject to bidding requirements (GML § 104-b [2] [b]). The procurement policies, however, may set forth circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the local government (GML § 104-b [2] [g]). Local officials should undertake the same type of cost-benefit analysis and documentation as discussed above before permitting an exception to the local government's procurement policies and procedures for these contracts. Local officials also should review and, as necessary, update the policies and procedures to ensure that use of this new exception for procurements above the bidding threshold is consistent with the relevant policies and procedures, and that provisions for cost savings justification and documentation to support the use of "piggybacking" as an exception to bidding are incorporated.

APPLICATION FOR A SPECIAL EVENT

CITY OF CANANDAIGUA
City Manager's Office
2 North Main Street
Canandaigua, NY 14424
(585) 396-5000 x 5000 Fax (585) 396-5016

Processing Fee of \$50.00 must accompany this application for the review process to begin.
All processing fees are non-refundable. Applications must be submitted a minimum of 45 days prior to the event. *Applications submitted without the fee or less than 45 days before an event will not be processed.*

PLEASE READ ALL RULES, REGULATIONS, POLICIES AND PROCEDURES

SPONSOR INFORMATION

Name: Downtown Canandaigua Business Management Association **Phone Number:** 585-396-0300

EMAIL Address: cdgabid@ahoo.com

Address: 115 South Main Street Canandaigua, NY 14424

EVENT INFORMATION

Name of Event: Eastern Freestyle Standard Championship Skier Recognition

Date(s) of Event: 03/20/2020

Purpose: Celebrate Skiers from around the World coming to our area for the
2020 USSA EQS Eastern Freestyle Championship - Opening Ceremony

Location: Commons Park, Main Street Sidewalks, Coach Street and Coach Street
Parking Lot

Time: 4-8

Attendance Estimate: 1000

TYPE OF EVENT (SELECT ONE) –See Definitions on pg 4

FESTIVAL **Set up Time/Time of Assembly:** 12:00

BLOCK PARTY **Date of Set up:** 3/20/2020

PARADE **Take-Down Time/Time of Disbandment:** 8 pm

RACE WALK **Date of Take down:** 3/20/2020

OTHER EVENT

EVENT ACTIVITIES (FILL OUT ALL THAT APPLY)

Activities Planned: (Entertainment, Vending, Fireworks, Gaming etc. Please attach any additional information that will help explain your event such as a flyer):

See attached letter from Bristol Mtn. The BID is working with them to create a Welcoming environment and Opening Ceremony to celebrate the skiers and their families.

We would like to have skiers march from City Hall to Antis Street on the sidewalks carrying their country/home mtn flag. The skiers will be welcomed at the Commons Park with either a DJ or live band. The athletes range from 8-16 years old.

They would like to have food vendors and a welcome atmosphere for the attendees after they march down the sidewalk, I will also be working on a marching band or music to lead them on the sidewalk. Once the parade is over they will have an awards ceremony and then everyone will be free to shop and dine in downtown while getting to know each other. We will also roll out several of our large family games in the Commons area. We will be asking the Merchants to supply items for Welcome Bags.

Security Arrangements: Canandaigua BID

Clean Up Arrangements: Canandaigua BID

Street(s) To be Closed:

Will Alcoholic Beverages be Served? no **Sold?** no

Will You Need a Tent? Information Tent **Size of Tent:** 10x10 to 20x20 couple locations

Will Do Open-Flame Cooking? **Size of grill surface:**

(Please refer to Rules on pg 6 and Fees on pg 7 for tent and cooking inspections)

FOR PARADES/RACES/WALKS: (Attach Map of Route – REQUIRED FOR APPLICATION)

Event held on (Select one): Sidewalk Street

Place of Assembly: City Hall Parking Lot on Main and along West Ave

Place of Disbandment: Commons Park

Number of Volunteer Marshals:

Approximate Number of Parade Units/Participants: 250 kids

Entrance Fee (\$): \$ **Pre-Registration Required:**

SPECIAL EQUIPMENT/SERVICES REQUESTED

Fees may be charged for these services

ITEM	QUANTITY	NECESSARY DETAILS
Traffic Cones		
Litter Barrels		
Barricades	8	Coach Street Lot and Coach St from Chase bank Drive to Main St. for safety reasons
Snow Fencing (ft)		
Traffic Control		
Police Escort		
Special Services		

SIGNS (See Rules on Page 6)

ALL SIGNS ON CITY PROPERTY MUST BE APPROVED BY COUNCIL

Number of Signs: 1 Welcome Sign **Size:** 24" x 36"

Where Located: Main Street Median

2020 USSA EQS Eastern Freestyle Championships
March 20 – 22, Bristol Mountain, NY
Opening Ceremony Request

This coming March Bristol Mountain will be hosting the 2020 USSA EQS Eastern Freestyle Championships. The event is the culmination of the entire season of competition. There will be three days of actual competition and at least one day of training per event. There will be three different competitions all of which will be judged by a panel of USSA certified judges. On Friday, March 20th the Slopestyle competition will be held. In this event skiers will negotiate a series of terrain features which may include jumps, rails, spines, quarter pipes, etc. On Saturday the Mogul competition will be held where skiers ski through a heavily moguled course and perform two different jumps during the process. On Sunday the Aerial event will be held where skiers will perform one jump on the aerial site. All of these events are Olympic events.

The athletes who will be competing come from virtually every state in the Northeastern USA and Ontario, Canada. There are over 1000 athletes competing throughout the season to earn an invitation to this event. Between the three events approximately 250 athletes will be invited and ultimately attend the event. The majority of the athletes range between 8 and 16 years of age. Some of these athletes will eventually progress in the sport to the level of the US Freestyle Team and may even some day ski on the World Cup circuit and in the Olympics. Bristol last held this event in 2008 and two athletes from that field represented the USA in Korea at the Olympics in 2018.

All athletes who will be participating are licensed USSA competitors. The US Ski and Snowboard Association is the governing body of the sport of Freestyle Skiing. The Eastern Division of USSA is comprised of primarily all states east of (including) Ohio.

The event organizing committee would like to host an opening ceremony/parade in downtown Canandaigua on Friday, March 20th at roughly 6pm. Athletes will be arranged by their teams and march in the parade which would ideally end in a location that we could line up food trucks, a DJ and perhaps a small tent. A marching band would be ideal as well. Our hope is that local businesses may offer incentives to make purchases in their shops and this event would show off the great city of Canandaigua. As part of the ceremony we will make some brief welcoming remarks and distribute awards from the SlopeStyle competition.

The Bristol Freestyle Team genuinely thanks you for your consideration in this matter and we look forward to working with you on this very exciting event!

APPLICATION FOR A SPECIAL EVENT

CITY OF CANANDAIGUA
City Manager's Office
2 North Main Street
Canandaigua, NY 14424
(585) 396-5000 x 5000 Fax (585) 396-5016

Processing Fee of \$50.00 must accompany this application for the review process to begin.
All processing fees are non-refundable. Applications must be submitted a minimum of 45 days prior to the event. Applications submitted without the fee or less than 45 days before an event will not be processed.
PLEASE READ ALL RULES, REGULATIONS, POLICIES AND PROCEDURES

SPONSOR INFORMATION

Name: Abbie Sullivan

Phone Number: (585) 329-8289

EMAIL Address: abbie.sullivan2241@gmail.com

Address: 5 Tamarack Drive, Canandaigua

EVENT INFORMATION

Name of Event: The Canandaigua Mile

Date(s) of Event: 5/2/2020

Purpose: Race/Community Event

Location: Main St. Canandaigua

Time: 9 am

Attendance Estimate: 200

TYPE OF EVENT (SELECT ONE) - See Definitions on pg 4

FESTIVAL

Set up Time/Time of Assembly:

BLOCK PARTY

Date of Set up: 5/2/2020

PARADE

Take-Down Time/Time of Disbandment:

RACE WALK

Date of Take down: 5/2/2020

OTHER EVENT

EVENT ACTIVITIES (FILL OUT ALL THAT APPLY)

Activities Planned: (Entertainment, Vending, Fireworks, Gaming etc. Please attach any additional information that will help explain your event such as a flyer): A 1 mile running race from the corner of Buffalo ~~W. 4th~~ + Main to the Commons park. The hope is to bring the community + local businesses together. Will need to close 1 lane of traffic for approx 45 min.

Security Arrangements:

Will provide Volunteers

Clean Up Arrangements:

Street(s) To be Closed: Right lane of Main South Bound

Will Alcoholic Beverages be Served? No **Sold?** No

Will You Need a Tent? No **Size of Tent:** N/A

Will Do Open-Flame Cooking? No **Size of grill surface:** N/A

(Please refer to Rules on pg 6 and Fees on pg 7 for tent and cooking inspections)

FOR PARADES/RACES/WALKS: (Attach Map of Route – REQUIRED FOR APPLICATION)

Event held on (Select one): Sidewalk Street

Place of Assembly: Race start at intersection of Buffalo + Main

Place of Disbandment: Commons Park

Number of Volunteer Marshals: 15

Approximate Number of Parade Units/Participants: 200

Entrance Fee (\$): \$25 (depending on cost) **Pre-Registration Required:** Yes

SPECIAL EQUIPMENT/SERVICES REQUESTED

Fees may be charged for these services

ITEM	QUANTITY	NECESSARY DETAILS
Traffic Cones	Unknown Quantity	
Litter Barrels		
Barricades	Unknown	
Snow Fencing (ft)		
Traffic Control		
Police Escort		
Special Services		

SIGNS (See Rules on Page 6)

ALL SIGNS ON CITY PROPERTY MUST BE APPROVED BY COUNCIL

Number of Signs: ² (Finishline + Startline) **Size:** Unknown - 6"?

Where Located:

POLICIES AND PROCEDURES

GENERAL POLICY STATEMENT

The City of Canandaigua ("City") establishes a policy for a uniform method of processing applications and regulations of Special Events held within the City. This policy shall apply to all special events that take place on property owned or controlled by the City. Any person or organization wishing to sponsor or hold a Special Event in the City will be required to complete a Special Event Application and obtain proper Permits.

DEFINITIONS

Block Parties: A block party is defined as an event which is organized and held by residents of a street as a SOCIAL event. No attendance or participation fees are charged. However, food, goods and services are often donated to support the event. If Block Party attracts people beyond the street, the event is NOT considered to be a block party.

Festival: An event is defines as a festival if one or more of the following activities occur: (1) An admission fee is charged; (2) Vendors sell products/wares; (3) Carnival games/amusement rides are offered for a fee; (4) Attendance is double the estimated population in the area where the event is to be held; (5) Purpose of event is a fundraiser; (6) Interference with parking and safe movement of pedestrians and/or vehicular traffic in the area; (7) If alcoholic beverages are sold; and (8) If electrical energy is used for amplification and/or lighting.

Impromptu Special Events – Opportunities for positive public use of City resources with little or no advance notice, for example a school field trip to the Public Safety Department, a Boy Scout civil service program or traffic control for a political motorcade.

Permit – Written consent issued by the City Manager indicating permission to hold the event pursuant to this policy.

Public Property – City owned property, including but not limited to buildings, parks, rights of way and parking lots and City services, including but not limited to Public Works, Public Safety and Administration.

Public Special Event – An event open to the general public for the benefit of public or not-for-profit entities or purposes.

Private Special Event – An event not open to the general public or an event held to generate revenue for private entities or purposes.

Recurring Special Event – A public or private special event held in consecutive years following initial City Council action approving said event.

PROCESS:

1. All special event requests, other than Impromptu Special Events, shall be submitted to the City Manager's Office on the City's *Application for Special Events* and include any information requested on the application along with a check in the amount of fifty (\$50) dollars for processing the application. This application fee is non-refundable.
2. In order for the application to be processed, said application with the processing fee must be submitted forty-five (45) days prior to the scheduled event. Incomplete applications or applications submitted less than 45 days prior to the event will not be processed.
3. Upon submittal of the application the City Manager will forward the application to the various Department Heads for their review and comments related to whether: 1) the proposed location is adequate for the size and nature of the event; 2) the event does not unreasonably interfere with the activities of people living or working in the area; 3) the event is not likely to cause injury to persons or property; 4) the event does not create a disturbance, cause disorderly conduct, or encourage or result in violation of the law; 5) the availability of city personnel and equipment; and 6) any other

concerns related to the general health and safety of the public. Any conditions, including alternate routes or sites to ensure the health and safety of the citizens may be set by the City Council, City Manager or Department Head, and shall be incorporated into the granting of any permit.

4. The application will be also be forwarded to the Office of the Clerk/Treasurer for review and determination of insurance coverage requirements. The City shall require that all sponsors of special events, excluding Block Parties, provide general liability insurance coverage in the minimum amount of one million dollars. Festivals and Races shall provide a minimum of two million dollars general liability insurance. The City may require the sponsor and/or vendor to provide higher levels or insurance, coverages, and policies as deemed necessary based on specific event risk factors and review by the City's insurer. After reviewing the description of the event and potential risk factors, the City will notify the sponsor of what insurance specific coverage is needed. At least 20 days prior to the event an event sponsor shall be required to provide a valid Certificate of Insurance naming the City of Canandaigua as an additional insured.
5. The City may place additional requirements on any event. These requirements may include specific staffing levels for Police, Fire, Paramedic, Public Works or other personnel. Expenses for these requirements will be billed to the sponsoring organization under the terms of this policy and the fee schedule. Where possible during the review process Department Heads will provide estimates of anticipated work performed by City Personnel and related costs.
6. After review of the application from the various departments, the City Manager is hereby authorized to permit certain events on City property or the use of Public Property provided such use is for the benefit of the public and, in the judgment of the Manager; such use is consistent with the goals and directives of the City Council. Such administrative approval is limited to Impromptu and Recurring Special Events. Prior to approval the City Manager shall forward copies of requests for these Special Events to the next scheduled Committee for discussion and direction. All other Special Events shall be presented to the City Council for review and approval or denial. Special Events that are approved by Resolution of City Council and are conducted in accordance with the terms of the granted Permit shall be considered a recurring event in future periods. Such events may be administratively approved provided individual Council members do not request repeated Council review. All permits will be granted on a first-come, first-served basis.
7. If an application is denied, the applicant may appeal the decision through an Article 78 proceeding.
8. If the permit is approved, on the day of the event the Police Department and Public Works Department will provide personnel and equipment in accordance with the terms of the permit to provide adequate traffic control and assistance to ensure that the health, safety and welfare of the citizens of the City are protected.
9. The applicant will be required to execute an Indemnity Agreement holding the City harmless for any and all accidents, claims, etc., which may occur as a result of such an approved event.
10. Permit holders are on notice that if situations develop that effect the health, safety and welfare of residents, the Police Department, Fire Department, Code Enforcement Office, or the Public Works Department are authorized to cancel the event at any time.
11. On the day of the event, the permit must be available and ready for display upon the request of the Police, Fire Department, Code Enforcement and/or Public Works Department. In the event that the applicant has not paid the appropriate fees and picked up the permit, or if the permit is not at the scene of the event, or a permit was not applied for, the event will not be allowed to occur.

GENERAL INFORMATION

1. Vendor License Requirements

- All food/beverage vendors must have valid New York State Health Department licenses. Additionally the City must inspect all food vendors' cooking devices. This inspection requires an Operating Permit. A vendor acting through a Special Event Permit shall not be required to obtain a Vendor License under Chapter 538 of the Municipal Code. The inspection for such permit is \$60 per inspector per hour. Food/Beverage Vendors are responsible for any and all fees related to obtaining a food license.
- Food/Beverage Vendors are required to comply with all Ontario County Health Department or all New York State Health Department rules and regulations for Temporary Food License Facilities.
- Food/beverage vendors should contact the Health Department well in advance of the event date.

2. Two Or More Applications For The Same Event Date

In the event that two or more Special Event Applications are received for the same date and time prior to the approval of either event, the date and time that each application was received by the City shall determine the order of preference. Once a Special Event approval has been granted, it shall be the policy of the City to not award further permits for the same date, time, and general location. In the event that two or more Special Event Applications are received at the same time for the same date and time, the City Manager has authority to resolve date and time conflicts with the sponsors filing each application.

3. Signs.

If signs and banners are going to be displayed throughout the City, the sponsor must provide detail of the signs in the application with respect to sizes, numbers, and locations where signs will be displayed. The permit holder is not authorized to place signs in City right of ways or in the Main Street median, unless the Permit provides otherwise. Should this occur, the Code Enforcement Department is authorized to remove such signs. Continued placement could lead to revocation and cancellation of the Special Events Permit. Signage can be placed on private property with the consent of the owner and in accordance with the City's sign ordinance. All signs must be removed the day after the Special Event. If the City removes the signs after that period the event sponsor will be responsible for a fee of \$50 per sign removed.

4. Tents.

Tents and membrane structures larger than 200 square feet and canopies larger than 400 square feet, whether on public or private property, require an inspection by the City and an Operating Permit. The inspection for such permit is \$60 per inspector per hour. For information regarding the installation of tents the applicant must contact the Fire Department at 585-396-5050.

5. Block Parties.

As a condition of Permit Approval, for first-time events at least 60% or the residents must agree to have the street closed and 100% of the residents on streets to be closed must be notified in writing at least 3 weeks prior to the event. A signed petition and Street Closing Permit must be attached to the application. Permittees must ensure that attendees comply with the City's Noise Ordinance and Alcohol Policy. Street Closures shall be limited to one block and street barricades must be placed only at street intersections. Insurance is not required for a Block Party.

6. Refuse.

At the conclusion of the Special Event all refuse must be disposed of properly and the site returned to its condition prior to the Special Event

7. Prohibited Activities.

No games of chance, amusement rides, or bounce houses are permitted on public property.

FEES FOR SPECIAL EVENTS

Excepting the Downtown Business Improvement District, fees shall be charged for City services provided to Special Events as follows:

Application Fee. At the time of the submission of an application for a special event, the applicant shall pay a non-refundable processing fee of fifty (\$50.00) dollars.

Hourly Rate shall be the hourly rate, as established by the City Administration, for any employee working on a special event outside of standard work hours. Hourly Rate shall include expenses related to the employee including fringe benefits, or as established by the City.

Equipment Rental: City equipment required for an event shall be charged to the event if used during other than normal work hours. The rate for equipment shall be a reasonable rate as determined by the Director of the Public Works Department.

Replacement Fee: There is a replacement fee for any equipment that is not returned in the same condition in which it was delivered. Following are some **replacement costs for equipment:** plastic litter barrels @ \$20 each, barricades @ \$100 each, snow fencing @ \$25 per 50 foot roll, cones @ \$15 per cone.

Other Out of Pocket Expenses: Actual cost of other expenses such as electrical supplies, solid waste removal, cost of mailings, and equipment rental charges will be charged back to the event.

Inspection Fees. Use of a tent that is larger than 400 square feet, regardless of whether on public or private property and/or the commercial outdoor cooking of food require separate inspections and permits by the City of Canandaigua. The applicant is responsible for obtaining these permits at the current inspection rate of \$60.00 per inspector per hour, with a minimum of 1 hour. **It is the responsibility of the event coordinator to contact the fire department to schedule inspections at 396-5050.**

Park and Facility Rental Fee: A separate application is to be made for the rental of any parks or pavilions. The fee will be assessed and paid upon submission of the Park and Facility Use Form. Separate rules and regulations are on that form. To reserve a park please call the Department of Public Works at 585-396-5060.

ORDINANCE # 2020-001

**AN ORDINANCE AMENDING CHAPTER 648, VEHICLE AND
TRAFFIC, OF THE MUNICIPAL CODE
TO REMOVE STOP INTERSECTIONS**

SECTION 1. §648-13 “Stop Intersections” of the Municipal Code is hereby amended to remove the following:

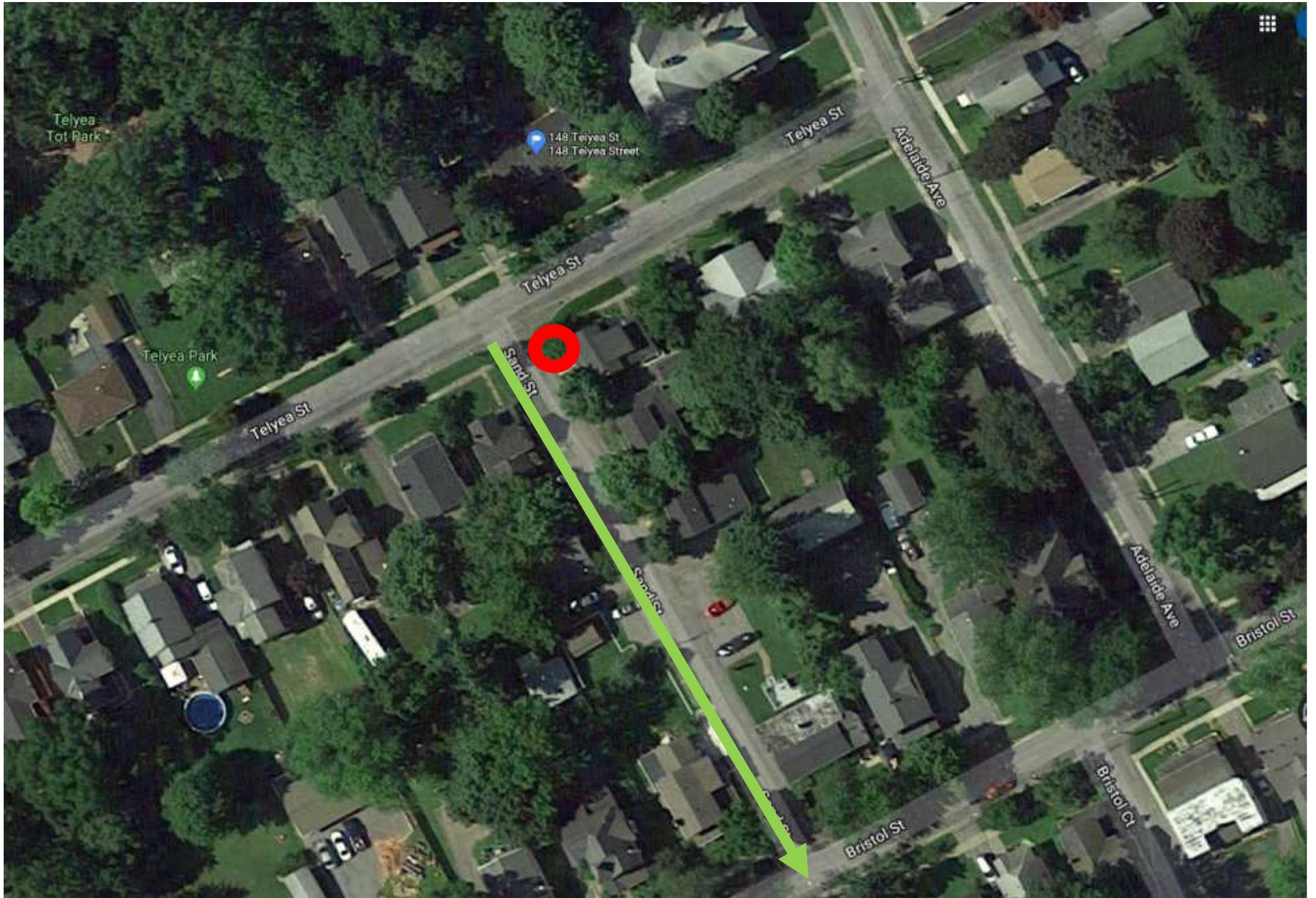
Sand Street from the south with Telyea Street

SECTION 3. This ordinance shall be effective immediately.

ADOPTED this 6th day of February, 2020

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer





PROPOSED LOCAL LAW #2020-002

**AMENDING CHAPTER 714-28(A) OF THE MUNICIPAL
CODE TO PROVIDE FOR PARKING GARAGE
CONDITION ASSESSMENTS AND OPERATING PERMITS**

WHEREAS, the Secretary of State for the State of New York is authorized under N.Y. Exec. Law § 381 to issue rules and regulations for the administration of the State's Uniform Fire Prevention and Building Code (Uniform Code); and

WHEREAS, local governments are charged with enforcement of the Uniform Code and are directed under 19 NYCRR 1203.2(a) to adopt certain portions of the Uniform Code by local law; and

WHEREAS, the Secretary of State has amended 19 NYCRR 1203.2 to now require local governments to adopt code provisions regarding condition assessments and operating permits for parking garages.

THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 Chapter 714-28(A) is hereby amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

A. Any person who proposes to undertake any activity or to operate any type of building listed below in this Subsection A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (1) ~~Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;~~
- (2) ~~Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;~~
- (3) ~~Use of pyrotechnic devices in assembly occupancies;~~
- (4) ~~Places of assembly. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;~~
- (5) ~~Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City of Canandaigua;~~

- (1) Acetylene generators. To operate an acetylene generator having a calcium carbide capacity exceeding five pounds.
- (2) Automobile tire rebuilding plants. To operate an automobile tire rebuilding plant.
- (3) Automobile wrecking yards. To operate an automobile wrecking yard.
- (4) Bowling establishments. For bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.
- (5) Cellulose nitrate motion picture film. To store, keep or have on hand more than 25 pounds of cellulose nitrate motion picture films.
- (6) Cellulose nitrate plastics (Pyroxylin).
 - (a) To store, keep or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).
 - (b) To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.
- (7) Combustible fibers. To store, handle, or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
- (8) Combustible materials. To store combustible materials including but not limited to empty combustible packing cases, boxes, barrels, or similar containers, rubber tires, baled cotton, rubber, cork, or other similar materials in excess of 2,500 cubic feet gross volume, on any premises.
- (9) Compressed gases.
 - (a) To store, handle, or use at normal temperatures and pressures more than:
 - [1] 2,000 cubic feet of flammable compressed gas, or
 - [2] 6,000 cubic feet of nonflammable compressed gas.
 - (b) To store, handle or use any quantity of liquefied natural or hydrogen gas.
- (10) Cryogenics. To store, handle, or use cryogenic fluids, except cryogenics used as a motor fuel and stored in motor vehicle tanks, as follows:
 - (a) Production, sale, or storage of cryogenic fluids.

- (b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers, or liquefied oxygen in excess of 10 gallons.
- (11) Dry-cleaning plants. To use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (12) Dust producing plants. To operate any grain elevator, flour, starch, or feed mill, woodworking plant, or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur, or other materials producing explosive-potential dust.
- (13) Explosive ammunition and blasting agents.
 - (a) To manufacture, possess, store, sell, or otherwise dispose of explosives and blasting agents.
 - (b) To use explosives or blasting agents.
 - (c) To operate a terminal for handling explosives or blasting agents.
- (14) Flammable and combustible liquids.
 - (a) To store, handle, or use flammable liquids in excess of 6 1/2 gallons inside dwellings; or in excess of 10 gallons inside any other building or other occupancy; or in excess of 60 gallons outside of any building. This provision shall not apply to: 1) Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant; (2) Paints, oils, varnishes or similar flammable mixtures, when such liquids are stored for maintenance, painting, or similar purposes.
 - (b) To store, handle, or use combustible liquids in excess of 25 gallons inside a building, or in excess of 60 gallons outside of a building.
 - (c) This provision shall not apply to fuel oil used in connection with oil burning equipment.
 - (d) A permit shall be obtained for the initial installation of an oil burner and a fuel oil tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.
 - (e) For processing, blending, or refining of flammable or combustible liquids.
- (15) Flammable finishing. For spraying, coating, or dipping operations utilizing flammable or combustible liquids.
- (16) Fruit ripening process. To conduct a fruit ripening process using ethylene gas.

- (17) Fumigation and thermal insecticidal fogging. To conduct fumigation or thermal insecticidal fogging operations.
- (18) Hazardous chemicals.
- (a) To store, handle, or use more than 55 gallons of corrosive liquids; or more than 50 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 50 pounds of nitromethane; or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
 - (b) To store, handle, or use any quantity of air-reactive, water-reactive, or unstable materials.
- (19) *Hazardous materials or activities.*
- (a) *Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;*
 - (b) *Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling; or*
 - (c) *Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City of Canandaigua.*
- (20) Junkyards. To operate a junkyard.
- (21) Liquefied petroleum gas. For each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of 500 gallons water capacity or over, and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social or recreational purposes. Installers shall maintain a record of all installations and replacement of portable cylinders, and have it available for inspection.
- (22) Lumberyards. To operate a lumberyard.
- (23) Magnesium. For melting, casting, heat treating, machining, or grinding of more than 10 pounds of magnesium per working day.
- (24) Matches.

- (a) To manufacture matches.
 - (b) To store matches in excess of 25 cases. (NOTE: One case equals one matchman's gross of 14,400 matches.)
- (25) Organic coatings. To perform organic coating operations utilizing more than one gallon of organic coating on any working day.
- (26) Ovens and furnaces. To operate industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° F. which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or catalytic combustion system.
- (27) *Parking garages. Parking garages as defined in 19 NYCRR 1203.3(j). In addition, all such parking garages shall be subject to additional "condition assessments" as required and set forth in 19 NYCRR 1203.3(j).*
- (28) *Places of assembly. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.*
- (29) *Pyrotechnic devices. Use of pyrotechnic devices in assembly occupancies.*
- (30) Service stations and repair garages. To operate a service station or repair garage.
- (31) Welding and cutting. To operate a welding and cutting business A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.

Sec. 2 This Local Law shall be effective thirty (30) days following its enactment.

ADOPTED this 6th day of February, 2020

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer