

Canandaigua Town Board 7/7/09

Canandaigua Town Board
Regular Meeting
July 7, 2009
7:00 p.m.

Present: Oksanna Fuller	Councilperson
David Dawson	Necessarily absent
Marion Cassie	Councilperson
Ralph Brandt	Councilperson
Jim Fralick	Supervisor
Jim Hecker	Highway Superintendent
Ron Brand	Planning Consultant

Others present: Douglas Forge, Priscilla Herbig, Tom Knapp, Dennis Brewer, Lew Smith, Pam Helming, Karen Parkhurst, Jim Fletcher, Tom Schwartz, Kevin Reynolds, Jack Kellogg, Terry Fennelly, Kelly Cloyd, Reid Hankin, Tom Whipple, Deborah McNaughton and others who did not sign in.

Pledge of allegiance

Supervisor Fralick called the meeting to order at 7:00 p.m. and explained the rules of procedure.

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller to dispense with the reading of the minutes of June 16, 2009 and June 26, 2009.

4 ayes: Fuller, Cassie, Brandt, Fralick

All in favor of June 16, 2009 as amended and June 26, 2009, as written.

4 ayes: Fuller, Cassie, Brandt, Fralick

Supervisor Fralick opened the public hearing on the proposed Local Law to amend Chapter 24 of the Town Code by providing rules and regulations for the use of canoes, kayaks and scull recreational vessels at Onanda Park at 7:04 p.m.

Tom Schwartz of Coye Rd - asked why sail board was not included in this resolution.

Reid Hankin -Park and Rec committee- There was no strong support at this time to include sail boarding which is more popular at the north end of the lake due to higher winds.

Dennis Brewer - stated concerns with safety issues of sail boarding when swimming and outdoor activities are close to shore.

Kelly Cloyd - Rt 21 S- thanked the Town Board and Park and Recreation committee for introducing this Local Law as he was an advocate for it.

Councilperson Cassie - This local law will now be sunrise to sunset hours and wanted to know how this would be enforced before sunrise.

Dennis Brewer - Park & Rec- There has not been a problem so far as it is just fishermen showing up, but at some point the gatehouse may have to open at 7:00 a.m.

Councilperson Cassie - was concerned hunters may taking advantage of the situation.

Supervisor Fralick closed the public hearing at 7:10 p.m.

PRIVILEGE OF THE FLOOR

Mary Boatfield- CEO of Happiness House located on County Rd 30 - gave an overview of

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Happiness House and how it was run. The problem at this time is a pond located at Co Rd 30 and Outhouse Park. This pond is in close proximity to the backyard of Happiness House where the children play and is worried of the safety of the children.

Supervisor Fralick- The pond was meant for a retention pond and there should be no standing water in that pond.

Mary Boatfield - Happiness House - We would purchase and provide the materials that would be a solution to this problem and asked that the labor be provided by the town.

Jim Hecker - Hwy Supt -is aware of the standing water in the pond due to storm water, and working with Mike Guyon in coming up with a solution to re-route the storm water to the south pond.

Supervisor Fralick - Does not see a problem with this proposal as Happiness House will incur the cost for materials.

At Town Board consensus it was agreed to move forward with this proposal.

Doug Fergue- 3350 Route 364- Is concerned with the parking happening at the old Lincoln Hill Inn. The parking lot is being used for parking cars during the concerts going on at the shell, and feels there is a safety issue due to inadequate lighting and littering on the property after concerts.

Supervisor Fralick- The owner of Lincoln Hill Inn has filed a Temporary Use permit today with the Development office which will then go to County Planning. County Planning will probably approve the permit which will then come back to our Town Board and your concerns will be addressed at that time.

Councilperson Brandt - In the past we have dealt with neighbors in that area wanting to park cars on their property and what we could see was a safety issue. We will have to take a very serious look again at this location. Until such time when a temporary use permit is issued to Lincoln Hill Inn, no parking of cars should be happening.

Supervisor Fralick- A sheriff should be notified to handle the situation if parking occurs at Lincoln Hill until the temporary use permit is granted.

PRIORITY BUSINESS

Supervisor Fralick - We had a water problem with the Wegman's Villa site. A report from BME Associates was handed out to the Town Board members explaining the time and events that occurred that day due to the downpour of rain.

Greg Hotaling- MRB- explained that there was a water run off problem after a rainstorm in the area which sent silt and storm water to drain to the lake. Corrective measures were put in place to take care of the water problem.

Supervisor Fralick - is talking to MRB and others to put procedures in place so this type of situation does not happen in the future.

Councilperson Cassie - expressed her concerns with the record amount of silt and storm water that ran into the lake. We have rain events here that we need to plan for.

Greg Hotaling - MRB- suggested a Full Time Inspector, provided by the town, be on-site especially at critical periods of the development. MRB does a by-weekly inspection which means every other week an inspector is on site.

Small discussion on inspectors.

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Councilperson Brandt - There was a good chance of the run-off to occur, but this is high priority and during this critical stage of development we need to protect the environment and therefore have on-site inspector be present especially in the water shed districts.

Councilperson Cassie - pointed out the issues she had with the BME Construction Stormwater Observation report such as item 4 and item 9 of the report. It was my understanding that MRB was supposed to be there on site and making sure things like this did not happen.

Discussion followed on the sequence of events at the site.

Supervisor Fralick - I think what has to happen now is what can we learn from this and how can this be avoided in the future. This is a lesson for the Town Board and Planning Board and engineers to make sure in the future the plans and sequences are being followed.

Councilperson Cassie- Suggested the services of George Barden and Kevin Olvany from the watershed department could be utilized as they are being paid to do this anyway and therefore it would be no cost to the town for their services.

Councilperson Fuller - Was in favor of a full time inspector on site.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. City of Canandaigua Fire Report
2. Letter from New York State Industries for the disabled regarding their 2009 catalog

PLANNING DEPARTMENT

- 1) Draft Local Law in place for tonights public hearing on Chapter 24 for Onanda Park.
- 2) reports have been received for 60.5 acre and 23 acre site which the Town is looking into. Ron will have a report back at next town board meeting for next course of action.
- 3)SEQR dealing with Purdy Rd/Mobile Rd sewer district. You will be asked to declare your intent for Lead Agency.
- 4) Will be discussing at next meeting the environmental facilities corporation regarding American Recovery Re- Investment Act application for funding the Purdy/Mobile sewer project.

HIGHWAY REPORT

- 1) Last week we did the recycling and reconstruction of North Rd.
- 2) Middle Cheshire Rd concrete gutters being poured on one side and the other side being poured tomorrow. Walking trails up to Butler Rd should be completed by the end of the year.
- 3) Signs have been put up on Buffalo Street for the closing of the bridge next Monday for repairs. The newspaper has been notified and there will be an article in the paper about the road closing.
- 4) There was a computer problem with the water system over the weekend at the pump station which was corrected in an hour so the water pressure was back to normal.
- 5) We need to set a date for a public informational meeting at the end of July on the Drainage District at the Landings followed by a public hearing sometime in August.
- 6) A letter was handed out from DEC thanking the Town for a good job done at Onanda on the brick wall.
- 7) Received approval from DOH on Extension 36 water project.

REPORT OF STANDING COMMITTEES

- 1) Codes Committee- Ralph Brandt
 - there will be a codes committee meeting next Wednesday at 4 p.m. prior to the workshop to discuss issues on potential legislation regarding rental properties and controls. The workshop will take place at 6 p.m.

Francis Killian - 3574 East Lake Rd- asked if the workshop would be open for public comment and questions regarding property rentals for owners and renters.

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Councilperson Brandt - The workshop is open to the public, but with no public input at that time.

Supervisor Fralick - what will happen is after the workshop the codes committee will draft the legislation and then there will be a public hearing where we welcome the input from the public.

Councilperson Brandt - prior to the public hearing the draft legislation from the codes committee should be posted on the website for review.

Priscilla Herbig - Wyffels Rd- asked how complaints would be addressed concerning rental properties.

Supervisor Fralick - there should be a policy in place.

- 2) Fire Committee - Jim Fralick
 - Has been in contact with fire district to resolve issues.
- 3) Insurance Committee- Marion Cassie
 - Nothing new regarding fence needed for trail along Onanda

REPORT OF SPECIAL COMMITTEES AND/OR COMMISSIONS

- 1) Parks & Recreation - Reid Hankin/Dennis Brewer
 - working on ideas for pavilion at Firehall park.
 - committee voted that Firehall park needs renaming. One suggestion was "Blue Heron Park". We are also considering other names.

Councilperson Brandt - We need a resolution for the next Town Board which formally takes action on the renaming of the park.

- Day camp started last week with 120 kids. This week we had 150 kids and starting next week approximately 180 kids.
- This week we started up the day programs : preschool, nature nuts and arts and crafts.
- We plan on taking 180 kids next week to Seabreeze and need volunteers however, we need background checks made first on the volunteers.

- 2) Trails Committee - Dennis Brewer
 - Is pleased with the way things are progressing with committee.
 - Title discussed and committee would like to be called "Master Plan". The goal is to make the town more likeable and walkable.

Councilperson Cassie - asked that the Master Plan needs to be adopted by the Town Board and become part of the Comprehensive Plan.

Dennis Brewer - We hope to present a draft to the board in the near future.

- 3) Special Use Committee- Marion Cassie
 - handed out a report on Preliminary Report of the SUP Committee and read the first paragraph which describes the ongoing problems concerning Special Permit Uses. There were 11 recommendations that the committee recommended the Town Board to act on.

Supervisor Fralick - thanked the committee for their hard work.

- 4) Comprehensive Plan Committee - Oksanna Fuller
 - Next meeting will be July 16 at 7:30 am.
 - next discussion on Town zoning map and study
 - Ron Brand, Planning Consultant is revising RFP for professional consulting services consulting with communities that are also updating their comprehensive plan-Victor, Penfield and Pittsford
 - if the 2nd draft on RFP is approved by the committee, we will then present it to the Town Board at the next meeting

5) Environmental Commission - Kevin Reynolds

- reviewing environmental boards from Victor, Pittsford and Brighton as to how they operate in those communities.
- We're working on a proposal to change the Environmental Commission structure that we have now, to an Environmental Board that would assist the Planning Board with review of applications.

Supervisor Fralick - The CGR report recommended we move from an Environmental Commission to an Environmental Board.

SUPERVISOR'S REPORT

- met with the Wyffels to give them a status report on their PDR. NYS Ag and Markets has extended the time line on PDR until December 31, 2010.
- met with Mary Boatfield, Jim Hecker and Roy Beecher regarding Happiness House storm water management issues on their retention pond.
- various Ontario County committee meetings-Health, Govt. Operations on planning and research, Bd of Supervisors meeting.
- met with Bill Kenyon, Hicks family and Finger Lakes Land Trust to discuss the easement for the Hicks PDR.
- missed a luncheon where I was to be honored an award at for preservation of land.
- visited the Villa's site after rain event and doing follow up.
- was sent purchase agreement between Hicks family and Finger Lakes Land Trust.

RESOLUTIONS, MOTIONS, AND NOTICES

1. A motion was made by Councilperson Fuller ,seconded by Councilperson Brandt ,to allow Thomas Schwartz, and Patricia VanDyne to attend the Creative Agriculture Approaches to Sustain ability on the Farm conference on August 19 and 20, 2009 at a cost of \$130 per person
4 ayes: Fuller, Cassie, Brandt, Fralick

2. A motion was made by Councilperson Brandt ,seconded by Councilperson Fuller, to allow Carl Sahler to attend the NYPF Planning and Zoning Summer School at Onondaga Community College, Syracuse on August 4, 2009 at a cost of \$70 per person

Discussion:

Councilperson Cassie - would like to see other members of committees have some training at some point.

4 ayes: Fuller, Cassie, Brandt, Fralick

3. A motion was made by Councilperson Fuller ,seconded by Councilperson Brandt ,Whereas the Canandaigua Town Board wishes to have John Zukowski, Mai OF Arrow Appraisal service, Inc. prepare a summary Appraisal report on Conifer Apts., tax map #83.10-1-203.000 and #83.10-1-204.000 for \$1,5000. When the appraisal is completed the Assessor will schedule a meeting with Conifer Apts. And the appraiser to review the valuation on the apartments at a rate of \$150 per hour (\$500 minimum) to Arrow Appraisal Services, Inc.

4 ayes: Fuller, Cassie, Brandt, Fralick

4. The following resolution was moved by Councilperson Brandt, seconded by Councilperson Fuller

**CANANDAIGUA TOWN BOARD RESOLUTION
RESOLUTION ADOPTING LOCAL LAW AMENDING CHAPTER 24 OF TOWN
CODE**

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has conducted a public hearing on a draft local law known as Text Amendments to Chapters 24, Section 6. of the Town of Canandaigua Town Code; and

WHEREAS, the Town Board has given consideration to the comments received from the Town Parks & Recreation Committee, the June 8, 2009 letter from Paul J. D'Amato, Regional Director, New York State Department of Environmental Conservation, Region 8 and the public hearing record on said local law; and

WHEREAS, the Town Board does hereby accept the Town Planner's July 1, 2009 designation of said Action to be a Type II Action under the New York State Environmental Quality Review (SEQR) Regulations, in satisfaction of the procedural requirements under SEQR.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt said local law in its entirety.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to provide a certified copy of this local law to the Attorney to the Town.

BE IT FURTHER RESOLVED that the Attorney to the Town is hereby directed to complete the certification pages on the Department of State's Filing Local Law Form and to submit said completed Form to the Secretary of State for filing.

BE IT FINALLY RESOLVED that this local law shall take effect upon filing with the Secretary of State.

4 ayes: Fuller, Cassie, Brandt, Fralick

5.

The motion was made by Councilperson Brandt, seconded by Councilperson Fuller, to transfer monies from the special contingency budget to the Attorney Contractual and Engineering Contractual budgets to cover expenditures in these line items.

From:	A1990.400 Special Contingency	\$150,000.00
To:	A1420.400 Attorney Contractual	\$85,000.00
To:	A1440.400 Engineering Contractual	\$65,000.00

Discussion:

Supervisor Fralick - Is working on attorney fees and may have a solution which may be discussed at the next Town Board meeting.

4 ayes: Fuller, Cassie, Brandt, Fralick

6. The following was moved by Councilperson Cassie , seconded by Councilperson Brandt

Purdy/Mobile Road Sanitary Sewer District

SEQR RESOLUTION – DESIGNATING TOWN BOARD AS LEAD AGENCY - COORDINATED REVIEW

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has on June 2, 2009 declared its intent to be designated the Lead Agency under the provisions of the State Environmental Quality Review Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein.

4 ayes: Fuller, Cassie, Brandt, Fralick

7. The following was moved by Councilperson Brandt ,seconded by Councilperson Fuller ,
RESOLUTION ESTABLISHING CHAMBER OF COMMERCE SIGNS AS EXEMPT FROM THE TOWN SIGN REGULATIONS IN CHAPTER 105 OF TOWN CODE

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has reviewed the June 2, 2009 memorandum from Jean Chrisman, Town Zoning Officer, regarding the Chamber of Commerce's request to replace three "Welcome to Canandaigua" signs; and

WHEREAS, the Town Board has given consideration to the merits of these signs being necessary to civic or community services or necessary to serve the public interest in accordance with the provisions contained in Chapter 105, Section 902-D. of the Town Code; and

WHEREAS, the proposed Action is determined to be a Type II Action under the provisions of Part 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby classify the three (3) replacement Chamber of Commerce signs as being exempt from being required to obtain a Sign Permit from the Town's Sign Regulations, provided the following conditions describing the nature, size, location, design, illumination and duration of said requested signs are met:

1. The signs shall be consistent as specified in the information provided by the Chamber of Commerce and shall be maintained in a state of good condition.
2. The signs shall be installed as depicted in the sign colored rendering received May 11, 2009.
3. The sign shall not:
 - A. exceed 21 square feet in area
 - B. exceed 7 feet in height
 - C. be illuminated
 - D. display the logos of Rotary, Kiwanis, and other such community service organizations
5. The signs shall be located at:
 1. Fronting NYS Route 332 between Yerkes Road and Campus Drive
 2. Fronting NYS Route 21 between Andrews Road and County Road 22
 3. Fronting NYS Routes 5 & 20 West (exact placement has not been identified)
4. Prior to installation the Chamber of Commerce shall provide the Town with a copy NYS DOT permits for the installation of said signs within the right-of-way or a letter from the private property owner.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be sent to the New York State Department of Transportation Resident Engineer, at the Parrish Street Office, in Canandaigua, New York.

Discussion on exact sign location

4 ayes: Fuller, Cassie, Brandt, Fralick

OTHER BUSINESS

A motion was made by Councilperson Brandt, seconded by Councilperson Cassie, to hold a public informational meeting to discuss the extension and consolidation of the Landings Drainage District on July 21, 2009.

4 ayes: Fuller, Cassie, Brandt, Fralick

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A motion was made by Councilperson Cassie, seconded by Councilperson Brandt, that after audit and review the bills from abstract # 13 General Fund \$106,981.52, Highway Fund \$198,400.32, Water Fund \$10,646.25, Landings Drainage District \$1,026.00 be paid.

Discussion

Councilperson Cassie - wanting to make sure Creative Agriculture Approaches would be paid the right amount of \$260.00.

A motion was made by Councilperson Cassie, seconded by Councilperson Brandt, to amend Abstract #13 on page 5-Cornell Cooperative Ext., for Creative Agricultural Approaches to be amended to \$260.00.

4 ayes: Fuller, Cassie, Brandt, Fralick

All in favor to approve the bills as amended:

4 ayes: Fuller, Cassie, Brandt, Fralick

OLD BUSINESS

Supervisor Fralick - wanting to recognize Tarry Shipley and Freida O'Hanlon of the Canandaigua community for their combined 50 years of service on the Canandaigua Board of Education so adopted at the meeting of the Town Board on June 26, 2009.

Supervisor Fralick adjourned the meeting at 8:50 p.m.

Jean Mackay
Deputy Town Clerk

