

Canandaigua Town Board
Regular Meeting
May 19, 2009
7:00 pm

Present: Oksana Fuller	Councilperson
David Dawson	Councilperson
Marion Cassie	Councilperson
Ralph Brandt	Councilperson
Jim Fralick	Supervisor
Carol Maue	Attorney for the Town
Jim Hecker	Highway Superintendent
Don Collins	Assessor

Others present: Pat VanDyne, Dennis Brewer, Tom Knapp, L. Smith, Reid Hankin, P. Herbig, Kevin Reynolds, Karen Parkhurst, Jean Horton, B. Mincer, Terry Fennelly, Kelly/Lynn Cloyd, Jack Kellogg and others who did not sign in.

Pledge

Supervisor Fralick called the meeting to order at 7:00 pm.

A motion was made by Councilman Brandt, seconded by Councilman Dawson to dispense with the reading of the minutes of May 5, 7, & 13, 2009.

5 ayes: Fuller, Dawson, Cassie, Brandt,

Approve the minutes as presented.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

A motion was made by Councilperson Cassie, seconded by Councilman Brandt that the charge back billing for April 2009, dated 5/19/09, on file in the Planning and Zoning office be approved.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

A motion was made by Councilperson Brandt, seconded by Councilman Dawson, that after audit and review of the bills abstract # 10 - \$91,489.62 general fund, \$20,641.36 highway fund, \$2,958.53 water fund, \$786.28 Fox Ridge lighting, \$80.31 Centerpoint Lighting \$2,953.18 Lakewood Meadows Lighting \$94.04 Fallbrook Meadows Lighting that the bills be paid.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

PRIVILEGE OF THE FLOOR

Jean Horton - 4791 County Rd. 16, asked the board to explore the situation with rental properties as they are experiencing noise and commotion with seasonal rentals next to them. Also, expressed concern about the septic system.

This is in the codes committee now.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Legal notice from Town of Farmington
2. Local Law from Board of Supervisors regarding prohibiting the use of wireless handsets
3. Local Law from Board of Supervisors regarding prohibiting the consumption of alcoholic beverages and/or illegal drugs by minors on private premises in Ontario County
4. Letter from Senator Schumer in support of Grant for Purdy Rd.
5. Monthly fire report from City of Canandaigua

HIGHWAY DEPARTMENT

1. Working on Middle Cheshire Rd from Nott Rd. to White Cliff Dr. installing storm sewers, gutters and roadside walking trails on the east side of the road. Will continue the walking trail on the east side of Middle Cheshire Rd. from Laura Lane to Butler Rd.
2. Sheeting is replaced at Onanda, will be working on sidewalk.
3. Received permit from DEC and Army Corp of Engineers to change the culvert on Buffalo St. Ext. Talked to the City and they are willing to make the connection to the Town's sidewalks for continuity.

PLANNING AND ZONING

Written report -

- Received a letter of support from Senator Charles Schumer for the Purdy Road Sewer Project.
- Met with Maria Rudzinski regarding the Wyffles PDR and the items necessary to satisfy the State's acceptance of our request for an extension to the contract agreement.
- Preparing draft requests for proposals for conducting a survey of the Town residents and soliciting proposals for professional planning services to complete the update to the Town's Comprehensive Plan.
- Working on draft local law to amend Chapter 105, which will create Environmental Protection Overlay Districts to replace the Limited Development Overlay District regulations.
- CEO is receiving complaints about unkept lawns -according to the NYS Building Code lawns can't be more than 10".

ASSESSOR'S REPORT

- 1, Grievance day is May 26th.
2. Requesting access program for better tracking of MLS sheets.
3. Requesting summer help from the County Workforce Development stimulus program to help pull duplicate material from files.

REPORT OF STANDING COMMITTEES

Codes committee - Oksana Fuller

- administrative review local law is going to the Planning Board for their review
- working on rental property local law

Fire committee - Supervisor Fralick will serve on this committee with Councilperson Dawson

Insurance committee- no report

Special Use Committee - Marion Cassie

- reviewing list of special use permits with Tom Schwartz. Will be presenting a report in the future.

Comprehensive Plan committee - Oksana Fuller

- reviewed sample requests for proposals from other communities -discussing format for town's RPF.
- met with Town's Planner to discuss sending out 2 RFPs. One to firms that do surveys and one to planning consultants that would drive the update process.
- next meeting 5/20/09 @7:30am.

REPORT OF SPECIAL COMMITTEES AND/OR COMMISSIONS

Park and Recreation - Reid Hankin

- from a request recreational skills have been incorporated into the canoe/kayak proposal for Onanda

Councilman Brandt - according to the Sheriff's department rescue response time for the Sheriff's boat is 10 minutes or less unless the launch area is iced in. Explained the time line for this proposal to become effective, possibly by July 1st.

A motion was made by Councilperson Cassie, seconded by Councilman Brandt to accept the Parks and Recreation proposal for Car-Top Canoe, Kayak and Recreational Sculling Launching Proposal for Onanda Park.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

Dennis Brewer - got approval from the State for the swim area - park will open this weekend.

Environmental Commission - Jim Fralick

- spoke with John Miller and he expressed desire to continue with the proposed park on Route 21/Bliss Rd. Ron Brand will do the SEQR for this and we will begin the process on this at the next meeting.

SUPERVISOR'S REPORT

1. Attended PRC meeting
2. Met with Maria Rudzinski regarding Wyffles PDR
3. Toured Stablegate and Lakewood Meadows with the CEO
4. Met with Betsey Landre from Fingerlakes Land Trust regarding the Wyffles PDR
5. Will be meeting monthly with Mayor Polimeni and Kay James.
6. Attended Eagle Scout ceremony for Shawn Thomas

The Supervisor announced he is appointing Ralph Brandt as the Deputy Supervisor and Budget officer.

Councilperson Cassie said she attended a Cablevision committee meeting. Will do a report in the future.

RESOLUTIONS:

1. A motion was made by Councilperson Brandt, seconded by Councilperson Dawson, to purchase 1 license for the Access program to better track MLS sheets at a cost of \$230.00
Discussion.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

A motion was made by Councilman Brandt, seconded by Councilman Dawson to block the two following motions.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

2. Motion was moved by Councilperson Cassie, seconded by Councilperson Dawson, to hire a part time student from Ontario County Workforce Development, at no cost to the Town, to pull duplicate records and old information in real property folders in the Assessor's office.

to hire a part time student from Ontario County Workforce Development, at no cost to the Town to help condense current paper files into computer files.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

3. A motion was made by Councilperson Brandt, seconded by Councilperson Dawson, that the following equipment from highway be declared surplus : #1297 monitor, #1268, 1481 fax machines, #1445 keyboard.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

4.

Moved by Councilperson Cassie, seconded by Councilman Dawson

DECLARATION OF CIVIC AND COMMUNITY SERVICE SIGN – CANANDAIGUA JUNIOR BASEBALL

WHEREAS, Canandaigua Junior Baseball and Softball has submitted a request to the Town of Canandaigua for a sign to be maintained at their facility located at 4621 County Road 4, on a parcel of land identified as Tax Map # 84.00-1-1.112; and

WHEREAS, the Canandaigua Town Board (hereinafter referred to as Town Board) has received a report from Jean Chrisman, Town Zoning Officer, dated June 27, 2005 (hereinafter referred to as the Report); and

WHEREAS, the Report identifies that in accordance with Section 105-902 (D) (2) of the Canandaigua Town Code, the Town Board can declare a sign as a "Civic and Community Service Sign," when it is found by the Town Board to serve a public interest.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby declare the proposed sign to be a "Civic and Community Service Sign;" and

BE IT FINALLY RESOLVED that the Town Board, in declaring said sign to be a "Civic and Community Service Sign" does hereby approve the placement of said sign with the following conditions:

1. The size, color, design and location of the sign be as presented by Mr. McGlynn.
2. The sign shall not be illuminated.
3. The display area of the sign cannot exceed 63 square feet.
4. The sign shall remain in its current location 110 feet from County Road 4.
5. Should the size, color, design and location of the sign be changed, Canandaigua Junior Baseball must obtain approval from the Town Board.
6. As required of other ground signs located within the Town of Canandaigua, Canandaigua Junior Baseball must maintain dwarf type landscaping around the base of the sign.
7. As this sign is declared a "Civic and Community Service Sign," a sign permit is not required.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

6. Moved by Councilman Brandt, seconded by Councilman Dawson

RECEIVING ADMINISTRATIVE LOCAL LAW AMENDMENTS TO CHAPTER 105 OF TOWN CODE

WHEREAS, the Canandaigua Town Board (hereinafter referred to as Town Board) has received a draft local law entitled Administrative Review Local Law, from the Town Code Committee; and

WHEREAS, the Town Board must first refer any proposed amendment to Chapter 105 to the Town Planning Board for its review and recommendation prior to considering taking formal action.

NOW, THEREFORE BE IT RESOLVED, that the Town Board directs the Town Zoning Enforcement Officer to forward copies of said Local Law to the Town Planning Board for its review and recommendation.

BE IT FINALLY RESOLVED that the Town Board requests a response from the Planning Board on or before June 16, 2009.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

6. A motion was made by Councilman Brandt, seconded by Councilman Dawson:

WHEREAS, the Canandaigua Town Board desires to abolish the Town Codes Committee.

Discussion followed. The reason for abolishing the standing committee is it was comprised of two town board members and as such was subject to the open meetings law. It made it difficult to have an open and frank discussion in an open environment. An Advisory committee will consist of two town board members and other people. By creating this committee it would be a closed session and would also comply with the open meetings law. Some members of the audience disagreed with this.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

6a. Moved by Councilman Brandt, seconded by Councilman Dawson

WHEREAS, the Town Board deems it to be in the best interests of the Town to obtain input from the Town Planning Board Chair, the Town Planner the Attorney for the Town and Town staff as needed, in addition to members of the Town Board, with respect to revisions and additions to the Town Code; and

WHEREAS, historically, the Chair of the Planning Board, the Town Planner, the Attorney for the Town and Town staff have been active participants in the Code Committee together with two members of the Town Board charged with making recommendations to the Town Board with respect to revisions and additions to the Town Code;

NOW THEREFORE, BE IT RESOLVED, that the Code Committee be and hereby is officially constituted as an advisory Committee of the Town Board, with its members to be comprised of the following individuals, to serve at the pleasure of the Town Board for a one year term commencing on January 1 and ending on December 31st. And continuing until their reappointment or their successors are duly appointed by the Town Board at the Town Board Organizational Meeting to take place in January of each calendar year:

Planning Board Chair

Town members of the Town Board to be appointed by the Town Board

The Attorney for the Town

The Town Planner

The Town Zoning Officer and Town Code Enforcement Officer, as needed as determined by the members of the Code Committee; and be it further

RESOLVED, that the following individuals are hereby appointed to serve as the mebers of the Code Committee for calendar year 2009 and until their reappointment or their successors are duly appointed by the Town Board:

Patricia VanDyne, Planning Board Chair

Ralph Brandt, Town Board member

Marion Cassie, Town Board member

Carol S. Maue, Esq., Attorney for the Town

Ron Brand, Town Planner

The Town Zoning Officer and the Town Code Enforcement Officer, as needed as determined by the members of the Code Committee.

4 ayes: Fuller, Dawson, Brandt, Fralick 1 nay: Cassie

OTHERS BUSINESS

Councilman Brandt - it is the intention of this board that proposed Local Law will be posted on the Town's web site.

Councilperson Fuller - received a letter from residents of Stablegate regarding residents using the conservation easement for that subdivision for play set, gardens, etc. They requested that the Town enforce the conservation easement.

Supervisor Fralick - we do not have jurisdiction over the easement. We are not the grantee of the easement so we have no enforcement power. This is a civil matter with the builder.

Discussion followed. *Attorney Maue will write a letter to the Stablegate residents explaining the above.* 6/2/09

A motion was made by Councilman Brandt, seconded by Councilman Cassie to move into executive session for attorney/client privilege, pending litigation and matters leading appointment, employment, promotion, demotion, discipline suspension, dismissal or removal of a particular person @8:45pm.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

The board moved out of executive session at 9:33 pm.

Supervisor Fralick reconvened the regular meeting.

A motion was made by Councilman Brandt, seconded by Councilman Dawson to authorize Attorney Maue to write a letter to the Messenger regarding the FOIL appeal dated 5/8/09.
5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

Motion moved by Councilperson Cassie, seconded by Councilman Dawson

A MOTION OF THE TOWN BOARD OF THE TOWN OF CANANDAIGUA AT A MEETING OF THE TOWN BOARD ON MAY 19, 2009 TO APPOINT A HEARING OFFICER AND AUTHORIZE THOMAS D REH, ESQ. TO REPRESENT THE TOWN WITH RESPECT TO CERTAIN REMOVAL PROCEEDINGS

RESOLVED, that the Town Board hereby authorizes and approves retaining the services of Peter Skivington, Esq. At the rate of \$175 per hour to act as the hearing officer to conduct the public hearing previously authorized by the Town Board to Planning Board member, Robert Mincer, from the Town Planning Board and hereby authorizes and directs Carol S. Maue, Esq., the Attorney for the Town to take such further action as may be required to retain Mr. Skivington's services for such purposes on behalf of the Town Board; and it is further

RESOLVED, that Thomas D. Reh, Esq. is hereby appointed to appear on behalf of and represent the Town Board at such public hearing.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

A motion was made by Councilperson Brandt, seconded by Councilman Dawson to adjourn the meeting at 9:35 pm.

5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

Judith H. Carson
Town Clerk