

Canandaigua Town Board
Regular Meeting
November 17, 2009
7:00 pm

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

Others present: Tom Knapp, Pat VanDyne, Karen Parkhurst, Reid Hankin, James/Carol Buchholz, John/Carol Cooper, Paul/Lyn Lyons, Adeline Rudolph, Dorothy Aldrich, Wes Richardson, Margaret Clutter, Sharon Henry, George Stanton, Rich Brady, Gary/Elsie Race, George Stanton, Sr., Kathleen Lowe, Gerald Potter, Vince Sirani, Jack Kellogg, Kathryn Herzog, Lois Flynn, June Davis, Louis/Denice Loy, Herbert Heimbruger, John Miller, John/Kathy Housel, Jim/Claudia Ward, Meyer/McGuire, Tom Stewart, Rhonda Trainor, Al/Barb Morgan, David Marsh, John Berry, Carol/Frank Gorgongola, Joyce Hanselman, Dan Figenschel, Keith Henderson, Dennis Brewer, Joy Taylor, Pam Helming Terence Robinson, Tom Schwartz, Terry Fennelly and others who did not sign in

Pledge of allegiance

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

A motion was made by Councilman Brandt, seconded by Councilman Dawson that the reading of the minutes of Nov 4 and 10, 2009 be waived.

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

Motion moved by Councilman Brandt, seconded by Councilperson Cassie that the minutes of November 4 and 10, 2009 be approved.

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

Motion moved by Councilperson Fuller, seconded by Councilperson Cassie that the charge back billing dated 11/17/09 on file in the Planning and Development office be approved.

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

Motion moved by Councilman Brandt, seconded by Councilperson Cassie that the after audit and review of abstract # 24, \$33,912.84 general fund, \$38,567.88 highway fund, \$3,551.73 water fund, \$10,650.00 Ext. 36, \$819.19 Fox Ridge lighting, \$134.55 Centerpoint lighting, \$11.74 Lakewood Meadows lighting, \$104.78 Fallbrook Meadows lighting that the bills be paid.

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

PRIVILEGE OF THE FLOOR

A public informational meeting was held on the Route 21/Grandview Park/Gorham St and County Road 4 sanitary sewer project. Greg Hotaling, MRB, Group- gave an overview of the proposed project. There would be approximately 11,710 linear feet of 8 inch sewer, 42 manholes and appurtenances installed along the above roads. This would serve 99 parcels, and 83 existing homes.

Total estimated cost of the project is \$2,060,127. Two different scenarios were presented for financing.

The County has prepared a draft inter-municipal agreement and the City has endorsed the project. The project is its early stages of development.

There was a short recess.

Supervisor Fralick reconvened the regular meeting at 8:00 pm.

The Trails Committee presented the "Trails Master Plan". Members briefed everyone on the plan. Discussion followed. The plan will be posted on the Town's web site for comments from residents.

Supervisor Fralick - the Trails and Park and Rec committee can begin to develop plans over a 5, 10, 20 year period, as the population expands. We do not want to saddle the future board with instantaneously expenditures developing the trails system. This project will happen over a period of time and the Trails Report is a great useful start.

Don Miller-Route 21, asked about the cost of the parkland and if the price had been negotiated.

Supervisor Fralick - the price of the land was based on an independent appraisal. The monies are coming out of the open space reserve fund. Tax rates and assessments will not be affected by this purchase.

Pat VanDyne - asked that the board consider having the new Director of Development do the Comprehensive Plan update instead of hiring a consulting firm at the cost of \$50,000.

A motion was made by Councilman Brandt, seconded by Councilman Dawson to accept the "Draft Trails Master Plan".

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

HIGHWAY DEPARTMENT

1. Road clean up
2. Staging rocks with Kevin Olvany at Fallbrook.
3. 50% of the surveys for the Purdy/Mobile Rd. have come back. A second notice will be mailed out.

PLANNING DEPARTMENT - Rich Rising

- web site close to closure, finalizing development and welcome site

REPORT OF STANDING COMMITTEES

Codes committee - Ralph Brandt

- will meet on 11/18 @4:00pm.
- will be working on the section of the law for preliminary and final approvals as requested by the Planning Board

Fire committee - Jim Fralick

no report

Insurance committee - Marion Cassie

no report

REPORT OF SPECIAL COMMITTEES AND/OR COMMISSIONS

Park & Recreation - Dennis Brewer

- discussion at last meeting was on what needs to be done for 2010

Special Use Committee - Marion Cassie

- reviewed material gathered and will be writing a report on what needs to be done

Comprehensive Committee - Oksana Fuller

- read a statement regarding moving ahead with the process of interviewing candidates for updating the Comprehensive Plan.

A discussion followed on whether the Director of Development should do the Comprehensive Plan update or whether they should continue the process they started for out sourcing it.

It was the consensus of the board that they move forward with the interviews and the process

that was started and get together to talk about the scope of the project.

Environmental Committee - Kevin Reynolds
no report

SUPERVISORS REPORT

- met with executor of the Outhouse Estate to discuss purchase of approximately 75 acres of land
- met with Kevin Reynolds to discuss the opening on the Environmental Board and terms of the board members. The board is working on changes to Chapter 11.
- went to the Deuel Road bridge ribbon cutting ceremony
- met with Cheshire Fire department along with Sam Casella and Ralph Brandt

1. A motion was made by Councilperson _____, seconded by Councilperson _____, to allow Terence Robinson to attend the G/FLRPC Fall Government Workshop on November 20, 2009 at a cost of \$40.00. *This motion was pulled.*

2.

At a regular meeting of the Town Board of the Town of Canandaigua, Ontario County, New York, held at the Town Hall in Canandaigua, New York, on the 17th day of November, 2009, at 7:00 o'clock p.m., prevailing time.

The meeting was called to order by Supervisor Fralick, and upon roll being called, the following were

PRESENT: Fuller, Dawson, Cassie, Brandt, Fralick

ABSENT:

The following resolution was offered by Councilman Brandt, who moved its adoption, seconded by Councilman Dawson, to-wit:

RESOLUTION DATED NOVEMBER 17, 2009

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$200,000 FROM THE TOWN OF CANANDAIGUA (THE "TOWN") HIGHWAY IMPROVEMENT CAPITAL RESERVE FUND FOR THE PURPOSE OF RESURFACING AND IMPROVING PORTIONS OF MIDDLE CHESHIRE ROAD

WHEREAS, by resolution duly adopted on December 6, 1999, the Town Board of the Town of Canandaigua, Ontario County, New York (the "Town") established a highway equipment capital reserve fund, in accordance with Section 6-c of the General Municipal Law; and

WHEREAS, the Town Board now wishes to authorize the expenditure of funds in said reserve fund for the purpose of funding the reconstruction and resurfacing of portions of Middle Cheshire Road, including gutters, concrete curbs, sidewalks, and asphalt; and

WHEREAS, the expenditure of funds from such reserve fund and the purchase of such vehicle constitutes a "Type II" action within the meaning of the New York State Environmental Quality Review Act and the regulations promulgated there under.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Canandaigua, Ontario County, New York, as follows:

Section 1. Subject to the provisions of Section 2 hereof, the Town is hereby authorized to expend \$200,000 from the Town's existing Highway Improvement Capital Reserve Fund for the purpose of funding the reconstruction and resurfacing of portions of Middle Cheshire Road, including gutters, concrete curbs, sidewalks, and asphalt.

Section 2. Pursuant to the provisions of Section 6-c(5)(b) of the General Municipal Law, the authorization set forth in Section 1 of this resolution is subject to the approval by order of the Superintendent of Highways of the Town of Canandaigua, New York, upon audit, addressed to the Town Board.

Section 3. Pursuant to Subdivision 8 of Section 6-c of the General Municipal Law, this resolution is subject to permissive referendum in the manner prescribed by Article 7 of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within 10 days of the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the Daily Messenger, which is designated as the official newspaper of the Town for such purpose.

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

3. The following resolution was offered by Councilperson Cassie, who moved its adoption, seconded by Councilman Dawson, to-wit:

RESOLUTION DATED NOVEMBER 17, 2009

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$200,000 FROM THE TOWN OF CANANDAIGUA (THE "TOWN") HIGHWAY EQUIPMENT CAPITAL RESERVE FUND FOR THE PURPOSE OF PURCHASING ONE HIGHWAY SNOWPLOW/SANDER TRUCK AND ONE TRUCK FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT

WHEREAS, by resolution duly adopted on December 14, 1998, the Town Board of the Town of Canandaigua, Ontario County, New York (the "Town") established a highway equipment capital reserve fund, in accordance with Section 6-c of the General Municipal Law; and

WHEREAS, the Town Board now wishes to authorize the expenditure of \$200,000 in funds in said reserve fund to pay the purchase price of \$179,624 of one truck equipped with a snow plow wing and sander and a \$20,376 portion of the purchase price of one truck for use by the Town's Highway Department; and

WHEREAS, the expenditure of funds from such reserve fund and the purchase of such vehicle constitutes a "Type II" action within the meaning of the New York State Environmental Quality Review Act and the regulations promulgated there under.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Canandaigua, Ontario County, New York, as follows:

Section 1. Subject to the provisions of Section 2 hereof, the Town is hereby authorized to expend \$200,000 from the Town's existing Highway Equipment Capital Reserve Fund for the purpose of funding the purchase price of \$179,624 of one truck equipped with a snow plow wing and sander and a \$20,376 portion of the purchase price of one truck for use by the Town's Highway Department.

Section 2. Pursuant to the provisions of Section 6-c(5)(b) of the General Municipal Law, the authorization set forth in Section 1 of this resolution is subject to the approval by order of the Superintendent of Highways of the Town of Canandaigua, New York, upon audit, addressed to the Town Board.

Section 3. Pursuant to Section 6-c(8) of the General Municipal Law, this resolution is subject to permissive referendum in the manner prescribed by Article 7 of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within 10 days of the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section

90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the Daily Messenger, which is designated as the official newspaper of the Town for such purpose.

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

4. Moved by Councilperson Brandt, seconded by Councilperson Dawson,

WHEREAS, the Canandaigua Town Board has been notified by the Canandaigua-Farmington Water and Sewer Department of the unpaid water and sewer charges, and
 WHEREAS, as Annual Statement has been filed with the Town Clerk listing all unpaid charges, fees and rents for the 2010 Tax Levy which are broken down in the following special districts
 NOW, THEREFORE BE IT RESOLVED, the Town Board acting through its Water and Sewer Superintendent, shall transmit such Statement to the Ontario County Board of Supervisors which shall levy such sums against the property liable.

SUMMARY OF UNPAID CHARGES RO RE-LEVY ON 2010 COUNTY/TOWN TAX ROLLS

CODE	SPECIAL DISTRICT NAME	TOTAL AMOUNT
		(INCLUDES PENALTIES)*
WA-241	ANDREWS & NORTH ROAD WATER	\$ 67.43
WA-245	PARRISH ST. WATER EXTENSION #20	\$ None
WA-246	CDGA-EMERSON/TOWNLINE ROAD (CDGA only)	\$ 243.99
WA-248	HOPKINS/GRIMBLE	\$ 792.17
***WD-201	Bristol-Canandaigua Water District (Bristol's portion)	\$ 1,236.07
A-241	CDGA/FARM/WATER (CDGA only)	\$ 32,523.98
WA-247	CANANDAIGUA CONSOLIDATED WATER-ETC.	\$ 27,582.97
WA-343**	CANANDAIGUA HOPEWELL WATER (CDGA only)	\$.00
WD-249	CANANDAIGUA CONSOLIDATED WATER-PARRISH ST	\$ 239.34
WD-345	CANANDAIGUA-TOWNLINE HOPEWELL (Hopewell only)	\$ None
WO-245	MCINTYRE ROAD WATER EXTENSION	\$ 141.35
***wo-246	CANANDAIGUA/BRISTOL WATER DIST. (Cdga portion)	\$ 23.40
WD-241	CANANDAIGUA CONSOLIDATED WATER #6	\$ 818.58
WD-243	CANANDAIGUA CONSOLIDATED WATER #8	\$ 641.20
WD-244	CANANDAIGUA CONSOLIDATED WATER #9	\$ 658.33
WD-245	WEST LAKE ROAD BENEFIT (AD VALOREM)	\$ 535.96
WD-246	WYFFELS ROAD WATER	\$ 214.61
	CANANDAIGUA CONSOLIDATED WATER #11	\$ 254.15
WD-248	RISSER ROAD EXTENSION	\$ 2.18
	CANANDAIGUA SANITARY SEWER	\$ 1,370.12
	OUT OF DISTRICT WATER USER	\$ none

(*) If there are no unpaid charges outstanding against a district listed above, please write "NONE" in column at right after the name of the district

(**) Town of Hopewell is turning list in with their package

(***) New Water District 2008

BOLD New or need to be added

NOW, THEREFORE BE IT RESOLVED, that the Town Board Clerk shall transmit such Statement to the Ontario County Board of Supervisors which shall levy such sums against the property liable.

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

5. A motion was made by Councilperson Brandt, seconded by Councilperson Dawson, to surplus the following items from the inventory list: #0353 table, #0545 desk, and #0526 desk.

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

6. Moved by Councilperson Cassie, seconded by Councilperson Dawson, to allow Thomas Schwartz and Patricia VanDyne to attend the Cornell Cooperative Extension Protecting Agricultural lands in the Finger Lakes III conference 12/7/09 at a cost of \$10 pp.

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

7.

The motion was made by Councilman Brandt,

Seconded by Councilperson Cassie to make the following budget transfers:

From: D9060.810	Medical Ins.	\$ 600.00
To: D5130.200	Equipment	\$ 600.00
From: A1355.210	Vehicle Purchase	\$ 2250.00
To: A1355.400	Assessor-Contractual	\$ 2250.00
From: A1990.400	Contingency	\$41,000.00
To: A1420.400	Attorney-Contractual	\$ 41,000.00
From: A1990.400	Contingency	\$ 900.00
To: A1430.420	Human Resource	\$ 900.00
From: A7110.200	Park-Equipment	\$ 2100.00
To: A7110.401	Park-Lumber & Hardware	\$ 2100.00
From: A7110.200	Park-Equipment	\$ 6000.00
To: A7110.403	Park-Supplies & Repairs	\$ 6000.00
From: A7110.200	Park-Equipment	\$ 2000.00
To: A7110.404	Park-Paint & Supplies	\$ 2000.00
From: A8989.400	CDGA Lake Mgt Plan	\$ 500.00
To: A9060.830	Flex Spend Account	\$ 500.00

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

8. Motion moved by Councilman Brandt, seconded by Councilman Dawson, to request the Town Planning Board to declare their intent to be lead agency **for all actions necessary to designate property* for the Thomas Crawford application (CPN-103-09) to designate property at 2484 County Rd. 28 from RB-1 to MUO.

All agreed on this friendly amendment*. Vote as amended: 5 ayes: Fuller, Cassie, Brandt, Dawson, Fralick

A motion was made by Councilman Brandt, seconded by Councilperson Dawson to move ahead with the Grandview/Route 21/Co. Rd 4 sewer project and send out the median income surveys. 5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

A motion was made by Councilman Brandt, seconded by Councilperson Dawson to move into executive session at 9:45 pm to discuss litigation and land acquisition. 5 ayes: Fuller, Dawson, Cassie, Brandt, Fralick

The board moved out of executive session at 10:30pm.

The meeting was adjourned at 10:30pm.

Judith H. Carson
Town Clerk