

Canandaigua Town Board
Regular Meeting
October 6, 2009
7:00 p.m.

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

Others present: Rich Rising, Greg Hotaling, Tom & Lori Knapp, Lew Smith, Dennis Brewer, Karen Parkhurst, John Miller, Tom Crawford, Kevin Reynolds, Reid Hankin, Terry Fennelly and others who did not sign in.

Pledge of allegiance

Supervisor Fralick called the meeting to order and reviewed the rules of procedure.

A motion was made by Councilperson Brandt, seconded by Councilperson Cassie to suspend with the reading of the minutes of September 16, 2009, September 21, 2009 and September 28, 2009.

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

All in favor of the September 16, 21st and 28th minutes as presented.

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

A motion was made by Councilperson Brandt, seconded by Councilperson Cassie that after audit and review of abstract #20 \$94,104.17 General Fund, \$46,484.51 Highway Fund, \$13,143.63 Water Fund, \$162,156.57 Extension #36, County Rd 30 Captial Proj, \$177.30 Fox Ridge Lighting that the bills be paid.

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

PRIVILEGE OF THE FLOOR

Councilperson Cassie- asked for a review of the upcoming scheduling of Town meetings.

PRIORITY BUSINESS

none

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Letter from Wayne Houseman thanking the Board of Supervisor's support for the proposed rifle legislation.
2. Letter from Kris Hughes regarding Eastern Alternate Planning Study.
3. Letter from Steve Gold regarding court grant Assistance Program.

HIGHWAY DEPARTMENT REPORT

1. Working on trail on Middle Cheshire Rd. from Nott Rd to West Ridge Run by adding topsoil alongside the trail.
2. Has received an estimate for Middle Cheshire Rd trail for blacktopping. It would cost \$25,000 for the blacktop and \$10,000 for labor.
3. On schedule with water district ext. 36 on County Rd 30. Sample testing being taken and should have the results back soon for water hook-up.
4. Jim and Greg Hotaling met with a group of residents on Co Rd 32 who are wanting water. The next step would be the attorney making legal arrangements for the proposed district.

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5. Looking into sewer line for Grandview Pk/Rt 21/Co Rd 4 area. The next step would be to have an information meeting. Will have resolution for next board meeting to schedule proposed sewer line.
6. Moving forward with Purdy/MobileRd project. Greg Hotaling gave project update for Purdy/Mobile Rd.
7. Waterline flushing and testing was done to the waterline for Co Rd 30/Hickox Rd and Rt 21. There is a hydraulic problem that needs fixing due to a hydraulic leak. Conditions are stable at this time. Paperwork was handed out to the board of an estimated cost of \$331,000 to fix the problem.
8. Has hired a full time employee.

PLANNING DEPARTMENT- Rich Rising

1. Working on Director of Development
2. Interacting with potential consultants regarding Comp. Plan update
3. Working on website project with HB Solutions and Creative Approaches and wanting joint partnership to happen. We are focusing on a new look for the website and also looking into an offline website for public comments.

ASSESSOR'S REPORT

no report

REPORT OF STANDING COMMITTEES

Codes Committee- Ralph Brandt

- continuing to work on nuisance law
- working on residential rental property

REPORT OF SPECIAL COMMITTEES AND/OR COMMISSIONS

- Parks and Recreation- Dennis Brewer
 1. survey results rated by the parents of the recreation program were given to the board
 2. trails committee report was submitted to the board
 3. Handed out report by the Genesee Transportation Council (GTC) in which the town would be eligible to apply for a grant to extend walking trails within the town that was once the Auburn Line trail. The City of Canandaigua and the Town of Farmington would also be involved with the project of which the Town of Farmington would be the lead agency.

Councilperson Brandt - This would be a tremendous opportunity to start a trail.

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller to write a letter written by the town attorney, to support the Genesee Transportation walking trails grant.

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

Reid Hankin- reported Kawanis Club is willing to help with the cost of a pavilion at Blue Heron Park.

Short discussion Middle Cheshire walking trails.

Councilperson Brandt - reported Dennis Brewer will be attending a pedestrian safety course.

- Comprehensive Plan Committee- Councilperson Fuller
 - 1) met with 4 potential consultants
- Environmental Commission -Kevin Reynolds
 - 1) meeting Wednesday at 3pm and making progress with the formation of a conservation board

SUPERVISOR'S REPORT

- numerous meetings with health and services at the County in planning research
- met with Mayor Polimeni and Kay James to discuss matters of mutual concerns including a day care camp for pre-school children during the summer, district fire boundaries also discussed

- held a budget workshop on 21st of September
- met with the planning board on Sep. 28th to discuss their board annual report and the comprehensive plan
- interviewed candidates for code enforcement position
- numerous meetings with staff and met off site with the candidates for the Supervisor's position and for the Town Board positions, to brief them on past and upcoming decisions and to give them the rationale behind the decisions
- The Supervisor is open to all candidates running for election to discuss town business
- attended a watershed council meeting
- met at the new sidewalk walkway on Buffalo Street with staff and residents for a ribbon cutting ceremony
- Last fall the town received \$75,000 for the Villas project to be used for acquisition and development of parkland. An additional \$125,000 was received today which had been an over site and will be going into the Parks and Recreation account.

RESOLUTIONS, MOTIONS, AND NOTICES

1. A motion was made by Councilperson Brandt ,seconded by Councilperson Dawson ,to create a temporary position of Account Clerk for the Town of Canandaigua for a period not to exceed 90 days in accordance of Section 64.1 of the Civil Service Law.

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

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

Whereas, Ontario County in coordination with all twenty six municipalities within it, has gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan to help Communities,

Whereas, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help Communities:

- Protect life, safety, and property by reducing the potential for future damages and economic losses resulting from natural hazards;
- Qualify for additional pre-disaster and post-disaster grant funding;
- Facilitate recovery and redevelopment following future disaster events;
- Demonstrate a commitment to hazard mitigation principles; and
- Comply with New York State and Federal legislative requirements; and

Resolved, each municipalities is required to hold a public hearing the Town of Canandaigua will hold a public hearing on October 20th at 7:00 pm at the Canandaigua Town Hall, 5440 Route 5 & 20 West, Canandaigua, NY. to hear comments from all interested people. The plan may be reviewed at the Town Clerk's office during regular business hours or at www.co.ontario.ny.us/planning/all_hazard_plan.htm

Discussion

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

3. Moved by Councilperson Brandt ,seconded by Councilperson Cassie ,

WHEREAS, in connection with the pending purchase of development rights ("PDR") to both the Wyffels Farm and the Hicks Farm previously approved by the Town Board and the State of New York and for which FPIG grant funding has been obtained, an updated appraisal of the real property that is the subject matter of each PDR is now required;

NOW, THEREFORE, it is hereby,

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RESOLVED, that in connection with the pending PDR, the Town Board hereby authorizes the expenditure of up to the sum of \$5,500 as and for an updated appraisal of the Wyffels Farm property; and it is further

RESOLVED, that in connection with the pending PDR, the Town Board hereby authorizes the expenditure of up to the sum of \$5,000 as and for an updated appraisal of the Hicks Farm property; and it is further

RESOLVED, that the Town Board hereby directs the Town Supervisor, James Fralick, and the bookkeeper to the Supervisor to take such other and further actions as the Town Supervisor deems necessary and appropriate in his sole discretion to effectuate the purpose and intent of these Resolutions.

Discussion

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

4. Moved by Councilperson Dawson ,seconded by Councilperson Cassie ,
WHEREAS, Venezia & Associates, licensed surveyors, has performed services at the request of the Town Board to prepare a map of the subdivision of the Miller Farm property for use in connection with the application to the Town Planning Board for subdivision of approximately 24 acres of land for purposes of the Town's purchase of the land from John Miller for use as a public park;

NOW, THEREFORE, it is hereby,

RESOLVED, that the Town Board hereby authorizes the payment to Venezia & Associates of the sum of \$3,000.00 for services rendered in connection with the preparation of the map for the Miller Park subdivision; and it is further

RESOLVED, that the Town Board hereby directs the Town Supervisor, James Fralick, and the bookkeeper to the Supervisor to take such other and further actions as the Town Supervisor deems necessary and appropriate in his sole discretion to effectuate the purpose and intent of these Resolutions.

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

5. A motion was made by Councilperson Dawson ,seconded by Councilperson Cassie, to surplus the following items from th town inventory list, #1614 keyboard, #1375 software program, #1430 scanner, #0453 adding machine, #1238 scanner, #725 typewriter cart.

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

6. Moved by Councilperson Cassie ,seconded by Councilperson Brandt
**ESTABLISH PUBLIC HEARING FOR AMENDMENT TO CHAPTERS 45, CHAPTER 105, AND CHAPTER 96 - ADMINISTRATIVE REVIEW LOCAL LAW #__ OF 2009
October 6, 2009**

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has received from the Town Codes Advisory Committee (hereinafter referred to as Committee) a draft local law to amend portions of Chapters 45 and 105, and to correct and amend Chapter 105-518, and to delete in its entirety Chapter 96 of the Town of Canandaigua Code (hereinafter referred to as Action); and

WHEREAS, the Town of Canandaigua Planning consultant has determined that said action to make changes to the above referenced chapters of the Town Code is classified as a Type II Action under Section 617.5 © of the State Environmental Quality Review (SEQR) Regulations, and that as a Type II Action is not subject to further review under Part 617.5 of the SEQR Regulations; and

WHEREAS, the proposed local law text amendments have been referred to the Town of Canandaigua Planning Board for review on October 13, 2009, and the Ontario County Planning Board for review on October 14, 2009; and

WHEREAS, the Town Board does hereby decide to conduct a public hearing upon said Action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby establish a public hearing to be held on this Action, on Tuesday, October 20, 2009 commencing at 7:05 p.m., in the lower level of the Canandaigua Town Hall, 5440 Routes 5 & 20 West, Canandaigua, New York 14424 to receive all public comments thereon as provided for within New York State Town Law.

BE IT FINALLY RESOLVED that the Town Board directs the Town Clerk to provide public notice of said Action on the Town's website and to publish the legal notice of the public hearing in the Town's Official Newspaper.

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

7. Moved by Councilperson Dawson ,seconded by Councilperson Cassie ,

WHEREAS, that Town Board Member, Ralph Brandt, is the most senior member of the Town Board, most familiar with the annual budget process, having served on the Town Board for many years; and

WHEREAS, the Town Supervisor was appointed on or about May 2009 to serve until December 2009 and has requested that Town Board Member Brandt assist the Town Supervisor and the bookkeeper in preparing the budget for 2010; and

WHEREAS, the Town Board recognizes that performance of such tasks will require the expenditure of concerted time and effort by Town Board Member Brandt from on or about June 1, 2009 until on or about December 31, 2009; and

WHEREAS, the Town Board recognizes that the performance of such duties are in addition to the normal duties to be performed by a Town Board Member;

NOW, THEREFORE, it is hereby,

** (see friendly amendment)

RESOLVED, that the Town Board hereby determines to compensate** Town Board Member Brandt ** for performing such additional duties and to pay Town Board Member Brandt a stipend in the amount of \$2,927.88; and be it further

RESOLVED, that the Town Board hereby directs the Town Supervisor, James Fralick, and the bookkeeper to the Supervisor to take such other and further actions as the Town Supervisor deems necessary and appropriate in his sole discretion to effectuate the purpose and intent of these Resolutions.

Discussion

A motion was made by Councilperson Dawson, seconded by Councilperson Cassie to amend the following:

***A Friendly amendment to read :*

RESOLVED, that the Town Board hereby determines to create a temporary position of Financial Assistant to the Supervisor ; and be it further

*also **A Friendly amendment to read instead of "Town Board Member Brandt" now to read "Ralph Brandt"*

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

Vote to accept as amended:

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

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8)

**RESOLUTION TO SET A PUBLIC HEARING
REGARDING THE PURCHASE OF LAND FOR USE AS A PUBLIC PARK
LOCATED AT 5490 COUNTY ROAD 32 IN THE TOWN OF CANANDAIGUA
FROM JOHN J. MILLER
AT A TOWN BOARD MEETING HELD ON OCTOBER 6, 2009**

RECITALS

WHEREAS, given its elevation, scenic view shed, proximity to other open space and trail systems and the Town's need for more park land in other areas of the Town, the Town Board has determined it to be in the best interest of the Town and its citizens for the Town to purchase outright from John J. Miller for use as a public park a fee simple interest in 23.145 acres of farm land, more or less, bordered by State Route 21 and County Road 32 in the Town of Canandaigua (the "Park Land") as more particularly described in that certain Survey Map dated September 14, 2009 prepared by Venezia and Associates, tax map parcel 97.00-1-59.1 showing Land in Town Lots 41, 42, 47 & 36 in the Town of Canandaigua (the "Survey") with the purchase price to be funded from the Town of Canandaigua Open Space Reserve Fund established for such purposes (the "Project"); and

WHEREAS, subject to compliance with State Environmental Quality Review (SEQR) Regulations, a public hearing to be held at a subsequent date to be established by the Town Board, subdivision approval having been obtained from the Town Planning Board and a permissive referendum as required by Town Law Section 91, the Town Board has stated at a previous meeting of the Town Board its intent to purchase the 23.145 acre parcel all as more particularly described on the Survey for use as a public park for the citizens of the Town of Canandaigua with the purchase price and all ancillary costs to be funded and/or reimbursed by expenditure from the Town of Canandaigua Open Space Reserve Fund and/or Town operating funds as required by law to preserve in perpetuity the open space associated with such real property for public enjoyment (the "Action"); and

WHEREAS, at a previous meeting of the Town Board, the Town Board reviewed the Short Environmental Assessment Form classifying such Action as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, declared its intent to be designated as lead agency under SEQR, provided written notification to the involved and interested agencies for the purposes of conducting a coordinated review and making the determination of significance under the SEQR Regulations and made a referral to the Town Planning Board for subdivision approval;

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

RESOLVED, that a public hearing will be held by the Town Board of the Town of Canandaigua on Wednesday, the **21st day of October , at __7:01____ p.m., at the Canandaigua Town Hall, 5440 NYS Route 5 & 20 West, Canandaigua, New York, regarding the purchase and development of the Miller Park Land for use by the Town and its residents as a Town park; and be it further

RESOLVED, that any person shall be entitled to be heard upon said proposed purchase and development of the Miller Park Land for use by the Town and its residents as a Town park at such public hearing; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a timely Notice of such public hearing in the Town's official newspaper and to conspicuously display a copy of such Notice at Town Hall and to otherwise publish Notice of such public hearing as may be required by law; and it is further

RESOLVED, that James Fralick, the Town Supervisor, is hereby empowered and directed to take and to cause to be taken by such other persons, including Town staff, the Town Engineer, the Attorney for the Town and any consultant to the Town any and all further actions as he deems necessary in his sole discretion to effectuate the intent of these Resolutions.

The above Resolution was offered by Councilperson Brandt, seconded by Councilperson Cassie

at a meeting of the Town Board held on the 6th day of October, 2009. Following discussion thereon, the following roll call vote taken and recorded.

Discussion

A motion was made by Councilperson Brandt, seconded by Councilperson for the following,

* **A Friendly amendment to change the date from October 21 st to November 4, 2009*

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

Vote to accept as amended

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

ATTORNEY'S REPORT

1. Two Notice of Appeals have been filed
2. Working on notice filed by an attorney in Ohio regarding a water bill payment issue.

OTHER BUSINESS

Supervisor Fralick- received a letter from Tom Crawford regarding the rezoning of a mixed use overlay parcel.

Tom Crawford - Centerfield Rd - Is interested in purchasing property on Macedon Rd which would need rezoning and would like permission from the Town Board to direct the Planning Board to move forward with the process.

Short discussion of property

A motion was made by Councilperson Brandt, seconded by Councilperson Dawson, to move this application of Tom Crawford's forward to the Planning Board for review.

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

Councilperson Brandt- There was a request from the Planning Board to look into wireless connection at the Town Hall. Intergated Systems submitted a quote for the wireless connection at \$549.00. The quote will now be passed on to the Town Clerk to order. The Town Board agreed.

A motion was made by Supervisor Fralick, seconded by Councilperson Brandt to move into Executive Session to discuss land acquisition, employment history and pending litigation.

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

The board moved out of Executive Session at 9:35 p.m.

The following resolution was made by Councilperson Fuller, seconded by Councilperson Dawson

Authorizing the Hiring of David LeClair as Code Enforcement Officer

WHEREAS, following the recent resignation of the lead Code Enforcement Officer, the Town began a search to fill this position so as to bring about full staffing of the Town's code enforcement function; and

WHEREAS, the Town Supervisor has worked with the County Office of Human Resources and received a list of eligible candidates from a recent civil service canvass; and

WHEREAS, the Town Board has recently completed interviews with two top candidates from the County's civil service list and with the Town employee who is serving as lead Code Enforcement Officer on an interim basis; and

WHEREAS, as a result of its search process, the Town Board has identified David LeClair of

Rushville, NY as the most qualified candidate to fill the lead Code Enforcement position due to:(1) his years of experience as code enforcement official, including his experience in managing

a code enforcement office similar in size to that of the Town of Canandaigua; (2) the range of other skills that he possesses; and (3) his score (100%) on the State civil service test.

NOW THEREFORE BE IT RESOLVED THAT, the Town Board appoints David LeClair of Rushville, NY as the Town's lead code enforcement officer at an annual salary of \$55,000; and

BE IT FURTHER RESOLVED THAT, Mr. LeClair shall begin his employment with the Town at the earliest possible date consistent with the need for him to notify his current employer, and be it further

RESOLVED, that the Town Board authorize James Fralick, the Town Supervisor to prepare and submit to Mr. LeClair an offer letter authorizing the terms and conditions of his employment after review by the Town board and approved by the attorney for the Town.

Roll call

Councilperson Brandt	nay
Councilperson Cassie	nay
Councilperson Dawson	aye
Councilperson Fuller	aye
Supervisor Fralick	aye

Supervisor Fralick closed the meeting at 9:37 p.m.

Jean MacKay
Deputy Town Clerk