

Canandaigua Town Board
Regular Meeting
August 9, 2010
7:00 pm
DRAFT

Present: Terry Fennelly	Councilperson
Pam Helming	Councilperson
Oksana Fuller	Councilperson
Ralph Brandt	Councilperson
Sam Casella	Supervisor

Others present: Dennis Brewer, Jim Hecker, Ray Henry, Tom Schwartz, Jim Fletcher, Jack Kellogg, Ralph Piscale, Ann/Jim Gould, Kevin Olvany, George Barden, Greg Hotalling and others who did not sign in.

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

Pledge of allegiance lead by Councilperson Fuller.

Motion made by Councilperson Fuller, seconded by Councilperson Fennelly that the minutes of July 19, 2010 be approved.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motion moved by Councilperson Fuller, seconded by Councilman Brandt that after review and audit of abstract #11 \$22,648.30 general fund, \$64,181.44 highway fund, \$8,367.54 water fund that the bills be paid.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Supervisor Casella opened the public hearing on the draft Trails Master Plan at 7:05pm and advised it had been properly advertised.

Dennis Brewer- it took two years to develop this plan. Last November the Town Board adopted it as a draft. It was presented to the Ontario County Planning Board and they gave it positive comments.

There was a discussion on whether this should be an appendix to the 2007 Parks and Recreation Master Plan. The trails committee wanted it to be a stand alone document.

Supervisor Casella closed the public hearing at 7:10 pm

Moved by Councilperson Brandt, seconded by Councilperson Helming,

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION SEQR DETERMINATION OF SIGNIFICANCE FOR
ADOPTION OF THE TOWN OF CANANDAIGUA TRAILS MASTER PLAN

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) has determined that the above action is an Unlisted Action under the implementing regulations of the State Environmental Quality Review Act (NYCRR Part 617); and

WHEREAS, the Town Board has reviewed and accepted the Environmental Assessment Form (EAF) on the action as presented by staff; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in NYCRR 617.7(c) (1) as well as the information provided in the Environmental Assessment Form (EAF); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the EAF submitted by staff and;

RESOLVED, that based on information contained therein as well as input from the public and outside agencies, the Town Board hereby makes a negative determination of significance and directs the Town Supervisor to sign and date the EAF.

5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

Moved by Councilperson Brandt, seconded by Councilperson Fuller. Discussion

Motion moved by Councilman Brandt, seconded by Councilperson Fuller to remove the last resolve in the resolution below

4 ayes: Fuller, Helming, Brandt, Casella 1 nay: Fennelly

Moved by Councilman Brandt, seconded by Councilperson Fuller to accept the amended resolution.
5 ayes: Fennelly, Fuller, Helming, Brandt , Casella

Town of Canandaigua Town Board Resolution
adoption of the Town of Canandaigua Trails Master Plan

WHEREAS, the adoption of a Trails Master Plan for the Town is a stated objective in the 2007 Parks and Recreation Master Plan, and

WHEREAS, the Town Board has reviewed and on August 9th, 2010 held a public hearing to solicit public input on the Plan; and

WHEREAS, on August 9th, 2010 the Town Board completed the required environmental review by making a negative determination of significance; and

WHEREAS, it is the position of this Board that the proposed plan provides appropriate guidance for continued development of a system trails that will provide additional recreational opportunities for residents and in other ways enhance the quality of life in the Town, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Draft Trails Master Plan dated May 20, 2010 and;

“RESOLVED, that the adopted Trails Master Plan shall be added as an appendix to the 2007 Parks and Recreation Master Plan” REMOVED.

PRIORITY BUSINESS

Bill Wright –Ontario County Department of Public Works, there has been some drainage problems on County Rd. 16 south of Menteth Point and North of Deuel Road and it has affected some property owners. We have proposed a drainage study which may or may not lead to a drainage district. The cost would be shared equally by the County, Town and property owners.

Supervisor Casella – this is a serious issue and based on the photos that were handed out we must decide if we want to do anything.

Kevin Olvany- Watershed Alliance-the study is the right approach to this problem.

Dave Borkholder- 4752 County Rd. 16, there has been a change in water flow. Two years ago we had flooding and the water wiped out a retaining wall. There have been 3 events in the last 30 days where the water has caused damage. The government needs to get involved to work together with the residents. We need a study to see how to solve this problem. It is a health and safety issue as several inches of water is crossing the road along with large stones and debris.

Jim Gould-4759 Co. Rd. 16,- this is a very difficult thing to see when water is going 20 to 30 mph across your property. The water is ruining the landscaping, property, walls and embankments and coming into the house. Asked that the Town act on agreement for a drainage study as soon as possible.

Paul Reck- asked why the Army Corp. of Engineers wasn't involved in this.

Councilman Brandt -they are under cost restraints and an intermunicipal agreement is the most expedite way to go.

Pictures of the site were reviewed and explained by Kevin Olvany and George Barden.

George Barden walked the upper property with the owner to try and figure out the drainage pattern. There have been no changes and no hedge rows have been removed from this property.

If a district was formed it would affect about 10 property owners.

There was a discussion on the agreement for the drainage study. Everyone agreed to allow MRB, to be part of the request for proposal.

Councilperson Fennelly, Supervisor Casella and Attorney Brocklebank will review the agreement for the drainage study.

Paul Reck – Route 21, asked who on the Town Board can contact the Town Attorney. He quoted that in Town Law it says that any board member can contact the Town Attorney.

Councilman Brandt-by consensus of the board in an effort to hold down attorney costs prior to contacting the attorney we would go through the supervisor.

Supervisor Casella – by consensus of the board they can direct the attorney to take action. That is the way it is done with all the boards.

Paul Reck – found out there is no job description for Town Board members. Why is there not a description?

Councilman Brandt- because it is in state town law.

Paul Reck- in State Town Law it says that a town board member may do anything they want, they have all equal rights.

Councilperson Fuller - as individual board members we do not represent the whole town board we have to act as a body.

Supervisor Casella-if a board members wants to talk to someone that is their individual right if they want to take that call.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Letter from Wegman Companies, Inc. regarding hiking/biking trail.
2. Letter from Time Warner.

Supervisor Casella-received a letter from Wegman Company regarding the hiking/ biking trail. Wegman's had received a letter from the Cities Environmental Committee stating they had voted not to accept dedication of the trail. Dennis Brewer will be meeting with the committee to review the application again. The final decision to accept dedication is up to City Council.

HIGHWAY REPORT – Jim Fletcher

1. Oiled and stoned 12 miles of roads.
2. Middle Cheshire Road will be getting topsoil placed along the sidewalk the last week of August. Will ask the residents to please water the seed.
3. Will be getting a list of hydrants that are over 40 years old and will start replacing them with new ones.
4. Have had a number of residents ask about having water brought to them on Knapp, Smith and Deuel Road. Informed them of what they need to do.
5. Discussion on hydraulic study.

Motion made by Councilperson Fennelly, seconded by Councilperson Fuller that MRB do the hydraulic analysis at a cost not to exceed \$20,500.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

PLANNING DEPARTMENT – TIM JENSEN

- Wyffels PDR – There are only two items outstanding. Review of revisions to Lakeside Estates Phase 3 is moving along well.
- Outhouse Park – Met with Sam and Mark Stryker regarding the 13 acres of replacement lands to be taken out of production. Have a few issues to workout with Farm Service Agency before we can update the existing lease. Will work with Dennis Brewer and Laurie Moore to restart contract negotiations to release the grant funds.
- Comp Plan – a visioning meeting is scheduled for August 19th at Town Hall.
- Fees – Staff has met and discussed ways to reorganize and simplify the existing language. A draft will go to the Town Board attorney next week.
- Chapter 18 – discussed options with Kevin Reynolds for revising the Chapter dealing with ECB. Further revisions are needed to prepare a draft for review by the Town Board.
- NYSERDA Grant- asking the Town Board to approve the Supervisor to sign the agreement.
- RLD Zoning – a draft law has been sent to the County Planning Board for review at the 8/11 meeting. A copy has been distributed to you and will be posted on the Town's web site.
- Happiness House PUD Rezoning- they are requesting a rezoning to allow addition of a residential component to the existing facility on County Road 30. The first step is for concept discussion at the Planning Board level.
- Hicks PDR- an extension through to 2012 and additional funding for \$92,000 was asked for and granted. A revised contract with be coming forth.

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ASSESSOR'S REPORT-DON COLLINS

Certiorari Cases renewed in 2010:

- Gatehouse Media, Attorney Carol Maue
- Centerpointe Town houses, Attorney James Grossman
- Wanda Polisseni, Attorney John Refermat

Equalization rate for 2010 is 100%.

SDQ will give a presentation before the board meeting on August 30th @6:00 pm on a GIS type program.

SUPERVISORS' REPORT

1. City attorney is reviewing fire contract.
2. Budget requests have been sent out.
3. Kudos to Tim Jensen on work done on Outhouse Park.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS

Parks committee – Dennis Brewer

- Last week of day camp and Onanda Park programs
- Rentals are up 31% along with revenues at the park.
- Will be short on staff due to college and sports starting.
- Thanked the board for passing the Trails Master Plan- this will continue to be a working document.

RESOLUTIONS:

1. Moved by Councilman Brandt, seconded by Councilman Fennelly

CANANDAIGUA TOWN BOARD RESOLUTIONEXECUTION OF GRANT AGREEMENT

NYSERDA RFP 10 – ZONING CODE UPDATE

WHEREAS, the Canandaigua Town Board has applied for and received preliminary approval for \$40,000 to fund updates to local land use regulations pending completion of the current comprehensive plan update, and

WHEREAS, the New York State Energy Research and Development Authority has forwarded to the Town, a proposed grant agreement to make funds available, and

WHEREAS, Town Board members and staff have reviewed the agreement and found it acceptable, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor to formally complete execution of said agreement.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

2.Motion made by Councilperson Brandt, seconded by Councilperson Fennelly, that Roy Beecher be appointed as the Zoning Board of Appeals alternate for a five year term ending 12/31/14.

3 ayes: Fennelly, Brandt, Casella 2 nays: Fuller, Helming

3. Motion moved by Councilperson Brandt, seconded by Councilperson Fuller,
BE IT RESOLVED, that the Town of Canandaigua hereby established the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these by these officials to the clerk of this body.

TITLE	NAME	STANDARD WORK DAY (Hrs/day)	Term begins/ends	EMPLOYER RECORD OF TIME WORKED	DAYS/MONTH (BASED ONRECORD OF ACTIVITIES)
Supervisor	Samuel Casella	8	01/01/10-12/31/2013	Y	14.5
Town Clerk	Judith Carson	8	01/01/10-12/31/2013	Y	20
Hway. Superintendent	Jim Fletcher	8	01/01/10-12/31/2013	Y	20

	James Fletcher	8		y	20
APPOINTED					
Director of Development	Tim Jensen	8	10/27/09-10/27/2011	y	20
Code Enforcement	David LeClair	8	10/06/09-	y	20
Bookkeeper	Deborah Trillaud	8	01/01/2010	y	20
Constable	Karl Nelson	6	01/01/2010	y	1.5
Court Clerk	Cynthia Woolley	8	01/01/2010	y	9.5

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

4. Motion moved by Councilperson Brandt, seconded by Councilperson Fuller
**RESOLUTION TO PROCEED WITH REZONING
OF TMP 83.00-1-3.112 AND 15 ADDITIONAL ACRES
FINGER LAKES UNITED CEREBRAL PALSY, INC (HAPPINESS HOUSE)**

WHEREAS, the Canandaigua Town Board has received a request to consider rezoning approximately 25 acres on the northwest corner of County Road 30 and Outhouse Road to allow expansion of an existing facility that provides integrated services for disabled children and adults

WHEREAS, it is the position of this Board that the request warrants further review as it would allow for expansion in place of a facility that provides valuable services to the Town and surrounding municipalities; and

NOW, THEREFORE, BE IT RESOLVED that, in compliance with §157-11 of the Town of Canandaigua Code, the Town Board does hereby forward the request to the Town Planning Board for a concept proposal discussion.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

5. The motion was made by Councilman Brandt, seconded by Councilperson Fuller, the following budget transfers :

From: D5130.410 Machinery Fuel Metering \$ 30,000.00
To: D5130.200 Machinery Equipment \$ 30,000.00

In order to cover costs of the 2010 Mack Dump Truck that was approved at the February 1, Town Board Meeting;

From: D9060.810 Hospital/Medical Insurance \$ 31,500.00
To: D9060.830 Flex Spend Account \$ 31,500.00

From: F9060.810 Hospital/Medical Insurance \$ 3,750.00
To: F9060.830 Flex Spend Account \$ 3,750.00

From: A9060.810 Hospital/Medical Insurance \$ 18,000.00
To: A9060.830 Flex Spend Account \$ 18,000.00

In order to cover the Health Benefit for the new Medical Insurance.

5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

6. Motion pulled.

Moved by Councilperson , seconded by Councilperson ,

RESOLVED that Thomas McWilliams, Code Enforcement Officer, and Dale Zukaitis, Code Enforcement Officer, attend the New York State Fire Marshals Educational Conference Sept 28th through Sept. 30th 2010 as part of the NYS Code Enforcement Continuing Education requirements at a cost of \$200 each plus lodging at \$70/night/person for a total of \$140 each – the total cost will be \$680.⁰⁰

7. Tabled by Councilman Brandt.

Moved by Councilperson , seconded by Councilperson , that the Supervisor sign the Agreement for a drainage study between the County of Ontario and undersigned residents of CR 16 with property inclusive in a drainage area south of Menteth Point and North of Deuel Road.

OTHER BUSINESS:

The Supervisor is working on getting information on volunteers for the Trails committee and the Historian.

PRIVILEGE OF FLOOR

Paul Reck – Route 21 made the following comments:

- upper lot at Onanda should be fixed
- doesn't feel an hydraulics study should be done
- software purchases should be consolidated with the County instead of buying singular packages
- what is the protocol for posting special meetings

John Knopf – Cooley Road, would like to see priorities listed in the trails master plan and cost to Town's people.

Councilperson Fuller announced meeting dates for review of the Canandaigua Draft Uniform Docking and Mooring Law to be held at the South Bristol Town Hall on 8/17 @7:00 pm and 8/18 at the City Hurley Building at 7:00 pm.

Motion made by Councilperson Helming, seconded by Councilman Brandt that the board move into executive session for attorney client privilege at 9:25 pm.

5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

The board moved out of executive session at 9:50 pm.

The meeting was adjourned at 9:50 pm.

Judith H. Carson
Town Clerk