

Canandaigua Town Board
Regular Meeting
February 22, 2010
7:00 pm

Present: Terry Fennelly	Councilperson
Pam Helming	Councilperson
Oksana Fuller	Councilperson
Ralph Brandt	Councilperson
Sam Casella	Supervisor
Jim Fletcher	Highway Superintendent
Tim Jensen	Director of Development
Carol Maue	Attorney for the Town

Others present: Kevin Reynolds, Karen Parkhurst, Reid Hankin, Tom Schwartz, and Yvonne Chavez

Pledge of allegiance

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

A motion was made by Councilperson Brandt, seconded by Councilman Fennelly that the minutes of 2/1/10 and 2/16/10 be approved as amended.

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

Motion moved by Councilman Brandt, seconded by Councilman Fennelly that after audit and review of abstract #3-\$68,029.71 general fund, \$23,452.83 highway fund, \$2,928.13 water fund, \$60,983.86 Cdga/Hope water district, \$861.44 Fox Ridge lighting, \$628.08 Centerpoint lighting, \$17.08 Lakewood Meadows lighting, \$118.42 Fallbrook Meadows lighting that the bills be paid.

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

Attorney Maue briefed everyone on charge back billing and the interest charged on it. She is writing a process for the Town to follow for the charge back billing. This will be presented in the near future.

PRIVILEGE OF THE FLOOR

Yvonne Chavez – Town resident, read a statement that she is not in support of any closed meetings.

Kevin Reynolds – County Road 30, would like a chance to speak on the subject of open/closed meetings before the Board takes any action.

Tom Schwartz- Coy Rd. – asked if unpaid charge back bills could be put on the tax roll.

Attorney Maue replied that it is not allowed to be put on the tax roll.

There was a short discussion on the Town adopting standard contract language.

PRIORITY BUSINESS

Presentation of petitions, communications, and correspondence
City of Canandaigua Fire Department Monthly Report

HIGHWAY DEPARTMENT REPORT – Jim Fletcher

1. Rural Development accepted the Purdy/Mobile Rd. proposed sewer district.
2. Changing out water meters
3. Bids for the backhoe came in within budgeted amount.

Planning DEPARTMENT– Tim Jensen

1. Dave LeClair is picking up the slack while Tom McWilliams is on vacation.
2. NYSERDA grant was sent in.
3. General Code is moving along will be presenting updates in the future.
4. Wyffels PDR is moving along. The County will be closing it out while Tim is getting up to speed on the project.

REPORTS OF COMMITTEES

Parks committee – no report
Code committee – no report
Insurance committee – no report

Fire committee – members of the Cheshire Fire Department will be at the March 15th meeting to discuss needs.

REPORT OF ANY SPECIAL COMMITTEES AND/OR COMISSIONS

Environmental - Kevin Reynolds, at the meeting on 2/11 continued to discuss revisions to Town Code Chapter 11. Discussing what level of review they should be looking at.

SUPERVISOR’S REPORT

Ralph Brandt – presented a flow chart on a proposed procedure for the codes committee: request for code revision would go to the board - they would refer it to the DOD and staff – then the DOD presents a draft to the Town Board at a meeting or workshop - DOD prepares Local law - DOD presents Local Law to Town Board and a public hearing is scheduled - public hearing held /public comment - then it is voted on or revised. Discussion followed.

There was a brief discussion on the Supervisor’s monthly report for Jan & Feb. 3/15/10

Received a letter from the Office of Real Property Services stating that we will received State aid in the amount of \$18,509.14 due to the completion of an annual reassessment. 3/15/10

RESOLUTIONS/MOTIONS:

Tabled from 1/11/10

Motion moved by Councilman Brandt, seconded by Councilman Fennelly, that in accordance with Town Law, Section 123, that the Canandaigua Town Board acknowledges receipt of and has on file a detailed statement of all Town Clerk and Tax Collection receipts and disbursements for the 2009 fiscal year.

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

Tabled 2/1/10

Motion moved by Councilperson Brandt, seconded by Councilperson Fuller that the Supervisor sign the contract with Public Section HR. TABLED

Tabled

- **TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
RESCINDING REQUIREMENT FOR STAFF TO ASSESS THE 1% PENALTY FOR
REIMBURSEMENT OF ADMINISTRATIVE COSTS AND FEES**

WHEREAS, section 52.7, Part C of Town Code gives the Town of Canandaigua the option to assess a 1% per month penalty against applicants for delinquent reimbursement of administrative

WHEREAS, staff has indicated that assessment of such penalties complicates the billing process and historically has had no discernible impact on settling delinquent accounts;

WHEREAS, the cost of additional staff time and resources involved with re-issuance of adjusted invoices is not sufficiently offset by collection of the additional penalty FEES; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Canandaigua Town Board does hereby exercise its option to **not** assess penalties as described in section 52.7, Part C of Town Code and directs staff to amend its billing practices accordingly.

TABLED MOVED BY COUNCILPERSON , SECONDED BY COUNCILPERSON ,
**AGREEMENT FOR SERVICES – 2010 COMPREHENSIVE PLAN UPDATE ENVIRONMENTAL DESIGN
&RESEARCH, P.C.**

WHEREAS, the Town Board has reviewed the agreement drafted and signed by Environmental Design & Research, P.C. (EDR) on January 27, 2010 for services related to update of the Town’s comprehensive plan; and

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

Tabled Motion was made by Councilperson , seconded by Councilperson that the following committees be designated as advisory: Insurance, Town Code, Fire Protection and Town Board Comprehensive Plan.

Tabled A motion was made by Councilperson , seconded by Councilperson , to adopt the Workplace Violence Prevention Program prepared by Public Sector HR

1. Motion moved by Councilperson Brandt, seconded by Councilperson Fuller,

WHEREAS, the Town has a Trust & Agency account for payment of employee benefits, including health insurance, New York State Retirement, disability, landscape and soil erosion surety bond releases etc., and

WHEREAS, the Town receives invoices for health insurance the last week of every month, that need to be paid the first week and other invoices for the above come in at different times of the month and are required to be paid in a very short time,

BE IT THEREFORE, the Town Supervisor is authorized to approve the Trust and Agency Abstracts and Board members can review it at the following meeting.

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

3. A motion was made by Councilman Brandt, seconded by Councilman Fennelly to allow Thomas Schwartz, Charles Oyler, and Joyce Marthaller to attend a total of six (6) Monroe County Department of Planning training sessions between March 23 and April 20 at a cost of \$25 for each session.

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

4. Tabled. Motion made by Councilperson Brandt, seconded by Councilperson Fennelly that Christian Nadler be appointed the Zoning Board of Appeals attorney and that the Supervisor sign the contract with Adams and Gates.

5. The motion was made by Councilman Brandt, seconded by Councilperson Fennelly that the following budget transfers for the 2009 budget.

From: F1990.400	Contingency	\$ 2,435.00
To: F8310.420	Meter Reading Contractual	\$ 865.00
F8310.423	Vehicle & Repair	\$ 365.00
F8310.400	Water Purchases	\$ 1,205.00
From: A1670.410	Newsletter	\$ 1400.00
To: A1430.420	Personnel – Human Resources	\$ 1,400.00
From: A8160.140	Waste Recycling-Laborers	\$ 1,265.00
To: A8160.130	Waste Recycling-MEO	\$ 1,265.00
From: A1355.134	Office Specialist I	\$ 532.00
To: A1355.131	Assessor-Aide FT	\$ 532.00
From: A1910.400	Special Items Unallocated Ins.	\$ 29,925.00
To: A1680.400	Data Processing Contractual	\$ 4,680.00
A1420.400	Attorney Contractual	\$ 12,160.00
A8010.123	Director of Development	\$ 5,770.00
A8010.401	CEO Contractual	\$ 2,800.00
A8020.400	Planning Contractual	\$ 2,800.00
A8010.122	Zoning CEO-PT	\$ 800.00
A8010.131	Zoning –Micro Computer Op.	\$ 775.00
A8010.124	Zoning CEO	\$ 140.00

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

6. Motion made by Councilperson Brandt, seconded by Councilperson Fuller, that in accordance with the Uniform Justice Court Act Section 2019(a), that the Canandaigua Town Board acknowledges receipt of and has on file a detailed statement of all Town Justices receipts and disbursements for the 2009 fiscal year.

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

Councilperson Fuller – The Justices reports are in excellent condition with very good checks and balances.

7. Motion moved by Councilperson Brandt, seconded by Councilperson Fennelly, to have Ray Wager provide professional services to compile the 2009 Annual Financial Report Update Document for the Town of Canandaigua as of December 31, 2009 and for the year then ended at a cost of \$1495.

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

8. Motion made by Councilperson Brandt, seconded by Councilperson Fuller, that Five Star Equipment, Inc be awarded the bid for the 2010 John Deere 310SJ Backhoe Loader at a cost of \$68,912.00
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

ATTORNEY REPORT

Sent a memo to the board on the rental law. The judge is waiting for the Town to write a new statute for this. A nuisance law should also be written.

OTHER BUSINESS

The final plot plan for Outhouse park was taken to Attorney Muehe's for filing. Attorney Maue is doing the title work and expects to close on this in a couple of weeks.

Councilperson Helming – the Town Clerk and Tax Collector books are in fantastic order. She will be submitting a report in the future.

Motion made by Councilman Brandt, seconded by Councilman Fennelly that a motion to adjourn is always in order at 9:05 pm.

Respectively submitted,

Judith H. Carson
Town Clerk