

Canandaigua Town Board
Regular Meeting
April 5, 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, Ray Henry, Lew Smith, Doc Blake, Dennis Brewer, John Miller, Barb Rose, Jack Kellogg, Mike Miller, Mike Northrup, Brian Roeder, Yvonne Chavez and others who did not sign in.

Pledge of allegiance

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

A motion was made by Councilman Brandt, seconded by Councilperson Fuller that the meeting minutes of March 15, 2010 be approved as necessarily amended after the clerk reviews the tape. 5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motion made by Councilman Brandt, seconded by Councilperson Fuller that after review and audit of abstract #5 \$554,895.35 general fund, \$94,852.31 highway fund, \$13,459.71 water fund, \$500.00 Hicks Dev. Capital Project, \$266,362 Fire protection \$3,921.10 trust and agency, #6 \$17,295. General fund, \$28, 122.56 trust and agency , and #7 \$1,973.03 trust and agency, that the bills be paid 5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

PRIVILEGE OF THE FLOOR

Sandro Popelka and Chris Bross from the Kiwanis Club presented the Town Board with a check for \$1,200 to be used for a pavilion at Blue Heron Park.

Mike Miller, Mike Northrup and Brian Roeder represented the Cheshire Volunteer Fire Department on the following discussion.

Mike Northrup explained that the CVFD took over Box 500 on a contractual basis with the City. A listing of the area this covers was handed out to the board. To service this area more efficiently they are temporarily housing a fire truck at the Town complex. They are asking the Town to negotiate a contract with the City for the Town to have Box 500 in the Town's fire contract with CVFD. If this was done CVFD would invest in a permanent location for their equipment. Their contract with the City expires at the end of 2011, but the City would consider having it end at the end of 2010.

Supervisor Casella commented that he has talked with the Mayor and City Manager and they are willing to talk about this.

The next step in this process is for the City of Canandaigua to write a letter to the Town Board to commence this process.

Yvonne Chavez- Town resident- would like to have input on the proposed Rules of Procedure and wondered if this would be possible. Would also like the public to be able to comment during the time when motions are being acted on.

Dennis Brewer thanked Jim Fletcher and the highway department for the improvements they have made to the parks.

Kevin Reynolds – County Road 30, objected to not being able to see the proposed Rules of Procedures. Agrees with the new code revision process.

Jack Kellogg- Ashton Place, - feels their should be public comment when each motion is being acted on.

PRESENTATION OF PETITIONS, COMMUNICATIONS AND CORRESPONDENCE

1. Letter from Time Warner Cable.
2. Letter from Cheshire Volunteer Fire Department requesting privilege of the floor.

Added at the meeting:

Letter from John Garvey – Ontario County regarding CEO.

Letter from Yvonne Chavez regarding charge back billing.

Letter from Jean Kraus objecting to the proposed code revision process.

Letter from Dave Sauter and Peggy Holister – in support of open meetings

Letter from Dave Gioseffi – in support of open government.

HIGHWAY DEPARTMENT REPORT –Jim Fletcher

1. Working on drainage on Goodale Road , will be closing the road for 2 days. Will be paving it in late May.
2. Will be closing New Michigan Road and working on drainage, grading and tree clearing.
3. Putting up drywall in the bathroom at the West Lake Road Schoolhouse.
4. Working on Annual Water Report.
5. Rural Development is reviewing the proposed Purdy Road sewer project.
6. The proposed Grandview/Route 21 sewer project is 8 surveys short. He will be sending someone out to try and collect the remaining surveys.
7. Will be holding an informational meeting for the proposed Cramer Road water district.
8. The town needs to look at a drainage district for the Landings.
9. Installed running paths at Pierce Park.

PLANNING DEPARTMENT – Tim Jensen

1. General Code will deliver a published code along with a Local Law for administrative changes.
2. Working on alienation for Outhouse Park.
3. Working with Steve Bero and Ag. And Markets on the Wyffels PDR,
4. Department is going to stop using the BAS software and will be using a Microsoft program for permits.
5. Sent the contract to EDR for signature.
6. Received a grant from NYSERDA in the amount of \$40,000 for zoning changes. This will help pay for the consultant to do the updates on the Comprehensive Plan.

ASSESSOR'S REPORT

Attorney Maue stated that the Paul Reck assessment case was dismissed.

REPORTS OF COMMITTEES

Codes- no report

Fire- no report

Insurance- when the policies are in place Ed Perego will go over them with the Supervisor. Sam will follow up with Ed on the public officer's policy.

Parks – Dennis Brewer

- Next meeting April 7th @ 6:45pm-Onanda Park

Trails- Dennis Brewer

- Meeting at Barnes Road property at 6:30 pm on 4/12 to go over trail with Marty Dodge.

Ray Henry, Town Historian-commented that the work done at the West Lake Road School House was very nicely done blending in the requirements of public access and historic preservation. He is always available to help with historic properties in the Town.

REPORT OF SPECIAL COMMITTEES AND/OR COMMISSIONS

Environmental – Kevin Reynolds

- Will be touring Casella Waste on April 8th @ 1pm.

Councilperson Helming said that she had talked to the Town's bookkeeper and they discussed that a workshop on the budget reports and updates might be beneficial to board members.

SUPERVISOR'S REPORT

1. Met with Mayor Polimeni and City Manager Kay James and discussed the following:
 1. revisiting the dog park issue
 2. having a committee for the joint recreation program
 3. the fire contract with the Cheshire Volunteer Fire Department
 4. having a committee for the Cable Franchise renewal contract.
2. Senator Schumer was at Infotonics and he will be helping in getting funding to develop that campus. The fiber optic ring is helping to attract businesses to this area.

Attorney Maue- the contract for Public Sector HR Consultants, LLC, has been revised and the Supervisor will sign it and send it out to them.

MOTIONS AND RESOLUTIONS:

Tabled motions:

Motion moved by Councilperson _____, seconded by Councilperson _____, to re-appoint Alton Blake as Health Officer per Public Health Section 320 for a term from 2010-2014 at an annual salary of _____.

Motion made by Councilman Brandt, seconded by Councilman Fennelly that the "Town Board Rules of Procedure be adopted as presented" be taken off the table.

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

Discussion

Motion moved by Councilperson Helming, seconded by Councilman Fennelly that the Rules of Procedure be adopted as amended.

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

Motion moved by Councilman Brandt, seconded by Councilman Fennelly to take the following off the table.

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

WHEREAS, the Town Board of the Town of Canandaigua ("Town Board") heretofore adopted a Zoning Code, and

WHEREAS, the Town Board has determined that ongoing review and update of the Town of Canandaigua Code, is necessary

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby directs the Director of Development to undertake a broad and systematic review of the Town of Canandaigua Zoning and Subdivision Code and other such chapters as may be directly related to the Development Office functions and, as needed, make recommendations to the Town Board with respect to modifications of said law, and

BE IT FURTHER RESOLVED, that the Director of Development may utilize such town staff as necessary to assist in this endeavor and to confer with such town officers including but not limited to the planning board chair, zoning board of appeals chair and staff as needed.

After discussion the above motion was amended and moved by Councilman Fennelly, seconded by Councilman Brandt to read as follows:

Town Code Revision Process

Whereas, the Town board of the Town of Canandaigua (Town Board) is the legislative body of the Town, and

Whereas, the Town Board heretofore adopted a Town Code, and

Whereas, the Town Board has determined that from time to time there is a need to amend, update or create Code as situations warrant, and

Now, therefore be it resolved that the Town Board, acting as the legislative body of the Town, will determine which Codes must be amended, updated or created and will determine the priority ranking in which this will be undertaken and will determine which specific guidelines must be incorporated into such efforts, and

Be it further resolved that the Town Board will direct the Town of Canandaigua Director of Development (DoD) to undertake the above listed Code amendment, updating or creation per their specific guidelines, and

Be it further resolved that the DoD may utilize such Town Staff as necessary to assist in this endeavor and to confer with such Town Officers including, but not limited to, the Planning Board Chair and Zoning Board of Appeals Chair as needed and such other resources the DoD deems necessary, and

Be it further resolved that when the DoD has completed such efforts to the point of producing a draft document, the DoD will post said document on the Town website and will provide copies of said document to the Town Board which will schedule a workshop meeting with the DoD and public to review the document for possible inclusion in the Town Code, and to solicit public comment.

Be it further resolved that if the Town Board deems said document complete, they will schedule a Public Hearing at a meeting of the Town Board consistent with applicable NYS municipal law, and

Be it further resolved that if the Town Board determines during the above mentioned workshop meeting(s) or Public Hearing that said document requires further revision as a result of member or public comment, the document will be referred back to the DoD with Town Board guidance for redrafting and representation as outlined above, and

Be it further resolved that if the Town Board determines at the Public Hearing that the document fulfills the specific guidelines mentioned above, they will vote on said document or schedule a vote to be taken at an adjourned date consistent with applicable NYS municipal law.

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

1. Moved by Councilman Brandt, seconded by Councilman Fennelly

WHEREAS, the Town Board appointed Derek Brocklebank as Attorney to the Town through January 1, 2011 at a Special Meeting on March 8, 2010, and

WHEREAS, this motion had pending an agreed upon contract, and this contract has been reviewed,

NOW, THEREFORE BE IT RESOLVED, that the Supervisor sign the Retainer Agreement between Derek G. Brocklebank, Esq of the Brocklebank Law Firm.

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

2. Moved by Councilman Fennelly, seconded by Councilperson Helming

BE IT RESOLVED, that Thomas M. McWilliams and Dale Zukaitis, Code Enforcement Officers, attend the 2010 Educational Seminar for the Monroe County Fire Marshals and Inspectors Association on May 19th and 20th 2010, at a cost of \$150pp and

THEREFORE BE IT RESOLVED, that Dale Zukaitis, Code Enforcement Officer, attend the Western NY Stormwater Management Erosion & Sediment Control I training program on May 4, 2010, at a cost of \$230.00

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

3. Moved by Councilperson Fuller, seconded by Councilman Brandt

RESOLUTION TO ALLOW USE OF COUNTY TECHNICAL ASSISTANCE HOURS TO PROVIDE PLANNING BOARD RELATED TRAINING AT THE TOWN HALL

WHEREAS, the Ontario County Planning Department annually offers 40 hours of free technical assistance to each municipality, and

WHEREAS the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) has requested use of 8 of those hours to provide planning Board related training in the Town Hall, and

WHEREAS, the Planning Board members are required by both local and State law to receive training annually, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby grants permission for use of up to 8 hours of said assistance to provide for planning board related training in the Town Hall, and

RESOLVED, that a copy of this resolution be forwarded to the Planning Board Chair and the Town Zoning Officer.

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

4. Motion moved by Councilperson Helming, seconded by Councilperson Fuller, that the following be surplused and sent to the 25th Palmyra Auction for Municipal Equipment on May 8th.

1. Clark tow motor 1961 model # QM-45, serial # 10-1602B-
2. 1997 Ford F 150 VIN # 2FTZF18W4WCA44797

3. Komatsu Bull Dozer model # D155-1 serial # 17450
 4. Homemade stone hopper with conveyer
 5. Freuhauf dump trailer 1967, # FWG612301
 6. John Deere model 425 serial # M00425A033689
 7. Exmark Turf Ranger Model # FDM603, Serial # 263809
 8. Meyers 10 foot Hyd. Plow and frame
 9. Misc. water clamps, dresser couplings, and brass
 10. 1963 caterpillar 830 M motor scraper Serial # 41E-284
- 5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

5.Motion moved by Councilperson Fennelly, seconded by Councilperson Brandt, To allow Jim Fletcher to stay at the Clarion University Hotel & Conference Center in Ithaca for the Cornell local roads school in June from the 6th to the 8th at a cost of \$ 110.00 per night.
5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

6.The motion was made by Supervisor Casella, seconded by Councilperson Fuller to make the following budget transfers needed because travel expenses were not budgeted for HB Solutions although they were in the original contract:

From:	A1990.400	Contingency	\$ 86.00
To:	A8020.402	HB Solutions	\$ 86.00

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

7.Motion made by Councilperson Brandt , seconded by Councilperson Fuller, for Ray Henry, Town Historian, to attend the Landmark Society of Western New York, Inc's. 24th Annual Preservation Conference to be held at the Palmyra Macedon High School on April 24, 2010 at a total cost of \$67.00.

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

8. Moved by Councilperson Helming, seconded by Councilman Brandt

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF CANANDAIGUA
AT A TOWN BOARD MEETING
HELD ON APRIL 5, 2010
REGARDING THE PURCHASE OF FARM LAND
FOR USE AS A PUBLIC PARK
FROM JOHN J. MILLER**

RESOLVED, that in accordance with the Contract previously authorized by the Town Board and executed by and between the Town Supervisor and John J. Miller for the purchase from John J. Miller by the Town of Canandaigua of Lot #1, Miller Subdivision, State Route 21, Canandaigua, NY, consisting of 23.145 acres of farm land for a purchase price in the amount of \$125,000.00, the Town Board of the Town of Canandaigua hereby authorizes and directs the Town Bookkeeper to pay out of the Open Space Reserve Fund the sums required for the purchase of said parcel of real property from John J. Miller for use as a public park for hiking and other passive recreational activities at a Closing scheduled to take place on April 9, 2010 or any adjourn date as legal counsel for the parties may agree, follows:

Purchase Price and Adjustments

Purchase Price :	\$125,000.00
Town & County Tax Adjustment:	\$ 81.35
School Tax Adjustment:	\$ 44.39
Survey (POC)	
Cost to file Map:	\$ 10.00
Total Amount Due Seller:	\$125,135.74

Closing Expenses

Title Insurance to the Town:	\$ 699.00
Record Deed	\$ 60.00
File RP-5217	\$ 125.00
Total Expenses:	\$ 884.00

Disbursed by the Town as Follows

To Seller:	\$125,135.74
To ChamberlainD'Amanda:	\$ 699.00
To Ontario County Clerk:	\$ 60.00
	\$ 125.00

Total: \$126,019.74

And be it further,

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor and the Town Director of Development to work with legal counsel to take such other and further action as may be required to effectuate the intent and purposes of these Resolutions.

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

9.Motion moved by Councilperson Helming, seconded by Councilman Brandt, to authorize the Town Supervisor, Sam Casella, to execute the Declaration prepared by the attorney for the Town confirming the purchase from John J. Miller of lot #1, Miller Subdivisions, State Route 21, Canandaigua, New York consisting of 23.145 acres as a public park with proceeds from the Open Space Reserve Fund and setting forth the restrictive covenants with respect to such purchase and park designation.

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

10.Moved by Councilperson Fuller, seconded by Councilman Brandt

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF CANANDAIGUA
AT A TOWN BOARD MEETING
HELD ON APRIL 5, 2010
REGARDING THE PURCHASE OF OPEN SPACE LAND
FROM THE OUTHOUSE ESTATE**

RESOLVED, that in accordance with the Contract previously authorized by the Town Board and executed by and between the Town Supervisor and the Estate of Richard Outhouse for the purchase from the Estate of Richard Outhouse by the Town of Canandaigua of 74.793 acres of farm land as open space for a purchase price in the amount of \$375,000.00, the Town Board of the Town of Canandaigua hereby authorizes and directs the Town Bookkeeper to pay out of the Open Space Reserve Fund the sums required for the purchase of said 74.793 acres of farm land from the Estate of Richard Outhouse at a Closing scheduled to take place on April 9, 2010 or any adjourn date as legal counsel for the parties may agree, follows:

Purchase Price and Adjustments

Purchase Price :	\$375,000.00
Survey Credit to Seller:	\$ 6,000.00
Town & County Tax Adjustment:	\$ 230.76
School Tax Adjustment:	\$ 136.66
Cost to file Map:	\$ 10.00
Total Amount Due Seller:	\$381,377.42
Less Deposit Paid:	(\$ 10,000.00)
Less Lease Payment Due Buyer:	(\$ 2,600.00)
Balance Due Seller:	\$368,777.42

Closing Expenses

Title Insurance to the Town:	\$1,544.00
Record Deed	\$ 55.00
File RP-5217	\$ 125.00
Total Expenses:	\$1,724.00

Disbursed by the Town as Follows

To Seller:	\$368,777.42
To ChamberlainD'Amanda:	\$ 1,544.00
To Ontario County Clerk:	\$ 55.00
	\$ 125.00
Total:	\$370,501.42

And be it further,

RESOLVED, that the Town Board hereby authorizes a portion of the acres of such open space to be purchased from the Estate of Richard Outhouse to be used by the Town to replace the number of acres of alienated parkland contained within the borders of the existing Outhouse Park as subsequently determined by survey; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor and the Town Director of Development to work with legal counsel to take such other and further action as may be required to effectuate the intent and purposes of these Resolutions, including but not limited to working with the Town's elected officials to the New York State legislature to prepare legislation to be enacted by the New York State legislature to release the alienated parkland from the existing Outhouse Park.

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

Attorney Maue handed out form letters for the DOD to look at.

Tim Jensen- will be bringing Chapter 11 forward to discuss refining roles and responsibilities of the Environmental Conservation Board at the next meeting.

Councilperson Helming asked about the review of the procurement policy. Supervisor Casella will be distributing information on policies in the upcoming days.

Motion made by Supervisor Casella, seconded by Councilman Brandt that the board move into executive session to discuss matters leading to an appointment at 10:15 pm.

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

The board moved out of executive session at 10:50 pm.

The meeting was adjourned at 10:50 pm.

Judith H. Carson
Town Clerk