

Canandaigua Town Board
Regular Meeting
June 28, 2010
6 pm

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

Others present: Kevin Reynolds, Andrew Tyman, Martin Eades, George Kramer, Dennis Brewer, James Karmar, Darryl Kramer, Porter Hunt, Chris Schultz, Steve LaCrosse, Terry Hunt, David Young, Tyler Young, Ray Henry, Fred Goodnow, Kevin Hollack, George Barden, Ralph Pascale, Kurt Thiel, Lew Smith and others who did not sign in.

6:00 pm- Workshop- with Nanette from Public Sector regarding Workplace Violence program

7:05 pm

Call to order and pledge of allegiance at 7:05pm lead by the boy scouts.

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, that the minutes of June 7, 2010 be approved, and to approve the minutes of June 15, 2010 as amended after review of the tape.

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

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller that after review and audit of abstract #9 \$90,557.24 General Fund, \$66,386.55 Highway Fund, \$5,220.88 Water Fund, \$41,394.77 Cdga-Bristol Water Project, \$2,300.00 Extension #36, County Rd 30 Capital project, \$814.85 Fox Ridge Lighting, \$283.98 Centerpoint Lighting, \$9.87 Lakewood Meadows Lighting, \$103.34 Fallbrook Meadows Lighting, and abstract #11 Trust and Agency Fund \$250,067.96, and abstract #12 Trust and Agency Fund \$232,000.00 that the bills be paid.

Discussion: More detailed information is needed on vouchers, and when purchasing from state bid please make note "purchased under contract".

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

Supervisor Casella re-opened the public hearing on continuation of General Code Local Law at 7:20 pm.

Tim Jensen- DOD- discussed specific responses to the remaining outstanding questions the board had in regards to this local law.

Supervisor Casella closed the public hearing at 7:30 p.m. and thanked Tim Jensen for a good job .

PRIORITY BUSINESS

Dennis Brewer- Trails committee member- Thanked Boy Scout Jim Kramer, heading up project for Eagle Scout Badge, and other scouts who had volunteered for the cleanup of trails on Barnes Rd by cutting logs and raking. Marty Dodge who designed the trails was acknowledged and thanked for his job.

Jim Kramer- Boy Scout- thanked the town for the opportunity to work on the trails.

Supervisor Casella - thanked the Boy Scouts for a job well done in cleaning of the trails followed by a round of applause.

Dennis Brewer – The trails will be open to the public in the near future.

Garret Mc Graff -Hiscock & Barkley- representing Quail Summit project – spoke on behalf of the Geneva Housing Authority serving as their bond council for proposed re-financing of Quail Summit project.

Councilperson Fuller - questioned low income housing terms.

Discussion on low income housing

Councilperson Brandt – We have no control on low income housing terms. That issue is between Quail Summit and the Geneva Housing authority and the federal government and state government. They are required by the federal government to move forward with this cooperation agreement amended to the current state. Quail Summit is not asking for any Real property tax abatement.

Derek Brockelbank- Town Attorney- His concerns with this resolution were satisfied and is ready to move forward.

Andrew Tyman – Geneva Housing Authority - Quail Summit is a retirement facility for the community and the rents may vary due to additional services. We do not have a low income guideline, but the project is open to anyone who can pay for the services which are:

- 1) Independent living
- 2) Assisted living
- 3) Memory impaired living- that is usually a 24 hr service

We are very committed to this project and think it is a perfect fit in the township.

Supervisor Casella – Agrees there is still a need in the community for such a project. This was never to be low income subsidize housing.

Councilperson Helming – Would have liked the opportunity of reviewing the agreement before the resolution was presented at tonight's meeting. Also, was unaware that there was a public hearing held without her knowledge.

Councilperson Fuller – Also would have liked the opportunity to look over document before tonight.

Derek Brocklebank- Just prior to the last Town Board meeting Garret and I did have conversation and made a couple revisions and was in hopes of more discussion at the last board meeting which didn't happen because of time restraints. I have reviewed the information and would be open to any questions.

Discussion on sections of the resolution

Supervisor Casella – Any substantial change that would be needed, I would first talk to Derek, but if he and or I felt it was substantial enough, with all due respect then it would go back to the board. I wouldn't sign anything that had any substantial change other than a date being incorrect or a typo.

1. Moved by Councilperson Brandt ,seconded by Councilperson Fennelly,

RESOLUTION APPROVING THE ISSUANCE BY GENEVA HOUSING AUTHORITY OF ITS MULTI-MODE VARIABLE RATE SENIOR LIVING FACILITY REVENUE BONDS (QUAIL SUMMIT PROJECT), SERIES 2010 IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000

WHEREAS, the Geneva Housing Authority (the "Issuer") was created pursuant to Article III of the Public Housing Law of the State of New York (the "Enabling Act"), which Enabling Act grants and defines the powers and purposes of municipal housing authorities in the State of New York (the "State"), and Chapter 913 of the Laws of 1957 of the State, as amended, constituting Section 464 of the Public Housing Law of the State; and

WHEREAS, the Issuer is empowered, among other things, to acquire or contract to acquire from any person, by purchase or otherwise, real or personal property or any interest therein, or lease dwelling units from any person, for sublease to persons and families of low income; to lease or rent any of the housing or other accommodations or any of the lands, buildings, structures or facilities embraced in any project or connected with any program to provide dwelling accommodations for persons of low income; to sell, exchange, transfer, assign or mortgage any real or personal property or any interest therein; to own, hold, clear and improve real or personal property or any interest therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to enter into agreements of cooperation with a municipality not within the territorial jurisdiction of the Issuer to assist such municipality in the construction, maintenance, operation or management of a project; and

WHEREAS, the Issuer in 1999 entered into a cooperation agreement with the Town of Canandaigua, Ontario County, New York (the "Town"), relating to the construction and management of the Project Facility described below, and the Issuer has requested the Town to enter into an amended and restated cooperation agreement in the form presented at this meeting (the "Amended Cooperation Agreement") in connection with, and as a condition to, the issuance of the Bonds described below; and WHEREAS, the Issuer proposes to issue its Multi-Mode Variable Rate Senior Living Facility Revenue Bonds (Quail Summit Project), Series 2010A (the "Tax-Exempt Bonds") and/or its Multi-Mode Variable Rate Senior Living Facility Revenue Bonds (Quail Summit Project), Series 201 OB (Federally Taxable) (the "Federally Taxable Bonds"; collectively, the Tax-Exempt Bonds and the Federally Taxable Bonds are referred to as the "Bonds) in an aggregate principal amount not to exceed \$9,000,000 in connection with a project (the "Project") undertaken by the Issuer at the request of Quail Summit, Inc., a New York not-for-profit corporation (the "Company"), consisting of the (i) acquisition by the Issuer of a leasehold interest in (a) an approximately 13.482 acre parcel of land located at 5102 Parrish Street Extension in the Town (the "Land") and (b) an approximately 108-unit senior living housing complex and associated equipment, furnishings and fixtures located on the Land (collectively, the "Facility"; the Land and Facility being hereinafter referred to as the "Project Facility"); (ii) refinancing of existing debt of the Company secured by the Project Facility; and (iii) the financing of all or a portion of the costs of the foregoing (and the costs incidental to such financing) by the issuance of the Bonds; and

WHEREAS, pursuant to a Company Lease Agreement (the "Company Lease Agreement"), the Issuer will agree to apply the net proceeds of the Bonds to the acquisition by the Issuer from the Company of such leasehold interest in the Project Facility, and pursuant to a Sublease Agreement (the "Sublease Agreement") to be entered into by and between the Issuer and the Company, the Company will sublease back the Project Facility upon the terms and conditions specified therein, including the payment by the Company of sublease rent in an amount sufficient to pay debt service on the Bonds; and

WHEREAS, it is expected that the Bonds will be issued in an aggregate principal amount of up to \$9,000,000 and that all of the Tax-Exempt Bonds will be qualified under Section 145 of the Internal Revenue Code of 1986, as amended (the "Code"), so that interest paid on such Bonds will be excluded from gross income of the bondholders; and

WHEREAS, the Issuer (A) caused notice of public hearings (the "Public Hearings") to hear all persons interested in the Project Facility and the proposed issuance of the Bonds being contemplated by the Issuer with respect to the Project to be published on May 14, 2010 in both the Finger Lakes Times and the Daily Messenger, one or both of which are newspapers of general circulation available to residents of the Town, (B) conducted the Public Hearings on the dates and times and in the locations specified in such notices, namely May 28, 2010 at 10:00 a.m., local time, at the offices of the Issuer located at 41 Lewis Street, Geneva, New York, and May 28, 2010, at 2:00 p.m., at the Town Hall of the Town located at 5440 Route 5 & 20 West in the Town, and (C) prepared reports or transcripts of the Public Hearings (the "Reports") which fairly summarized or reported the views presented at the Public Hearings and distributed same to the members of the Town Board; and

WHEREAS, the Town desires to enter into the Amended Cooperation Agreement; and

WHEREAS, the Town desires to approve the issuance of the Bonds for purposes of Section 147(f) of the Code;

NOW, THEREFORE, be it resolved as follows:

Section 1. The Town Supervisor is hereby authorized, on behalf of the Town, to execute and deliver the Amended Cooperation Agreement in substantially the form presented to this meeting with such changes, variations, omissions and insertions as the Supervisor shall approve, and such execution by the Supervisor shall constitute conclusive evidence of the Supervisor's approval of such changes, variations, omissions and insertions.

Section 2. The Supervisor is hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required or provided for by any of the provisions of the Amended Cooperation Agreement and to do all other acts as may be necessary or, in the opinion of the Supervisor, desirable or proper to effectuate the purposes of this Resolution and the Amended Cooperation Agreement.

Section 3. The Town Board, being the "applicable elected representative" (as such term is defined in Section 147(f) of the Code) of the Town and, having considered the Reports with respect to both the Public Hearings, does hereby approve the issuance by the Issuer of the Bonds in

a maximum aggregate amount not to exceed \$9,000,000 for the purpose of making proceeds of the Bonds available to finance a portion of the costs of the Project and thereby effect a refinancing of the Project Facility.

Section 4. The preceding approval of the issuance of the Bonds is subject to the condition that the Bonds shall include express language to the effect that (a) the Bonds are not and shall not be a debt of the Town and that the Town shall not be liable thereon; (b) the Bonds shall not give rise to a pecuniary liability or charge against the general credit or taxing power of the Town; and (c) the Bonds, together with interest payable thereon, shall be special obligations of the Issuer payable solely from the revenues and receipts derived from the subleasing of the Issuer's interest in the Project Facility to the Company and from any other security granted to the holders of the Bonds by, or on behalf of, the Company.

Section 5. This resolution shall take effect immediately.

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

Board discussion- having total packages of information in front of them before casting a vote.

PRIVILEGE OF THE FLOOR

Fred Goodnow- Labrador Lane- passed out a letter to the town board written by Robert Finger of 4264 Route 21 South which Fred read aloud to the public. The letter is in regards to a septic system at 4288 Route 21 South.

Kevin Hollack – 4292 Rt 21 S- discussed his concerns and knowing the history of the house

Kurt Thiel- 4293 Rt 21S- discussed his dismay with the septic system odor and the time frame of how this property changed hands around two years ago at which time the problem started. He's worried about his kids getting sick because of this issue.

Supervisor Casella- asked for CEO Dave LeClair's timeline on the matter.

Dave LeClair- Code Enforcement Officer- The following is a time line of complaints filed for the location at 4288 State Route 21S owned by Sue Brown:

Starting with June 10, 2007 to April 1, 2010- There were numerous complaints made to the Code Enforcement Officer and other officials and the Watershed Inspector by concerned citizens, about a foul odor coming from a failed septic system along with other property maintenance violations. The owners are aware of the situation and stated it was their intent to repair and submit an application to the Bishop Sheen Foundation for financial assistance.

April 8, 2010 to June 22, 2010-Notice of Violation sent by CEO LeClair is now turned over to the Town Attorney for court assistance. Numerous letters were sent to owners in regards to violation, site was visited by CEO Dave LeClair and George Barden, watershed inspector. -photos taken of area, temporary fencing has been installed around contaminated area to protect children and pets in the area.

April 29, 2010- case goes to court and is adjourned to May 20.

May 13, 2010 to June 23, 2010- septic tank at 4288 Route 21 has now been pumped twice for health and safety purposes, stronger demands by public are noted and that the situation with septic must be dealt with in more aggressive manor at the town level.

June 28, 2010- CEO LeClair meets with Town Attorney to discuss recent events. A decision is made to move forward with appearance tickets for the court action at Supreme Court level. Paperwork is being prepared.

July 29, 2010- extended adjournment court date set.

Derek Brocklebank – Town Attorney- Warner brothers has been sent in to pump the septic system to alleviate the current situation. The current situation is the owners have no money to keep the septic system pumped.

Councilperson Fuller – There had been talk that the owners were to apply for help through the Bishop Sheen Foundation, but that has not happened.

Derek Brocklebank- Town Attorney- It was his decision to adjourn the date until July 29, 2010, however, feels there is no other recourse at this time but to have the Supreme Court get involved.

George Barden- watershed inspector- discussed next options dealing with the septic system issues: The first is that the Town Board reconvene the meeting and then act as a Board of Health or the second option would be to keep the septic pumped down which keeps the toxins from reaching the top ground.

Derek Brocklebank – Town Attorney- talked about what procedures would be in place at the Supreme Court level. The next step would be a motion for the code enforcement officer to become lead person in authorizing authority.

Supervisor Casella – Assured the public that the septic tank will be pumped as needed and the cost to do this would then be put on the owners at 4288 State Route 21 tax bill.

Discussion on health concerns

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, The Code Enforcement Officer of the Town of Canandaigua is hereby authorized and directed to institute proceedings in the name of the Town of Canandaigua in New York State Supreme Court, and /or such other courts of competent jurisdiction, necessary and incidental to enjoin the continued septic violations at property commonly identified as 4288 NYS Route 21 in the Town of Canandaigua.

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

Kevin Reynolds-Co Rd 30 – Had an objection because according to the rules and procedures adopted by the town, the public did not have a chance to speak before privilege of the floor.

Yvonne Chavez- Middle Cheshire Rd- had requested a foil request from the Town Clerk's office in regards to RSM charge back billings and read off a listing of items returned to her that she still had questions on.

Discussion on RSM chargeback fees between the Supervisor, Town Board, DOD and Town Attorney.

Yvonne Chavez- Middle Cheshire Rd- would like a response back to her questions in writing.

Dennis Brewer – Suggested that all the septic systems in Cheshire hamlet should be looked into along with updating of the comprehensive plan.

Supervisor Casella – Suggested grant money at County level could be looked into for septic inspections.

Ray Henry- Town Historian- Onanda Park will celebrate its 100th birthday next year in 2011 and would like to plan an event. He is asking for a budget for this event.

I was asked by the County Planning Board to come up with 3-5 significant historical sites of interest for the Genesee Fingerlakes Regional Council and the first four sites have been approved for further consideration, they are:

- 1) Cheshire Grange
- 2) Owasco/Seneca Indian Village located on 5 & 20
- 3) West Lake Schoolhouse
- 4) Academy Tract – land which consists of 3000 acres donated by Oliver Phelps back in 1804 to aid, establish and maintain the Canandaigua Academy.
- 5) Hunn Woolhouse Cemetary

I'm currently working on a list of projects and would like volunteer's to help. These projects would range from cemetery surveys to recording of documents and such. Will also be updating the history webpage as to what's going on for current and upcoming projects. Also my 2nd book will be published soon called "The Nature Science Camp at Tichenor Point" from 1890 to 1905. The book will cost under \$15.00 and will be available at the Historical Society where the proceeds will go.

Supervisor Casella – Thanked Ray Henry for all his hard work.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

- 1) Letter from OCDPW regarding County Road 10.
- 2) Letter from Time Warner Cable regarding their enhanced high-speed data service.
- 3) Letter from Judge David Prull appointing Cynthia Woolley as his court clerk.
- 4) Report from City of Canandaigua fire department.

- 5) The Lake Reporter
- 6) Councilperson Helming- Read a letter from Steve La Crosse (Middle Cheshire Rd) on his approval of the walking trails on Middle Cheshire Road being paved and has asked that the trails be extended to the Villa's pathway for safety reasons on that road.

HIGHWAY REPORT- Jim Fletcher

- 1) Is currently researching Middle Cheshire Road walking pathway continuation to the Villa's. There is very little land on the same side of the road and drainage culvert, but will continue looking into a solution for the continuation of pathway.
- 2) Highway and Water Report for June 2010
- 3) The sidewalk on Middle Cheshire Road has been paved. Will need to go back and address areas with topsoil and seed.
- 4) Goodale Road is now paved.
- 5) New Michigan Road will open by July 4th.
- 6) Had to repair several culverts and ditches after the past two rain falls.
- 7) Have been flushing fire hydrants and exercising valves in our water system.
- 8) Have been replacing old water meters with new one for better accuracy of water being used.
- 9) Flooding that occurred today in the town due to heavy rains is being monitored by myself, George Barden and Kevin Olvaney at the County level. Some houses off West Lake road were flooded due to storm water runoff from roadway culverts which sent mud silt into the lake.
- 10) Looking in to MRB Paver Program which is designed by the US Army Core of Engineers. This program helps summarize road issues and get an idea of what shape they are in.

PLANNING DEPARTMENT- Tim Jensen (DOD)

- 1) Wyffels PDR- Tim and Sam had a productive meeting with Jason Engle of NYSDAM to map out completion of the application. Upcoming weeks will execute the purchase agreement, complete survey, secure title insurance commitment, survey property, finish baseline doc report, Roco on board to do the survey.
- 2) Outhouse Park-Municipal Home Rule resolution was overnight aired to Albany office and should hear back within a week on the legislation adoption.
- 3) Codification- Received comments from board and will do follow up at next meeting on the 28th
- 4) Comp Plan- Next meeting is June 24th at 7pm at Cheshire Fire Hall.
- 5) NYSERDA Grant- waiting for draft contract from their legal department.
- 6) Joyce Case Miller Zoning Request- Staff drafting letter for signature by PB Chair. Town Bd will be asked to review PB recommendation and decide if they want to direct staff to draft local law.

Discussion on charge back fees

Councilperson Fuller – Requested to Tim that if any training programs were to come up in the future that the town board be notified so that they may also attend.

Discussion on zoning

CANANDAIGUA TOWN BOARD

RESOLUTION TO PROCEED WITH REZONING

A PORTION OF TAX MAP # 83.00-1-16.000 FROM R-1-20 TO AR-2

WHEREAS, the Canandaigua Town Board has received a favorable recommendation from the Town Planning Board to proceed with the formal rezoning process for the above referenced Action; and

WHEREAS, the Action requires the drafting of a local law to amend the Official Zoning Map,

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby direct the applicant to make formal application for rezoning of the affected parcel of land; and be it further

RESOLVED, that the Town Board does hereby direct the Town Director of Development to prepare a draft local law sufficient to amend the Official Zoning Map; and be it further

RESOLVED, that the Town Board does hereby agree to schedule a public hearing on said draft local law, to be held on Monday July 19, 2010 and further directs the Town Clerk to publish a legal notice of said public hearing as required by law.

The above Resolution was offered by Councilperson Helming and seconded by Councilperson Fennelly at a regular scheduled Town Board Meeting held on June 28, 2010. Following discussion, a roll call vote was recorded:

Ralph Brandt -	aye
Sam Casella, Supervisor-	aye
Terrence Fennelly-	aye
Oksana Fuller -	aye
Pam Helming -	aye

Supervisor Casella called for a 10 minute recess at 10pm

Supervisor Casella reconvened the meeting at 10:10pm

ASSESSOR'S REPORT

- 1) Due to Marlene's temporary absence for surgery, Barb Henry from the Town Clerk's office has agreed to work in the Assessor's office for approximately 20 hrs. The money for this will come from the contingency fund line.
- 2) The Final roll has been filed. The tentative equalization rate is 100%. The Assessor's report for 2010 Assessment Roll has been signed and notarized.
- 3) This year the website was updated to show the last three years of sales in each neighborhood to enable taxpayers to view sales.

SUPERVISOR'S REPORT

- 1) Wyffel PDR- Met with Jason Engles, who was a wealth of information regarding the process and in turn said how Jason was impressed with the work Tim had done on the Wyffels PDR.
- 2) Monitoring Tim's progress on General Code comments and the Environmental Conservation Board.
- 3) East Bloomfield- EMS services would like to start providing services to the town. I had a conversation with Ken Bears and he said the town would like to have the EMS coverage which would be at no cost to the town.
- 4) HR training- Violence in the Workplace training will take place tomorrow for the town employees by Nannette.

REPORTS OF ANY STANDING COMMITTEES –NONE

REPORTS OF CIMMITTEES, BOARDS AND COMMISSIONS

- 1) Parks Committee - Dennis Brewer
 - Recreation classes begin at Onanda Park on July 5th and classes are all full.
 - Spent 3 days (15 hr) for emergency first aid courses, will then teach course to day camp staff.
 - hope to put up a pavilion in the near future at Blue Heron Park
 - Need volunteers to help clean up the Peanut Line trail. (Supervisor to check on insurance and with the Town Attorney on liability)
 - Last park meeting we visited Blue Heron Park and came up with some suggestions.

- Next park meeting is July 7
- Next trail meeting is July 12

Dennis Brewer- discussed the proposed Trails Master Plan which was presented to the board last November and draft of the master plan was put on the website to view. This plan was presented again at the last meeting and was decided it needed corrections. The corrections have been made and would like to move forward tonight with approving the Trails Master Plan.

Short discussion

A motion was made by Councilperson Brandt, seconded by Councilperson Fennelly to accept the draft of Trails Master Plan, and direct the staff to move forward with identifying any procedural requirements to prepare for adoption.

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

The board thanked Dennis and the committee for all their hard work on the Master Plan.

RESOLUTIONS and MOTIONS

A motion was made by Councilperson Brandt, seconded by Councilperson Helming to take the following resolution off the table.

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

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller

To adopt Local law # 3 of 2010

Codification of Existing Local Laws

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) has enlisted the services of General Code Publishers to codify existing local law; and

WHEREAS, A special committee was created in 2006 by the Town Board to oversee this process and make decisions regarding corrections and reorganization of existing local laws; and

WHEREAS, the codification process also included addition of local laws separately adopted; and

WHEREAS, a final draft describing all of the proposed revisions has been submitted for adoption by the Town Board: and

WHEREAS, the action is classified as a Type II action pursuant to NYCRR, Part 617.5, and as such is not subject to review under the New York State Environmental Quality Review Act; and

WHEREAS, administrative and fee amendments to the code are exempted from referral to the Ontario County Planning Board by intermunicipal agreement; and

WHEREAS, it is the position of this Board that the proposed changes are administrative in nature and intended solely to provide for easier and more consistent interpretation and enforcement of existing requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law # 3 of 2010.

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

Motion moved by Councilperson Brandt, seconded by Councilperson Fennelly, that the Town's procurement policy be accepted as amended.

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

2. A motion was made by Councilperson Brandt, seconded by Councilperson Fennelly, to allow Graham Smith, Joyce Marthaller, Thomas Schwartz, Chuck Oyler, Patricia VanDyne, Gary Davis, and Jean Chrisman to attend the July 22, 2010, the Association of Towns Planning and Zoning Summer School 2010 @ SUNY Geneseo at a cost of \$70 per person.

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

3. A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, to allow Richard Gentry, Dale Zukaitis, Patricia VanDyne, and Jean Chrisman to attend the 2010 New York Planning Federation Annual Conference September 26 through September 28, 2010, at a total cost of \$2,028.80.

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

4. Motion moved by Councilperson Brandt, seconded by Councilperson Fuller, that the letter of credit for Old Brookside, section 4 in the amount of \$443,814.71 approved per the Attorney for the Town be approved.

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

5. Moved by Councilperson Brandt, seconded by Councilperson Fuller,

CANANDAIGUA TOWN BOARD RESOLUTION

TO AMEND THE TOWN OF CANANDAIGUA OPEN SPACE INDEX

WHEREAS, in December of 2006, the Environmental Conservation Commission (ECC), acting as a conservation advisory council per GMU section 239-x, produced and submitted to the Town, a report which identified open areas and significant view sheds within the Town entitled “Prioritizing Farmland and Scenic Views in the Town of Canandaigua”; and

WHEREAS, the existing Open Space Index of the Town of Canandaigua was adopted by the Town Board on November 4, 2009, and included; the report entitled “Prioritizing Farmland and Scenic Views in the Town of Canandaigua”, the map entitled “Environmental Features” from the Town’s 2003 Comprehensive Plan, the Town’s Official Zoning Map with a delineated Limited Development Overlay District, and the “Environmental Resources Map of the Town of Canandaigua”; and

WHEREAS, it is the position of this Board that the existing Open Space Index is open to varying interpretations and in other ways difficult to administer as part of ongoing development review in the Town; and

WHEREAS, it is the intention of this Board to address these issues by simplifying the Open Space Index to focus on protection of farmland and open space; and, now therefore be it,

RESOLVED, that the Open Space Index for the Town of Canandaigua is hereby amended to include only land areas identified in the December 2006 report “Prioritizing Farmland and Scenic Views in the Town of Canandaigua” and as may be amended; and further

RESOLVED, that the Town of Canandaigua Town Board, Planning Board and Zoning Board of Appeals may, at their discretion, refer proposals for development or use of lands, not included in the adopted Open Space Index, to the Environmental Conservation Board for review and comment.

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

Laid over

7. Motion moved by Councilperson _____, seconded by Councilperson _____, that the Town of Canandaigua adopt the Workplace Violence Prevention Program.

PRIVILEGE OF THE FLOOR-

Councilperson Fuller – We received letters from Chamberlain D’Amanda about the town receiving the deed recording document for Outhouse and Miller Park.

Councilperson Brandt- Those reports will be posted at the next meeting because they were just received today.

A motion was made by Supervisor Casella, seconded by Councilperson Brandt to adjourn the meeting at 10:40 p.m.

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

Jean MacKay
Deputy Town Clerk

