

Canandaigua Town Board  
Regular Meeting  
June 7, 2010  
6:00 pm

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

Others present: Keven Reynolds, Lew Smith, Pat VanDyne, Tom Schwartz, Karen Parkhurst, Jack Kellogg, Beryl Pronti and others who did not sign in.

6:00 pm- Workshop- regarding Chapter 11 "Environmental Conservation Commission."

7:00 pm

Call to order and pledge of allegiance at 7:00 pm.

A motion was made by Councilperson Brandt, seconded by Councilperson Helming to move into executive session to discuss pending litigation with the town attorney at 7:07pm.

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

The board moved out of executive session at 7:40 pm . Supervisor Casella reconvened the regular meeting at 7:40 pm.

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller that the minutes of May 17<sup>th</sup> and May 24, 2010 be approved as necessarily amended after review of the tape from May 17<sup>th</sup>.

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 #8 \$43,390.96 General Fund, \$48,309.52 Highway Fund, \$7,598.82 Water Fund, \$1698.41 Cdga-Bristol Water Project, \$2,548.13 Extension #36, County Rd 30 Capital Project, \$13.18 Centrepoint Lighting, and abstract #9 Trust and Agency Fund \$29,155.46 and abstract #10 Trust and Agency Fund \$4,983.07 that the bills be paid as amended.

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

Supervisor Casella opened the public hearing on Local Law to allow appointment of alternate members to the Planning Board and Zoning Board of Appeals at 7:45 pm and advised that it had been properly advertised.

Tim Jensen – DoD- gave a brief overview of the proposed local law.

No one in the audience spoke

Supervisor Casella closed the public hearing at 7:52 pm.

A motion was made by Councilperson Brandt, seconded by Councilperson Helming to amend the wording from the following resolution to adopt Local Law for Creation of Alternate Membership Positions for the Planning Board and Zoning Board of Appeals.

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

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION**  
**TO ADOPT LOCAL LAW #        OF 2010**  
CREATION OF ALTERNATE MEMBERSHIP POSITIONS FOR  
THE PLANNING BOARD AND ZONING BOARD OF APPEALS

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 105, Article X to create and alternate membership position on both the Zoning Board of Appeals and the Planning Board; and

**WHEREAS**, it is the position of this Board that alternate members are needed on occasion to serve in the event of a conflict of interest; and

**WHEREAS**, the action of adopting this amendment to Chapter 105 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 amendments to the code are also 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

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

The above Resolution was offered by Councilperson Brandt, seconded by Councilperson Fuller at a regular scheduled Town Board Meeting held on June 7, 2010. Following discussion, a roll call vote was recorded:

Ralph Brandt-	aye
Terry Fennelly-	aye
Oksanna Fuller-	aye
Pam Helming-	aye
Sam Casella, Supervisor-	aye

Supervisor Casella re-opened the public hearing for the Continuation of Local Law for General Code at 7:53 pm.

Councilperson Helming- thought the next procedure should have been a workshop before re-opening this public hearing.

Supervisor Casella – a public hearing notice was posted to the newspaper, therefore, we should hear from Tim Jensen, DOD, of his latest updates from General Code.

Tim Jensen- DOD- had reviewed 100 pages of changes needed for codification of code and felt they were properly corrected.

After a lengthy discussion, it was by Board Consensus not to close this public hearing, but for board members to review and compile a listing of proposed corrections and give the listing to Tim Jensen, DoD to present to Code Publishers to discuss the changes.

Kevin Reynolds- N. Bloomfield Rd- asked if the code could be put on the website so that the public could make comments.

Supervisor Casella – there is a copy at the Town Hall for which the public could view.

Supervisor Casella adjourned the public hearing on Continuation of Local Law for General Code until the June 28<sup>th</sup> meeting at 7:00 pm.

#### **PRIORITY BUSINESS**

Kevin Olvaney- Watershed project manager- gave a power point presentation on the Watershed program “Partnerships Lead to Comprehensive Protection” program which involves 14 communities. There are five protection themes to the program which includes research, education, restoration, open space protection and regulations to protect the lake. The lake is 15.5 miles long, 1.1 miles wide on average, and 276 feet at deepest point .

Supervisor Casella – thanked Kevin Olvaney for his presentation followed by a round applause for his work.

#### **PRIVILEGE OF THE FLOOR**

Yvonne Chavez – asked if there would be a workshop for General Code.

Karen Parkhurst – Laura Lane – agreed with Councilperson Helming that a workshop was first to be scheduled for General Code. She had attended last meeting where General Code was discussed.

Supervisor Casella- the board members that wish to come up with corrections will provide a listing to Tim Jensen, and if Tim feels it necessary to call a workshop, then one will be provided.

#### **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE**

1. Letter from Stuart Brown Associates, Inc. regarding Environmental Protection Fund applications deadline.
2. Communication from Time Warner Cable.

#### **HIGHWAY DEPARTMENT REPORT-**

1. New Michigan Rd will be open by the end of June weather pending.
2. Fire department driveway will be paved on June 10<sup>th</sup>
3. Will be mix paving Goodale Rd. the week of the 14<sup>th</sup>
4. We are rebuilding catch basins on Laura Lane.
5. Will pave walking path on Middle Cheshire Rd. the week of the 21<sup>st</sup>
6. Installed motion detection in the Court Room and foyer for the lights to come on when you enter the room.

#### **PLANNING DEPARTMENT – Tim Jensen (DoD)**

1. Wyffels PDR- moving forward with completion of application. My goal is to have all draft application materials in to NYS Ag & Markets by first week in July.
2. Outhouse Park- bill has been drafted by the State and working to be formally adopted.
3. Codification- CD of all town codes were given to Town Board members.
4. Comp Plan- working with Jane Rice regarding completion of mapping updates.
5. Fees- Discussed revisions to Chapter 52 with Town Attorney and working on draft for review.

#### **ASSESSOR'S REPORT –Don Collins**

1. Grievance day was Tuesday May 25, 2010 of which five people showed up that day of grievance. New technology "Outpost" was used for aerial photos, surveys, plans and street views which went very well.
2. The Assessment office is working on a standardized lake sales form to compare lake sales to other towns and lakes.
3. Working on a database of sales to determine quality of kitchens and baths that effect sales prices.
4. Created a form for property owners to fill out requesting a review of their assessment.

#### **SUPERVISOR'S REPORT**

1. Talked with Dennis Brewer who spoke with various park members regarding parks committee and felt they would like to stay with five members. A youth advisor for the committee may be considered at some time.
2. Violence in the Workplace- Floor & evacuation plans are being created and will be posted when completed and then Tom McWilliams will then schedule a fire drill.
3. HR- Nanette from HR will be driving down for employee training on "Violence in the Workplace". According to our contract we must pay for the driving cost from Albany which is 50 cents per mile.  
Discussion followed

Town Board consensus - it was decided to have Nanette (HR) attend the June 28<sup>th</sup> meeting, and on 29<sup>th</sup> do employee training on "Violence in the workplace". The town will pick up the cost of a hotel room for her and pay milage.

4. Quail Summit request regarding financing was explained by Derek Brocklebank, Town Attorney, and is working with their attorney.
5. On June 8 at 9am there will be another presentation made from Bond regarding health care coverage.

**RESOLUTIONS AND MOTIONS**

**1)**

A motion was made by Councilperson Brandt, seconded by Councilperson Helming to amend the conditions on the temporary use permit for CMAC event parking at 4405 Lakeshore Drive.

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

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION**

**TEMPORARY USE PERMIT FOR CMAC EVENT PARKING**

CPN 37-10 - 4405 LAKESHORE DR (TMP 98.08-1-4.000) – BERYL ANN PRONTI

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering a request temporary use permit to allow event parking on an existing commercial site; and

**WHEREAS**, the action is classified as a Type II action pursuant to NYCRR, Part 617.5, part 15 and as such is not subject to review under the New York State Environmental Quality Review Act; and

**WHEREAS**, this application has been exempted from referral to the Ontario County Planning Board by intermunicipal agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby approves the applicant's request for the temporary use permit as described in the application, subject to the following conditions;

1. The Temporary Use Permit must be issued by the Town Code Enforcement Officer prior to the use of the property for CMAC parking.
2. All vehicles will exit the site no later than two hours after the close of the performance.
3. Access to and from the site shall only be from the paved driveway along Lakeshore Dr.
4. One employee shall be present at all times during the hours of allowed parking.
5. At no time shall litter or debris be allowed outside the enclosed dumpster area.
6. There shall be no exiting of vehicles from the site onto adjacent properties.
7. There shall be no open fires allowed on this site.
8. When the site is being used for event parking, no employee is to interfere with the movement of traffic along either Lakeshore Drive or Moran Rd.

Discussion:

The above Resolution was offered by Councilperson Brandt, and seconded by Councilperson Helming at a regular scheduled Town Board Meeting held on June 7, 2010.

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

2) A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, to approve a letter of credit for Wegman family LLC, XV Cheshire Glen, Section Offsite Intersection Improvements in the amount of \$232,000 as approved by the Attorney for the Town.

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

3) Motion moved by Councilperson Brandt, seconded by Councilperson Helming, that the salary for the Health Officer, Deborah Burger will be \$1200/year.

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

4) Town of Canandaigua Town Board Resolution

**SEQR DETERMINATION FOR MUNICIPAL HOME RULE REQUEST FOR SPECIAL LEGISLATION RELATED TO ALIENATION OF PARK LAND IN OUTHOUSE PARK**

**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 EAF; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby make a negative determination of significance and directs the Town Supervisor to sign and date the EAF.

The above Resolution was offered by Councilperson Brandt , seconded by Councilperson Fuller at a regular scheduled Town Board Meeting held on June 7, 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

5) Town of Canandaigua Town Board Resolution

**MUNICIPAL HOME RULE REQUEST  
OUTHOUSE PARK ALIENATION LEGISLATION**

**WHEREAS**, The Town of Canandaigua wishes to address alienation and subsequent replacement of 12.975 acres of parkland in the Richard P Outhouse Park

**WHEREAS**, a necessity exists for the approval by the New York State Legislature (“Legislature”); and through the adoption of special legislation; and

**WHEREAS**, such proposed law has been introduced in the Legislature by Assemblyman Brian Kolb and Senator Dale Volker; and

**WHEREAS**, a copy of the proposed law (A.11179 and S.7903) is attached hereto and made a part of this resolution; and

**WHEREAS**, a local Home Rule Request must be made by this Town Board in order for the proposed law to be enacted; now, therefore, be it

**RESOLVED**, that pursuant to the Municipal Home Rule Law of the State of New York and all other applicable statutes and regulations in such case made and provided, the Canandaigua Town Board hereby encloses the aforesaid law and formally requests that the Legislature enact and thereafter the Governor sign the same.

Discussion

The above Resolution was offered by Councilperson Brandt and seconded by Councilperson Fennelly at a regular scheduled Town Board Meeting held on June 7, 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

6) A motion made by Councilperson Brandt, seconded by Councilperson Fuller, that the Supervisor sign the Intermunicipal Cooperation Agreement with the Town of East Bloomfield to purchase gravel.

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

7)

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

Discussion- regarding accuracy of the policy  
Councilperson Brandt – called the question to vote, then rescinded it.

Councilperson Helming- requested a layover  
Discussion

**The above Resolution#7 – Layed over**

8) A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, that Patricia VanDyne be appointed to the Zoning Board of Appeals to the term of Richard Szkapi ending 12/31/2013.  
5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

9) A motion was made by Councilperson Fuller, seconded by Councilperson Brandt to authorize the Town to donate \$1500 to the City of Canandaigua for Community Events for the 4<sup>th</sup> of July celebration.  
5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

A motion was made by Councilperson Brandt, seconded by Councilperson Fuller to move into executive session to discuss matter of litigation with the town attorney at 10:20 pm.  
5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

OTHER BUSINESS

Derek Brocklebank- Town Attorney – discussed chapter 52 of Town Code.

Discussion on septic system in hamlet of Cheshire

The board moved out of executive session at 10:30 pm.

Supervisor Casella adjourned the meeting at 10:30 pm.

Jean Mac Kay  
Deputy Town Clerk



