

Canandaigua Town Board  
Regular Meeting  
July 19, 2010  
7:00 pm

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

Others present: Dennis Brewer, Gale Hribar, Michelle/Chris Schojan, Kevin Cotter, Kevin Pollack, Kevin Reynolds, Heather Morgan, Jean Chrisman, Sharon Ward, Tom Schwartz, Kurt Thiel, Fred/Nancy Goodnow, Jill Pollack, Ralph Pascale, Karen Parkhurst, Robert Finger, Sarah Guffey, Nicole Jones and others who did not sign in.

Supervisor Casella called the meeting to order.

Pledge of allegiance lead by Councilman Brandt

Motion made by Councilman Brandt, seconded by Councilperson Fuller that the minutes of June 28, 2010 be approved.

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

Motion made by Councilman Brandt, seconded by Councilperson Fuller that after audit and review of abstract #10 \$110,731.85 general fund, \$67,434.80 highway fund, \$99,396.82 water fund, \$3,811.20 Cdga/Bristol water fund, \$812.03 Fox Ridge lighting, \$104.20 Centerpoint lighting, \$9.22 Lakewood Meadows Lighting, \$102.38 Fallbrook Meadows lighting that the bills be paid. Discussion

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

Supervisor Casella opened the public hearing on re-zoning a portion of Tax Map #83.00-1-16.000 from R1-20 to AR-2 located at 3114 Route 21 South, at 7:08 pm. and advised it had been properly advertised.

DOD Tim Jensen – the property is located on the northwest corner of the 5 & 20 by-pass and County Road 32. It is comprised of 13 acres with a house and barn. The northern half of the parcel is already zoned AR-2. A major part of it is being farmed which is a pre-existing non conforming use. The surrounding area uses are agriculture and residential.

Marcia Bills-town resident asked what type of animals could be brought in.

Supervisor Casella – the type of animal would be controlled by lot size requirements in the zoning law.

Supervisor Casella closed the hearing at 7:14pm.

**PRIORITY BUSINESS**

None.

**PRIVILEGE OF THE FLOOR**

Paul Reck-Route 21 South, stated he does not agree with the CEO on the interpretation of the code regarding septic systems. Has asked for arbitration and that it be set up with the Town Attorney, but that has not been done. He doesn't feel that 75a of the state code can be used as it does not apply to the repair of existing septic systems. Made several comments on the letter that he received from the CEO.

Supervisor Casella will discuss these comments with the CEO.

Bob Finger- Route 21 South, spokesperson for several Cheshire people in the audience. Thanked the Town for what they have done so far on the septic issue at 4288 Route 21 South. He requested that the Town follow through with the ongoing issue at that address. Stated they had documentation from 2007 on others issues at that address and wondered if previous code violations had all been taken care of.

Councilperson Brandt – there is an historical record of those complaints that are on file with the subsequent action.

Bob Finger - there is also an issue with feral cats in Cheshire. There are problems with them getting in peoples barns, garages and urinating all over.

Supervisor Casella – there is no policy in our Town regarding feral cats. There is no animal control officer and the Humane Society will not deal with them.

Councilman Brandt- there are non-profit organizations out there. People will come and place traps and do what is necessary. The cats will be spayed and released at a cost.

Attorney Brocklebank – in response to the septic issue at 4285 Route 21, at the last board meeting a resolution was requested to allow the CEO to start proceedings at the Supreme Court. The papers have been filed and the date is set for August 10<sup>th</sup> @9:30am at the Court House. Next step will be for the court to review all the paper work. The court will sign an order authorizing personal service on the Browns. On the return date we will request an injunction to stop them from continued use of a failed septic system. At that point they have an opportunity to appear with counsel and put in whatever defenses they have.

Supervisor Casella – they will have to continue to pump their system according to the schedule that was set up by the CEO and George Barden. They are to move forward with the deep hole and design with the engineer, then move to the installation. If this doesn't take place that is when the court can take a step to remove them from the premises.

Attorney Brocklebank – we have laid out the problem and there are tickets pending at Town court. The history of what has happened has been explained. Pumping has been done on a periodic basis and we have come to a point where there is no other option.

Short discussion continued.

Kurt Thiel -4293 Route 21 South, there are extreme numbers of cats around where he lives. What ordinance would the Town have to come up with to limit the number of cats per household.

Supervisor Casella – there is no way to enforce an ordinance even if we had one. We have no one to pick up the cats. There is no governmental form of relief with this town board or the County. There is nothing to do with those cats that a municipality can deal with. That's why we talked about the nonprofit organizations, but there is a cost associated with that.

Kevin Cotter-expressed concerns over the feral cat problem.

Discussion followed.

#### **HIGHWAY REPORT –JIM FLETCHER**

1. Drainage continues to be an issue on the south end of the Town. Have met and spoken with many of the residents who are seeking assistance on how to control the issue.
2. Did not accept paving job on Goodale Road so the company responsible will come back and do repairs.
3. Working to correct minor violations cited by the Dept. of Health on the water system. No fines were levied on these violations.
4. Hickox Road and hydraulic survey is done.
5. New Michigan Road is open. Will put asphalt down in conjunction with the Town of Farmington next year if the budget allows it.
6. Hot weather caused problems on the roads. The oil come to the surface which causes the black top to lift and makes holes in the roads.

#### **PLANNING DEPARTMENT – TIM JENSEN**

Wyffels PDR – draft application materials are coming together with only two items outstanding. Review of revisions to Lakeside Estates Phase 3 is moving along well. When survey is done title work can be done. The state has 5 months to review this.

Outhouse Park – according to the NYS Assembly website the draft legislation passed the Assembly and Senate. Discussion has not begun with NYS Parks and Rec. regarding the contract for the grant funding because personnel is on vacation.

Comp plan – public information meeting will be on July 26<sup>th</sup> at 7:00 pm at the Town Hall.

Received a draft contract from NYSERDA for the “Waste Stream Plan” and we are reviewing it.

### **SUPERVISOR’S REPORT**

1. Emergency evacuation floor plans have been posted. There will be a fire drill on 7/20.
2. Pat VanDyne resigned from the Environmental Conservation Board effective 7/13/10.
3. Budget worksheets will be distributed soon.
4. Alison Grim from the C of C will be at the next board meeting to present the proposed Chamber signs.
5. Met with City Manager, Kay James, and they will be making the administrative change to the Town for the Cheshire fire contract.
6. George Barden and Kevin Olvaney are doing a review of the upland property on West Lake Road where the wash out occurred.

### **REPORTS OF ANY STANDING COMMITTEE**

No reports

### **REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS**

#### **Parks committee – Dennis Brewer**

1. Pavilion being built at Heron Park. A sign will be installed in the future. More trees will be planted this fall.
2. Day camp going well. There are 160 kids between four sites.
3. Onanda and Butler Road have been very busy the last two weeks.
4. Next park meeting is August 4<sup>th</sup>.
5. Some problems with canoeing and kayaking with increase of use over the last two weeks.
6. The parks committee is discussing how to handle trees being planted in memorial of someone.

#### **Trails committee**

1. Ontario County Planning Board gave a favorable review of the Trails Master Plan.
2. Ed Perego is looking into liability of using volunteers to clean up the Peanut Line.
3. Next meeting August 23<sup>rd</sup> @ West Lake Schoolhouse.

### **RESOLUTIONS-**

Tabled 6/28/10

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

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

1. Moved by Councilperson Brandt, seconded by Councilperson Fennelly,  
TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
SEQR DETERMINATION FOR A PROPOSAL TO REZONE  
A PORTION OF TAX MAP 83.00-1-16.000 FROM R-1-20 TO AR-2

**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, Helming, Fuller, Brandt, Casella

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

**CANANDAIGUA TOWN BOARD RESOLUTION TO REZONE  
A PORTION OF TAX MAP 83.00-1-16.000 FROM R-1-20 TO AR-2**

**WHEREAS**, the Canandaigua Town Board (Town Board) is considering a request to rezone a portion of a parcel located at located on the northwest corner of State Rt 21 and the Route 5 and 20 Bypass; and

**WHEREAS**, the proposed zoning classification for the entire parcel is AR-2; and

**WHEREAS**, the Town Planning Board has forwarded a favorable recommendation regarding the above referenced action to the Town Board; and

**WHEREAS**, the County Planning Board has forwarded a positive/negative recommendation regarding the above referenced action; and

**WHEREAS**, the Town Board has held a public hearing to review the draft local law and map; and

**WHEREAS**, the Town Board has drafted a list of relevant findings to be kept on file on the Town Development Office, and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does adopt the draft local law to change the zoning for the entirety of tax map parcel 83.00-1-16.000 to AR-2, and be it further

**RESOLVED**, that the Town Board does hereby direct staff and the Town Clerk to complete and file all additional paperwork as may be required by law.

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

Exhibit D  
Local Law 4

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

**CANANDAIGUA TOWN BOARD RESOLUTION  
ESTABLISHING A FAIR HOUSING POLICY AND APPOINTING A FAIR HOUSING  
OFFICER**

**WHEREAS**, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this state and the United States; and

**WHEREAS**, the Town Board desires to encourage and bring about mutual self-respect and understanding among all citizens and groups in the Town of Canandaigua; and

**WHEREAS**, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and

**WHEREAS**, Fair Housing is the policy of the Town of Canandaigua, New York and implementation of that policy requires the positive commitment, involvement and support of each of our citizens; and

**WHEREAS**, the Town Board understands that it is required to appoint a Fair Housing Officer; and

**WHEREAS**, the Town desires to establish this policy regarding Fair Housing.

**NOW, THEREFORE, BE IT RESOLVED** that:

- The Town Board does hereby make a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing; and
- A Fair Housing Law poster, which includes the Equal Housing Opportunity logo, will be placed on the Bulletin Board at the Town Hall; and
- The Town Board does hereby reaffirm the principles and tenets of the National Housing Law in the County of Ontario and the Town of Canandaigua; and
- The following procedures will be used to accomplish the purpose of the aforementioned resolutions:
  1. The Town Board shall inform all Town employees of the Town's commitment to fair housing.
  2. The Town Board will post this resolution in the Town Hall and publish a copy hereof in the Town's Official Newspaper.

3. The Town Board shall direct all employees to forward immediately to the Town Supervisor any reports they receive of housing discrimination.
4. The Town Supervisor is hereby directed to forward such complaints to the State of New York Human Rights Commission within ten (10) days of receipt of said complaint.

**BE IT FURTHER RESOLVED** that the Town Board does hereby designate Jean Chrisman, the Town Zoning Enforcement Officer, as the Town's Fair Housing Officer.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New York State Office of Community Renewal.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be filed in the Town Clerk's Office and posted on the Bulletin Board located in the Town Office. Discussion  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

4.Moved by Councilperson Brandt, seconded by Councilperson Helming,

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
TO SET A DATE AND LOCATION OFR A PBULIC HEARING ON THE  
DRAFT TRAILS PLAN**

**WHEREAS**, staff has presented a draft notice for a required public hearing to receive public comment on the Draft Trails Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby agree to hold a public hearing on Monday, August 9, 2010 commencing at 7:00 p.m. in the public meeting room, on the lower level of the Town Hall, and

**RESOLVED**, that notice of this hearing shall be published in accordance with requirements of State and Local Law; and

**RESOLVED**, that a copy of the Draft Trails Plan shall be posted on the Town of Canandaigua website and made available in the Town Clerk's office for review.

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

**OTHER BUSINESS**

Board members received a letter from the Planning Board Chairman with recommendations and concerns of the board regarding broad categories in the RLD district. Some of the uses are not suited for this district because of small lots, infrastructure and steep slopes. The Planning Board would like the Town Board to review the list of uses. Two concerns is semi public uses and marinas. Marinas are under a Specially Permitted Use , but it is not defined in what zoning district they may occur.

The DOD will draft a Local Law and present it to the town board at their next meeting.

Councilperson Helming asked about a rental law.

Attorney Brocklebank – looked at the court decision, but it didn't express guidelines as to what it should look like. There does need to be some guidance provided in our code, but there is no timeline to do this.

Councilperson Fuller – asked the status of the Hicks PDR.

Tim Jensen- still being processed by Ag and Markets.

Councilperson Fennelly- asked about resolution from last fall that created the Environmental Conservation Board. The resolution needs to be corrected. Tim Jensen will look into this.

**PRIVILEGE OF FLOOR**

No one spoke.

Motion made by Councilman Fennelly, seconded by Councilman Brandt to adjourn the meeting at 8:30 pm.

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

Town Clerk