

Canandaigua Town Board 2/1/10

Canandaigua Town Board
Regular Meeting
February 1, 2010
7:00 pm
DRAFT

Present: Terry Fennelly	Councilperson
Pam Helming	Councilperson
Oksana Fuller	Councilperson
Ralph Brandt	Councilperson
Sam Casella	Councilperson
Jim Fletcher	Highway Superintendent
Don Collins	Assessor
Carol Maue	Attorney for theTown

Others present: Lew Smith, Reid Hankin, Ray Henry, Tom Crawford, Joseph Kardash, Kevin Reynolds, T. Schwartz, J. Miller, Linda Purdy, Jack Kellogg, Hugh Frasca, Yvonne Chavez, Marion Cassie, 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 to move into executive session to discuss pending litigation at 7:02 pm.

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

The board moved out of executive session at 7:30pm.

Supervisor Casella reconvened the regular meeting at 7:30pm.

Motion moved by Councilman Brandt, seconded by Councilman Fennelly that the minutes of January 11th and 25th 2010 be approved as presented.

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

Motion moved by Councilperson Fuller, seconded by Councilman Brandt that the charge back billing dated 1/26/10 and on file in the Development Office be approved.

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

Motion made by Councilman Brandt, seconded by Councilperson Fuller that after review of abstract #2 \$211,031.72 general fund, \$116,116.20 highway fund, \$11,484.15 water fund, \$8,866.18 Risser Road Ext. Water District, \$15,406.55 Andrews/North Rd., \$120,608.98 Cdga/Farm. Water District, \$15,012.99 Emerson/Allen TL Water District, \$552,000 Fire Protection District, \$850.81 Fox Ridge Lighting, \$184.25 Centerpoint Lighting, \$15.86 Lakewood Meadows Lighting, \$115.01 Fallbrook Meadow Lighting that the bills be paid.

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

Supervisor Casella opened the public hearing on a Local Law rezoning 2484 County Rd. 28 (#70.11-1-32.000) at 7:30 pm and advised it had been properly advertised.

The applicant, Tom Crawford stated he wanted to have 2 mini storage units on the .875 acre parcel. There is no septic on this property. This type of use would have a low impact in an area that has a mixed use. The area is now zoned RB-1 and the request is for a mixed use overlay district designation..

There were no comments from the audience.

Supervisor Casella closed the public hearing at 7:35pm.

PRIVILEGE OF FLOOR

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Marion Cassie- County Rd. 16, commented on the Open Meetings Law regarding committee meetings being open to the public and how the Supervisor can appoint committee members.

Yvonne Chavez – Middle Cheshire Rd., asked about Planning Board minutes being posted on the web site and when the public can make comments at a meeting

Councilman Brandt- responded that with the new web site it is easier to post information. Posting Planning Board will be looked at in the very near future.

Supervisor Casella – the public can speak during Privilege of the Floor.

Jack Kellogg – Ashton Place, stated he was against closed meetings. Also, asked why Mr. Judkins had to sign the deed for the second time for the Peanut Line.

Attorney Maue- the deed has now been executed and recorded.

PRIORITY BUSINESS

Correspondence- Happy Tails Animal Shelter 2009 Annual Report

HIGHWAY REPORT – Jim Fletcher

1. Street light at the Middle Cheshire/Wyffels Rd. intersection will be installed in February.
2. Had a discussion with RG&E and in the future they want to get rid of all their lights.
3. Bought a salt neutralizer that is put on the trucks to try and stop corrosion.
4. Doing a sign reflective inventory.
5. A cemetery monument was knocked down at Hunn cemetery due to a car accident. Requested County engineering to look into the possibility of installing guardrails at the cemetery.
6. Short discussion on the process of purchasing a vehicle off of state bid.

PLANNING DEPARTMENT – Tim Jensen

1. Beginning to address annual inspections for Special Use Permits.
2. Dave LeClair set up a meeting with DEC on new requirements for soil & erosion.
3. The Planning Board will make a final subdivision decision for RSM on 2/23.
4. TOPS is in for approval. They revised their plan to eliminate all variances.
5. Canandaigua Crossings is working with MRB.
6. Infotonics is working on an overall campus site plan.
7. Short discussion on the 1% fee assessed to charge back billings. This will be reviewed and will come up with a process.
8. Will review the EDR contract.

ASSESSOR'S REPORT – DON COLLINS

1. The inventory for new construction needs to be updated.
2. Requesting purchase of VIDA a data collection unit. This is a field unit that uses voice recognition. Changes to inventory and etc. are uploaded into V4 by connecting to the tower at the end of the day. SDG designed this and it is only the place where it can be purchased.

COMMITTEE REPORTS

Code committee – Pam Helming

Went through the 2009 priority list and picked out the top three:

- review process for Environmental Committee
- CEO & Zoning Officer responsibilities
- Special Use Permit

Insurance committee – Terry Fennelly

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Met with Ed Perego – CIG, forms have been completed and sent to the carrier for a quote.

Working on a contract boiler plate

SUPERVISOR'S REPORT

1. Agendas will be e-mailed to the Town Board's notebooks. A hard copy will be placed in the mailboxes.
2. Spoke with Bob Freeman from Dept. of State on Open Meetings for committees. When there are two Town board members on a committee and someone from the public sector or from staff is appointed to that committee by the Town Board or a board member is removed it becomes an advisory committee and is not subject to Open Meetings. The intention of the advisory committees is to gather information and report it back to the board to be discussed in public.

ATTORNEY'S REPORT-Carol Maue

1. Working on the Outhouse and Miller projects. Expect they will be finalized within 30 days.

RESOLUTIONS:

Tabled from 1/11/10:

1. Motion moved by Councilperson _____, seconded by Councilperson _____, that in accordance with Town Law, Section 123, that the Canandaigua Town Board acknowledges receipt of and has on file all books and records of the Town Justices and Town Clerk and received annual reports from these officials for 2009.

1. Moved by Councilperson Fuller, seconded by Councilman Brandt

Resolved that Amanda Ward, and Mary Smith attend a two day Fred Pryor Microsoft Access workshop on 2/16/10 and 2/17/10 at the Rochester Plaza Hotel from 9 a.m. – 4 p.m at a cost of \$279 per person.

Resolved that Marlene Murnan, attend a two day Fred Pryor Microsoft Access workshop on 2/16/10 and 2/17/10 at the Rochester Plaza Hotel from 9 a.m. – 4 p.m at a cost of \$279 per person.

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

2. A motion was made by Supervisor Casella, seconded by Councilperson Brandt, for the Supervisor to sign the contract with Ontario County with the Board of Elections. Discussion.

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

3. Moved by Councilman Brandt, seconded by Councilperson Fuller

RESOLVED that David Le Clair, Code Enforcement Officer, attend the Finger Lakes Building Officials Association Annual Conference March 15-18, 2010, as part of the NYS Code Enforcement Continuing Education requirements at a cost of \$390.00.

4. Resolved, that David LeClair- CEO, attend the NYS Dec endorsed 4 hour Erosion and Sediment Control Training on February 11, 2010 as part of the NYS Code Enforcement Continuing Education requirements at a cost of \$95.00.

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

5. A motion was made by Councilperson Brandt, seconded by Councilperson Fuller, to set the following positions and rates for the parks and recreation summer program 2010.

Recreation Specialist: \$9.00 - per hour. Teaching arts and crafts. July-August. Approx. 144 hours. (2 positions)

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Recreation Assistant: \$9.00 per hour. Assisting with arts and crafts. July-August. Approx. 108 hours. (2 positions)

Recreation Specialist: \$9.00 per hour. Teaching preschoolers. July-August. Approx. 165 hours. (1 position)

Approx. 133 hours. (2 positions)

Recreation Specialist: \$9.00 per hour. Teaching physical fitness and games. July-August. Approx 60 hours. (2 positions)

Recreation Specialist: \$9.00 per hour. Teaching fishing and canoeing. July-August. Approx. 80 hours. (1 position)

Recreation Specialist: \$9.00 per hour. Teaching the Nature Nuts Program. July-August. Approx. 175 hours. (1 position)

Recreation Assistant: \$9.00 per hour. Assisting with the Nature Nuts Program. July-August. Approx. 160 hours. (2 positions)

Senior Lifeguard: \$11.00- per hour. Responsible for the total swimming program. Memorial Day to Labor Day. (1 position)

Lifeguards: \$10.35 per hour. Memorial Day-Labor Day. Red Cross Advanced Lifesaving Certificate and valid CPR certificate. (8 positions and 3 subs)

Gate Attendant: \$8.25 per hour. June-Labor Day. (5 positions and 2 subs)

Adult Classes: \$9.00 per hour. Teaching canoeing and an arts class. July-August. Approx. 80 hours. (2 positions)

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

6. Moved by Councilperson Fuller, seconded by Councilman Brandt

RESOLVED, that Dale Zukaitis , CEO, attend the State Building Officials Central Chapter Annual Conference April 20-23, 2010 as part of the NYS Code Enforcement Continuing Education requirements (\$350.⁰⁰) with lodging (\$388.⁰⁰) for a total of \$738.⁰⁰.

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

7. Moved by Councilman Brandt, seconded by Councilman Fuller

RESOLVED that Dale Zukaitis, Code Enforcement Officer, attend the NYS DEC endorsed 4 hour Erosion and Sediment Control Training on March 18, 2010, as part of the NYS Code Enforcement Continuing Education requirements at a cost of \$95.⁰⁰

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

8. Tabled

Motion moved by Councilperson ,seconded by Councilperson ,that the Supervisor sign the contract with Public Sector.

9. The motion was made by Councilperson Brandt, seconded by Councilperson Fuller, to authorize James Fletcher to sign an agreement for the purchase One new unused 2010 Mack granite cab and chassis from Beam Mack Sales and Service off NYS OSG heavy truck contract # PC62374 and snow plow package from Tenco USA. In the amount of \$209,348.30.

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

10. The motion was made by Councilperson Fuller, seconded by Councilperson Brandt to authorize James Fletcher to place a bid specification package for one 2010 new and unused backhoe to prospective bidders. Bid documents will be found in the Town Hall. Last day the bids will be received will be February 11, 2010 at 10:00 a.m.

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

11. The motion was made by Councilperson Brandt, seconded by Councilperson Fuller to change the pay structure of the water superintendent from quarterly pay to bi-weekly pay.

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

12. Tabled.

The motion was made by Councilperson _____, seconded by Councilperson _____ to authorize the Town Supervisor to approve the Trust & Agency Abstracts. The Trust & Agency Abstract comprises employee benefits, including health insurance, New York State Retirement, disability, etc. It also includes the development department's landscape and soil erosion surety bond releases.

13. The motion was made by Councilperson Brandt, seconded by Councilperson Fuller to close the H-6 Highway Building Improvement Capital Project Fund and the corresponding bank account. The Project is completed, with no outstanding debt, and the remaining monies (\$348.32) will be transferred to the General Fund, where the original funds for the project came from.

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

14. 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 COSTS and FEES; and

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.

15. Moved by Councilman Brandt, seconded by Councilperson Fuller

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING APPLICATION OF GRANTS TO FUND PURCHASE OF A
RECYCLABLES COMPACTOR AND DEVELOPMENT OF ZONING UPDATES**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) through the American Recovery and Reinvestment Act has made funds available for implementation of energy conservation measures in small municipalities, and

WHEREAS, the Town of Canandaigua is an eligible applicant that may receive up to \$500,000; and

WHEREAS, an eligible applicant may apply for 100% of the cost of funded projects, with no requirement for a local cash match; and

WHEREAS, the Town Highway Superintendent has identified the need for a recyclable materials compactor as part of the Town's solid waste collection program; and

WHEREAS, the Town Board is currently engaged in a process to update the comprehensive plan and is anticipating the need to make subsequent changes to local and use laws; and

WHEREAS, the above described grant program includes categories for funding purchase of equipment and development of zoning guidelines for sustainable development; and

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NOW, THEREFORE, BE IT RESOLVED, the Town of Canandaigua Town Board does hereby authorize the Director of Development and the Town Highway Superintendent to apply for monies as may be needed to fund the above described projects; and
RESOLVED, actual acceptance of such funds shall be subject to formal approval by the Town Board.

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

16. MOVED BY COUNCILPERSON HELMING, SECONDED BY COUNCILPERSON FENNELLY

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
TO ADOPT LOCAL LAW # 1 OF 2010
APPLYING A MIXED USE OVERLAY DESIGNATION OF MUO-1-1
TO 2484 COUNTY ROAD 28 (TMP# 70.11-1-32.000)**

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering a request for Mixed Use Overlay designation to allow development the above described 0.875ac parcel for approximately 7,000sf of commercial self storage; and

WHEREAS, as Lead Agency and in compliance with the State Environmental Quality Review Act, the Town of Canandaigua Planning Board has identified no potential significant adverse environmental impacts associated with the proposed development; and

WHEREAS, the Town of Canandaigua Planning Board made a negative determination of significance at their meeting on January 26, 2010; and

WHEREAS, the Town Board has held public hearing regarding the above action; and

WHEREAS, the Town Board has further reviewed the proposal as well as a list of relevant findings attached to this resolution; and

WHEREAS, based on the attached findings and the complete public record it is the position of this Board that the nature and intensity of the proposed use (is or is not) suitable for the subject property; and

WHEREAS, the proposal for site development shall be subject to variance approvals from the Town of Canandaigua Zoning Board of Appeals and site plan approval from the Town of Canandaigua Planning Board before said Local Law is filed with the State of New York; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law # 1 of 2010.

5 AYES: FENNELLY, FULLER, HELMING, BRANDT, CASELLA

17. 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.

18. Motion made by Councilperson Brandt, seconded by Councilperson Fuller, to purchase a VIDA Data Collection Unit from System Development Group, Inc. *“For a period of two years costing \$6,000 per year”*.

Motion made by Councilman Brandt seconded by Councilperson Fuller to amend the above to read: *“At a cost of \$12,000 to be paid in two annual installments of \$6,000 per year”*.

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

Approved as amended: 5 ayes: Fennelly, Fuller, Helming, Brandt, Casella

19. Tabled.

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A 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.

20. Motion moved by Councilperson Brandt, seconded by Councilperson Fuller that the Supervisor sign the contract with Gates and Adams, P.C. for Christian Nadler, Esq. to be the Attorney to the Planning Board.

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

OTHER BUSINESS

Councilperson Fuller recommended the deadline submittal to the Town Clerk for the Town Board agenda is at noon the Monday before a meeting. The board members could then receive the agenda on Wed. and it would give them a longer time to review it.

There was a discussion on the Comprehensive Plan committee and if the committee appointed in 2009 was still the committee for 2010. Ralph and Oksana will meet and discuss this further.

The meeting was adjourned at 9:15 pm.

Judith H. Carson
Town Clerk

