

Canandaigua
Town Board Regular Meeting
October 24, 2011
7:00 pm
Budget Workshop - 5:00 pm

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE MINUTES 9/26/11, 10/3/11, 10/11/11 and 10/17/11

PAYMENT OF BILLS

PUBLIC HEARING

PRIORITY BUSINESS

Presentation of Certificate to James Kramer

BME –Linc Swedrock P.E. on behalf of the Wegman Family (Canandaigua) LLC XV

PRIVILEGE OF THE FLOOR

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Letter from Time Warner Cable regarding developments affecting Time Warner Cable Subscribers.
2. Letter from OCHS thanking the Town regarding the Tour of Homes 2011.
3. Newsletter from Ontario County Soil & Water Conservation District
4. The Inside Dirt
5. Newsletter from Ontario Pathways
6. Resolution from Ontario County Board of Supervisors “Manner of Collection of Town and City Charges”
7. Resolution from Ontario County Board of Supervisors “Erroneous and Refunded Taxes to be charged to certain Town and Special Districts
8. Notice from City of Canandaigua ZBA

HIGHWAY DEPARTMENT REPORT

DEVELOPMENT OFFICE REPORT

ASSESSOR’S REPORT

SUPERVISOR’S REPORT

REPORTS OF ANY STANDING COMMITTEES

REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

RESOLUTIONS AND MOTIONS:

1. Calling on the Governor, the Legislature of NYS, and the NYS DEC, to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to any proposed gas drilling in the NY City and Syracuse Watersheds
2. Declaring surplus
3. Setting the public hearing for the Local Law on the Tax Cap.
4. Setting the public hearing for the 2012 budget.
5. Training for ZBA members.
6. Training for Planning Board members
7. Authorizing training for the Director of Development
8. Authorizing application to the 2012 CDBG Grant Program to Fund Installation of Lateral Connections to Sanitary Sewer along Purdy/Mobile Road
9. Setting the public hearing for proposed amendment to allow Chapter 88 of Town Code "Buildings, Unsafe".
10. Public Interest Order in the Matter of Establishment of Purdy/Mobile Road sewer Extension to the Cdga/Farm Sewer District.
11. Acceptance of dedication for water and utilities for County Road 28
12. Referral to OCPB for amending the zoning and subdivision chapters.

OTHER BUSINESS

PRIVILEGE OF THE FLOOR

EXECUTIVE SESSION AS NEEDED

ADJOURNMENT

Posted: 10/19/11

Radio Station Newspaper

"and to consider and/or act upon other matters that may properly come before the Board at the sole discretion of the Board."

RESOLUTIONS: 10/24/11

1. Moved by Councilperson _____, seconded by Councilperson _____,
Calling on the Governor, the Legislature of NYS, and the NYS DEC, to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to any proposed gas drilling in the NY City and Syracuse Watersheds

WHEREAS, Canandaigua Lake is the source of drinking water for over 60,000 New York State residents; and

WHEREAS, the pure, clean water of the finger lakes is the region's most valuable asset, upon which the local economy is dependant; and

WHEREAS, many residents of the Canandaigua Lake Watershed do not have access to public water and obtain their unfiltered water directly from Canandaigua Lake, or from ground water wells within the watershed; and

WHEREAS, other NY State regions where drinking water is unfiltered are exempt from the Energy Policy Act of 2005, which essentially gave a "free pass" to natural gas, coal and energy mining interests from provisions of the Pure Waters and Pure Air legislation; and

WHEREAS, the Skaneateles/Syracuse watershed and the New York City watershed have been found to be 4exempt from the Energy Policy Act of 2005, removed from the Generic Environmental Impact Statement issued by the NYS Department of Environmental conservation, and will therefore have the benefit of a required separate review that requires any drilling interests to file a separate environmental impact statement for questionable drilling practices, such as slick water hydrofracking for natural gas, and further, to conduct an intensive study designed to insure that no damage to the watershed would occur; and

WHEREAS, the protection of the health and safety of the residents of the Town of Canandaigua is no less important than the protection of the health and safety of the residents of Skaneateles, Syracuse, or New York City,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Canandaigua calls on Governor Cuomo and Legislature of New York State to remove the Canandaigua Lake Watershed from inclusion in the Generic Environmental Impact Statement, and to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to the New York City and Syracuse Watersheds; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Leader Dean Skelos, NYS Health Commissioner Nirav Shah, DEC Commissioner Joe Martens, NYS Dept. of Agriculture & Markets Commissioner Darryl Aubertine, the NYS Association of Counties, State Senator Thomas O'Mara, Assemblyman Phil Palmesano and Attorney General Eric Schneiderman; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Canandaigua hereby directs the Supervisor of the Town of Canandaigua to introduce the resolution entitled " Calling on the Governor, the Legislature of NYS, and the NYS DEC, to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to any proposed gas drilling in the NY City and Syracuse Watersheds" at the next meeting of the Ontario County Board of Supervisors for consideration by the Ontario County Legislative Board.

2. Moved by Councilperson _____, seconded by Councilperson _____, to surplus the following items from the Town's Inventory list: #1593-hard drive, #1592 Keyboard, and #0810 chair

3. Moved by Councilperson _____, seconded by Councilperson _____

Town of Canandaigua Town Board Resolution
To set a Public hearing for a Local Law to override the tax levy limit established in General Municipal Law Section 3-e

WHEREAS, a Local Law being proposed Local Law __ 2011, was introduced at this meeting by a member of the Town Board, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to the adoption of the aforesaid Local Law at 7:00 pm on November 7, 2011, at the Town Hall of the Town of Canandaigua, 5440 Route 5 & 20 West, Canandaigua, New York, and it is

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

4. Moved by Councilperson _____, seconded by Councilperson _____,

RESOLVED, that the preliminary budget be accepted, a copy placed on file in the Clerk's office and the clerk be instructed to give notice of public hearing to be held on the proposed 2011 budget, Monday, November 7, 2011 at 7:05 pm at the Town Hall, 5440 Route 5 & 20 West.

FURTHER RESOLVED, that said public hearing include all water districts, drainage districts and lighting districts;

FURTHER RESOLVED, that said public hearing include the following fire protection services:

City of Canandaigua Fire Department in the amount of \$321,912.
Cheshire Volunteer Fire Department in the amount of \$461,818.
Bristol Volunteer Fire Department in the amount of \$19,883.
East Bloomfield Volunteer Fire Department in the amount of \$34,320

5. Moved by Councilperson _____, seconded by Councilperson _____,

WHEREAS, NYS Town Law and the Town of Canandaigua Zoning regulations require Zoning Board of Appeals members to obtain the necessary number of training hours annually; and,

WHEREAS, The Genesee/Finger Lakes Regional Planning Council is offering training sessions which meet these training requirements and are being offered in Batavia, New York on Thursday, October 24, 2011; and,

WHEREAS, monies specifically allocated for this training are available in A8040.400 leaving a balance of approximately \$1,000 after payment for this training;

NOW THEREFORE, BE IT RESOLVED, that Graham Smith, Chip Sahler, Roy Beecher and Rick Szkapi, at a cost of \$200, attend these courses in Batavia, New York on the dates identified.

6. Moved by Councilperson _____, seconded by Councilperson _____,

WHEREAS, NYS Town Law and the Town of Canandaigua Zoning regulations require Planning Board members to obtain the necessary number of training hours annually; and,

WHEREAS, the Monroe County Department of Planning and Development is offering training sessions which meet these training requirements and are being offered in Rochester, New York on October 27 and November 3, 2011; and,

WHEREAS, monies specifically allocated for this training are available in A8020.400 leaving a balance of approximately \$4,000 after payment for this training;

NOW THEREFORE, BE IT RESOLVED, that Thomas Schwartz, at a cost of 50, attend these courses in Rochester, New York on the dates identified.

7. Moved by Councilperson _____, seconded by Councilperson _____,

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING PAYMENT OF COSTS RELATED TO TRAINING FOR THE DIRECTOR OF
DEVELOPMENT - FRED PRYOR SEMINARS**

WHEREAS, Fred Pryor Seminars is a company that provides a wide range of local (Rochester) professional training including courses covering basic management and supervisory skills, and

WHEREAS, a onetime payment of \$298.00 will pay for registration in the Training Rewards program and make all courses taught through Fred Pryor Seminars available to the registrant one year from the date of payment at no additional cost, and

WHEREAS, \$711.24 specifically allocated for such training is available in A8010.403, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes expenditure of \$298.00 from the A8010.403 budget line item to pay for registration for the Director of Development in the Training Rewards program so that he may attend local (Rochester) Fred Pryor Seminars as time and scheduling allows.

8. Moved by Councilperson _____, seconded by Councilperson _____,

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING APPLICATION TO THE 2012 CDBG GRANT PROGRAM
TO FUND INSTALLATION OF LATERAL CONNECTIONS TO SANITARY SEWER ALONG
PURDY ROAD & MOBILE RD**

WHEREAS, the Town previously applied for funding from through the Community Development Block Grant (CDBG) program for installation of public sewer mains along to serve mostly low to moderate income residents along Purdy Rd and Mobile Rd, and

WHEREAS, the Town of Canandaigua recognizes that the cost of lateral hookups to the proposed sewer will be a significant financial burden on the affected low to moderate income households, and

WHEREAS, The Town wishes to secure a grant to assist said households with the cost of lateral sewer hookups, and

RESOLVED, the Town of Canandaigua Town Board hereby authorizes and directs the Director of Development to prepare and submit on behalf of the Town, a 2012 Consolidated Funding Application requesting up to \$400,000 to fund installation of lateral hookups to the proposed sanitary sewer along Purdy Rd and Mobile Rd, and further

RESOLVED, the Town Supervisor is authorized to sign all documents necessary to complete said application and if awarded, execute subsequent agreements necessary to take receipt of actual grant funding.

9. Moved by Councilperson _____, seconded by Councilperson _____,

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
TO SET PUBLIC HEARNG DATE FOR PROPOSED AMENDMENT TO ALLOW CHAPTER 88 OF TOWN CODE –
BUILDINGS, UNSAFE

WHEREAS, the Town Board has identified the need to amend Chapter 88 of Town Code, and

WHEREAS, the Town Board has been presented with the a draft of a local law and wishes to commence with public review of same, and

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to possible enactment said local law be held on November 14, 2011 at 7:00 p.m., in the Canandaigua Town Hall, Town of Canandaigua, N Y.

10. Moved by Councilperson _____, seconded by Councilperson _____,

At a meeting of the Town Board of the Town of Canandaigua held at the Canandaigua Town Hall, 5440 Routes 5 & 20 West, Canandaigua, NY 14424, on October 24, 2011 at 7:00 p.m.

PRESENT:

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

STATE OF NEW YORK COUNTY OF ONTARIO
TOWN OF CANANDAIGUA

IN THE MATTER OF THE ESTABLISHMENT

OF PURDY ROAD/MOBILE ROAD SEWER EXTENSION
TO THE CANANDAIGUA -FARMINGTON SEWER

PUBLIC INTEREST ORDER

DISTRICT IN THE TOWN OF CANANDAIGUA
COUNTY OF ONTARIO AND STATE OF NEW YORK

**This Public Interest Order is subject to the following conditions:

1. Approval of the anticipated NYS Small Cities Grant at which time the proposed extension will be subject to further Town Board approval followed by a thirty (30) day permissive referendum period.
2. Approval of the extension by the State Comptroller, if necessary.

WHEREAS, the Town Board of the Town of Canandaigua (hereinafter the "Board"), Ontario County, New York in relation to the establishment of a proposed sewer district extension to be known as the "Purdy Road/Mobile Road Extension to the Canandaigua-Farmington Sewer District", (hereinafter the "extension"), pursuant to article 12A of the Town Law, has appropriated money from the General Funds of said Town to compensate the Town Engineer for preparation of a report, plan and map outlining the extension, and

WHEREAS, said map, plan and report, last revised 8/1/2011, including an estimate of cost, were duly prepared by MRB Group, P.C., engineers duly licensed under the laws of the State of New York, and

WHEREAS, said map, plan and report has been filed in the Office of the Town Clerk of the Town of Canandaigua where the same is available for inspection during regular business hours, and

WHEREAS, the extension shall be bounded and described as set forth in the attached schedule "A", and

WHEREAS, the improvements proposed consist of the construction and maintenance of a sanitary sewer system that includes installation of a pump station, 3500 lineal feet of 8" diameter sewer pipe and 3,900 lineal feet of 10' sewer pipe along the right-of-way for Purdy Rd, Mobile Rd, and State Rt 332. Sewer pipe will run under NYS Route 332 and through the property at 1835 State Route 332 before connecting to the existing Town of Farmington Sanitary Sewer System on the north side of Canandaigua Farmington Town Line Road.

WHEREAS, the maximum amount proposed to be expended for said improvements is **\$1,007,000.00** and the method of financing the cost of said improvements is anticipated to include the receipt of NYS grants funds in an amount not less than \$600,000.00, coupled with the anticipated issuance of serial bonds of the Town of Canandaigua, in an amount not to exceed \$407,000.00, maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the extension, assessed upon all the taxable real property within the extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principal and interest on said bonds as the same shall become due, and

WHEREAS, the establishment of said extension proposed has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, and the Board having determined that the proposed action will not result in any significant environmental impacts, and

WHEREAS, the estimated cost of hookup fees to the typical property in the extension is **\$1,900.00** and the estimated cost of hookup fees to the typical one or two family home in the extension is **\$1,900.00**, and

WHEREAS, the annual estimated cost of the extension to the typical property therein is **\$582** for operation, maintenance and other charges and expenses to be paid, and the annual estimated cost of the extension to the typical one or two family home therein is **\$582** for operation, maintenance, and other charges and expenses to be paid, and

WHEREAS, an explanation of the manner by which were computed said estimated costs of hookup fees and annual cost to the typical property and the typical one or two family home in said extension has been duly filed in the Office of the Town Clerk where the same was available during regular office hours for examination by any person interested in the subject matter thereof, and

WHEREAS, the Board will consider the use of town forces to install the improvements to reduce the cost of the extension, all in an effort to reduce the annual estimated cost to the typical property and one-or two family home in the extension, and

WHEREAS, an order was previously adopted by the Town Board of the Town of Canandaigua , reciting the description and boundaries of the extension, the improvements proposed therefore, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Office of the Town Clerk of the Town of Canandaigua for public inspection, and specifying September 19, 2011 at 7:00 P.M., at the Town Hall in the Town of Canandaigua, New York, as the time when and the place where the Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof, said public hearing having been continued until October 3, 2011 at 7:00 p.m.; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by the Town Law and proof of such publication and posting having been duly presented to the Board; and

WHEREAS, said public hearing was duly opened at the time and place set forth in said order at which time all persons desiring to be heard were duly heard, including any continuation dates thereof; and

WHEREAS, following said public hearing, and based upon the evidence given thereat, the Board determined that proceeding with the extension is in the public interest,

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. The notice of hearing was duly published and posted as required by law and that notice of the public hearing was otherwise sufficient and complied with due process requirements.

2. All the property and property owners within the proposed extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed extension.
4. The extension is in the public interest, and it is further

ORDERED,

Section 1. The extension shall be known as the “Purdy Road/Mobile Road Extension to the Canandaigua-Farmington Sewer District”, shall be bounded and described as set forth more fully in the map, plan and report on file in the Office of the Town Clerk, and as further described in exhibit “A”.

Section 2. The improvements contemplated in the map, plan and report, the associated appurtenances, machinery, apparatus, public works and incidental improvements, and expenses in connection therewith, as more fully described in the map, plan and report, are hereby approved subject to receipt of the anticipated NYS Small Cities Grant in an amount not less than \$600,000.00; subsequent approval of the extension by the Town Board, followed by a thirty (30) day permissive referendum period, and approval of the extension by the State Comptroller, if necessary.

The maximum cost of the district is **\$1,007,000.00** and the method of financing the cost of said improvements is anticipated to include the receipt of NYS grants funds in an amount not less than \$600,000.00, coupled with the anticipated issuance of serial bonds of the Town of Canandaigua, in an amount not to exceed \$407,000.00, maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the extension, assessed upon all the taxable real property within the extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principal and interest on said bonds as the same shall become due.

Section 3. The Supervisor of the Town of Canandaigua is hereby authorized and directed to take such action as is necessary and proper to further the NYS Small Cities Grant application necessary to establish the extension.

11. Moved by Councilperson _____, seconded by Councilperson _____,

RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION

Project: Goodman Enterprises, LLC

WHEREAS, the developer, Goodman Enterprises, LLC, has offered for dedication to the Town of Canandaigua, a water and utility easement relative to real property located on the east side of County Road #28 in the Town of Canandaigua, and

WHEREAS, the attorney for the Town has reviewed and approved the proposed dedication,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Canandaigua in regular session duly convened that:

1. The Town of Canandaigua will accept the dedication above; and

2. The attorney for the Town (or the Highway Superintendent or Supervisor, if either is available) is authorized to accept and execute the instruments necessary to effectuate the dedication, and is otherwise authorized to undertake all actions necessary, proper, and/or incidental to complete the dedications.

12. Moved by Councilperson _____, seconded by Councilperson _____

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION

AUTHORIZING REFERRAL TO THE ONTARIO COUNTY PLANNING BOARD FOR A PROPOSAL TO AMEND
THE ZONING AND SUBDIVISION CHAPTERS

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to the Zoning, Subdivision and other chapters of Town Code, and

WHEREAS, The Town Board wishes to formally refer the most current draft of the proposed changes to the Ontario County Planning Board for review and recommendation, and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby directs staff to refer the most current draft of the proposed amendments along with other required paperwork to