

Canandaigua Town Board  
Regular Meeting  
November 14, 2011  
7:00pm

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: Glenn Reed, Dennis Brewer, Barb McPail, Karen Parkhurst, Steven/Gloria Foster, George, Darryl and Jim Kramer, Earl/Janet Coleates, Mike Manikowski, Dan/JoAnn O'Brien, Linc Swedrock, Mary Connoly and others who did not sign in.

Supervisor Casella called the meeting to order at 7:00 pm.

Pledge of allegiance lead by Councilperson Helming.

Moved by Councilman Brandt, seconded by Councilperson Fennelly that the minutes of 10/24 and 11/2/11 be approved.

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

Moved by Councilperson Fuller, seconded by Councilperson Brandt that after review and audit of abstract #16 \$71,126.91 general fund, \$750,000 Special Grant Fund-Pactiv , \$98,328.91 highway fund, \$19,785.92 water fund, \$775.34 Fox Ridge lighting, \$172.23 Centrepont lighting, \$10.10 Lakewood Meadows lighting, \$115.18 Fallbrook Meadows Lighting that the bills be paid.

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

### **PUBLIC HEARINGS**

Supervisor Casella opened the public hearing at 7:02 pm on the Local Law on Chapter 88 "Unsafe Buildings" and advised it had been properly advertised.

Tim Jensen explained that Zoning Officer had been changed to Code Enforcement Officer in the text and that was the only change.

No comments.

Supervisor Casella closed the public hearing at 7:03 pm.

### **PRIORITY BUSINESS**

Supervisor Casella presented James Kramer with a certificate for his work on the Barnes Road Trail as part of him earning his Eagle Scout Badge.

Dennis Brewer thanked him for his hard work and congratulated him on his accomplishment of Eagle Scout.

Mike Manikowski - OCIDA, wanted the board to be informed about the Smart System Technology Center, formerly Infotonics, and their future plans. They would like to have the 50 acres between Route 332 and the golf course shovel ready for future developments. Plans will be presented to the Planning Board for pre-approval of these developments.

David Gottfried -STC, - one of the tenants is Moser Baer, which manufactures organic LED lighting. They will be investing several million dollars into the facility and new construction. Also, 60 jobs have been created with this manufacturer. Also, working on getting "Defense Micro Electronics Activity" into the complex.

Linc Swedrock-BME, -asked if the board had any questions on the grading permit that the Villas of Canandaigua have requested.

A discussion followed on the letter of credit and the board wants more information from BME. They also want the Planning Board to make a recommendation on the permit. This will be back on the agenda for December 5<sup>th</sup>.

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

Barb McPhiel, 179 Gorham St., thanked the board for having a resolution to set a public hearing on a moratorium on hydrofracking.

Anne Edward-Deuel Road, concerned about road repair costs and noise pollution if hydrofracking came to the town.

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

1. Letter from Assemblyman Brian Kolb.
2. Letter from CLWA regarding Hydraulic Fracturing
3. Letter from M/M Kutner regarding hydrofracking.
4. Letter from Jo-Ann O'Brien regarding hydrofracking.
5. Letter from Time Warner regarding pricing.
6. Letter from Time Warner of developments affecting Time Warner Cable subscribers.

#### **HIGHWAY REPORT –Jim Fletcher**

1. Installing road signs
2. Doing tree work and cleaning ditches.
3. Installing the town sewer
4. Footers are poured at Outhouse Park
5. Talked with Jeff Leenhouts on the work he has to do before we can accept dedication on the playground.

#### **DIRECTOR OF DEVELOPMENT –Tim Jensen**

1. Lateral Grant for Mobile/Purdy Road sewer was submitted at the end of October.
2. State is reviewing Wyffels grant.
3. Handed out zoning update local law. Working on Natural Resource Inventory.
4. Hammocks review continues. Applying for subdivision approval.

Short discussion on the Villas of Canandaigua trail. The Trails committee would like to continue with a trail.

#### **SUPERVISORS REPORT**

1. Budget is wrapped up.
2. Met with Kevin Olvaney and Tim Jensen on the Hydrofracking Local Law.

#### **REPORTS OF ANY STANDING COMMITTEES**

Parks Committee –Dennis Brewer

The Auburn Trails committee is down to 7 alignments and will start meeting with landowners between Canandaigua and Farmington.

The Kaleidoscope 4-H club cleaned up Blue Heron Park.

The committee would like Kevin Landrigan as their Chairman. They are also recommending that the upland rate for pavilions be raised from \$35 to \$50.

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

No report.

**RESOLUTIONS:**

1. Moved by Councilperson Brandt, seconded by Councilperson Fuller, that the Clerk be authorized to sign the agreement with the Ontario Humane Society for the dog enumeration.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella
2. Moved by Councilperson Brandt, seconded by Councilperson Fennelly, that the Supervisor be authorized to sign the 2012 Dog Control Services Agreement.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

3. Moved by Councilperson Brandt, seconded by Councilperson Fuller

**Pass to Tax - 2011**

**November 14, 2011**

**WHEREAS**, the Canandaigua Town Board has been notified by the Canandaigua-Farmington Water and Sewer Department of the unpaid water and sewer charges, and

**WHEREAS**, an Annual Statement has been filed with the Town Clerk listing all unpaid charges, fees, and rents for the 2012 Tax Levy which are broken down in the following special districts

**NOW, THEREFORE BE IT RESOLVED**, the Town Board acting through its Water and Sewer Superintendent, shall transmit such Statement (Attached) to the Ontario County Board of Supervisors which shall levy such sums against the property liable.

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

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

**TOWN OF CANANDAIGUA**

**RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION**

Project: Lakewood Meadows Subdivision

**WHEREAS**, the developer, S&J Morrell, Inc., has offered for dedication to the Town of Canandaigua, the following:

A. The roads sections offered for dedication are as follows:

1. White Cliff Drive from the intersection of Acorn Hill and St. James Parkway to the West 978 feet and end at the roundabout of Whitecliff Drive. Section 5A.
2. St. James Parkway starting at the intersection of Acorn Hill and Whitecliff Dr heading south 1,330 feet to the hammer head turn around. Section 7A.
3. Ruskin Street East 942 feet starting at St. James Parkway and ending at St. James Parkway. Section 7A. and

**WHEREAS**, the existing Letter of Credit shall continue through the next construction session to insure that the Binder is installed by the developer on or before July 1, 2012 and to the satisfaction of the Town. The developer will then pledge financial security to insure the integrity of the Binder for a period of two years and

**WHEREAS**, the attorney for the Town has reviewed and approved the proposed dedications in consultation with the Engineer for the Town and Highway and Water Superintendent,

**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 dedications above; and
2. The attorney for the Town (or the Highway Superintendent if available) is authorized to accept and execute the instruments necessary to effectuate the dedications, and is otherwise authorized to undertake all actions necessary, proper, and/or incidental to complete the dedications.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

5. Moved by Councilperson Brandt, seconded by Councilperson Fennelly

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
TO SET PUBLIC HEARING DATE FOR PROPOSED MORATORIUM  
ON HIGH VOLUME HYDRAULIC FRACTURING

**WHEREAS**, the Town Board is considering an eighteen (18) month moratorium on high volume hydraulic fracturing, (aka hydrofracking), 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 by the Town Board with respect to possible enactment said local law will be held on December 5, 2011 at 7:00 p.m., in the Town Hall, Town of Canandaigua, New York.

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

6. Tabled

Moved by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_,

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
TO SET A PUBLIC HEARING DATE FOR PROPOSED AMENDMENT TO THE ZONING, SUBDIVISION, AND  
MANUFACTURED HOME PARK CHAPTERS OF TOWN CODE AND THE SITE DESIGN AND DEVELOPMENT  
CRITERIA

**WHEREAS**, the Town Board has identified the need to amend Chapters 174 (Subdivision) and 220 (Zoning) 134 (Manufactured Home Parks) of Town Code as well as the Site Design and Development Criteria, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing by the Town Board with respect to possible enactment said local laws will be held on December 5, 2011 at 7:00 p.m., in the Town Hall, Town of Canandaigua, New York.

7. Moved by Councilperson Brandt, seconded by Councilperson Helming,  
Town of Canandaigua Town Board Resolution  
To adopt Local law # 8 of 2011  
Amendment of Chapter 88 – Buildings, Unsafe (EXHIBIT J)

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 88, and

**WHEREAS**, Chapter 88 establishes standards and procedures for repair and demolition of unsafe buildings in the Town, and

**WHEREAS**, the amendment would transfer authority for enforcement of the chapter from the Zoning Officer to the CEO and make no changes to the existing standards and procedures, and

**WHEREAS**, the action of adopting this amendment is classified as a Type II action pursuant to NYCRR, §617.5, parts 20 and 27, and

**WHEREAS**, on 11/14/11 the Town Board held a public hearing to allow for public comment on the proposed amendment, and

**WHEREAS**, the Zoning Officer is primarily responsible for interpreting and enforcing zoning and subdivision regulations, and

**WHEREAS**, the prerequisite training, skill sets, and job duties of a Code Enforcement Officer (CEO) are more consistent with what is needed for proper enforcement of the standards and procedures in Chapter 88, and

**WHEREAS**, it is the position of this Board that the proposed changes are necessary to allow for proper enforcement of the existing standards in Chapter 88, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby adopt Local Law # 8 of 2011.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

8. Tabled

Moved by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_,

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
LETTER OF CREDIT & GRADING PERMIT FOR  
PHASE II OF THE VILLAS AT CANANDAIGUA**

WHEREAS, the Town Board is considering a request from Wegman Family Canandaigua LLC XV (the applicant) to begin site preparation in advance of final Planning Board approval of the Section II of the Villas at Canandaigua, and

WHEREAS, in compliance with the NYS Environmental Quality Review Act, an environmental review of the entire development was completed prior to the Planning Board's conditional overall preliminary approval; and

WHEREAS, the applicant is moving forward to comply with the conditions of final approval for Section II as required before the plans are signed by the Planning Board Chair, and

WHEREAS, Town Code §174-7, part M, allows the Town Board to grant "approval for site preparation in advance of final approval upon application for permission to the Town Board and consultation with the Planning Board." , and

WHEREAS, the applicant has provided a proposed surety amount including list of tasks for the project along with estimated costs associated with completion of each task that the Town Engineer has reviewed and found to be satisfactory, and

WHEREAS, as of 11/7/11, representatives from the Canandaigua Lake Watershed Council and Canandaigua Lake Watershed Commission have reviewed the proposal and provided specific comments, and

WHEREAS, on 11/8/11 the Planning Board reviewed the proposal and have provided comments which were considered by the Town Board during its own review on 11/14/11, and

WHEREAS, it is the position of this Board that the applicant has/has not satisfactorily addressed outstanding issues, and now therefore be it

RESOLVED that the Town hereby approves and accepts/rejects the proposed surety of a letter of credit in the amount of \$342,315.42, and further

RESOLVED, that the request for a grading permit for Phase II of the Villas at Canandaigua is hereby denied/ approved subject to the following additional conditions:

1. A letter of credit in the amount of \$342,315.42 shall be provided to the Town in a form deemed acceptable by the Town Board Attorney before the issuance of any permits for development,
2. Before beginning construction the applicant shall hold a pre-construction meeting with Town Staff to ensure that all conditions of approval have been met

9. Motion by Councilperson Brandt and second by Councilperson Fennelly to surplus the following equipment at an on line auction with Tietsworth auction.

To surplus the following equipment for auction.

- Item # 624 1989 Bobcat MDL 1600 loader
- Item # 894 1997 LT-9000 ford dump truck
- Item # 895 1997 ford F-350 1 ton dump truck
- Item # 1285 2002 Caterpillar wheel loader
- Item # 1110 1999 ¾ ton pick up
- Item # 1159 1999 F-450 dump truck
- Misc. ford L-9000 parts.

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

**OTHER BUSINESS**

The board reviewed job descriptions.

Moved by Councilperson Fuller, seconded by Councilperson Brandt, that the job descriptions be accepted and forwarded to HR Sectors.

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

**PRIVILEGE OF FLOOR**

Councilperson Fuller asked about the FEMA money that the town will be getting and what we would do with it.

Supervisor Casella said it would go to Highway for reimbursement of their expenses and the rest of it should go to highway fund balance.

Moved by Councilperson Helming and seconded by Councilman Brandt that the meeting be adjourned at 8:25pm.

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

Judith H. Carson

Town Clerk