

Canandaigua Town Board
Regular Meeting
December 5, 2011
6:00pm

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: Charles Randall, Patrick Connor, Jim Fralick, Lew Smith, Kevin Reynolds, Greg Bush, George Herren, Ryan Davis, Tom Tripp, Wm. Palmer, Jay Wegman, Linc Swedrock, Karen Parkhurst, M/M James Weishaar, Ray Henry, Carole & Gordon VanGelder, Rob Hovey, Zora Molkenchin, Steven & Gloria Foster, Lloyd Lill, Colin Diehl, Jeannie Randal, Kathryn Rodcero, David Marsh, Anne Edwards, Gayle Henry, JoAnn O'Brien, Cathy Moore, Sam & Mike Maslanik, Jean Troost and others who did not sign in.

6:00 pm update on the Airport expansion. Mike Manikowski-IDA, Chad Nixon-McFarland-Johnson, and Justin Shaw-Dixon Schwabl presented an update on the expansion of the airport.

The project evolved as part of the 2003 Master Plan Update. Runway 13 will be extended. OCIDA acquired the additional land necessary for the extension in 2011.

The expansion includes: 2300' extension to runway 13
2300' extension to taxiway A
25' widening to runway 13-31

OCIDA applied to FAA for a grant to design the project and the grant was issued in September 2011.

Final design plans and specifications anticipated for completion in March/April 2012. It is anticipated that bids will go out in May 2012 to be opened in June 2012.

After determining low bid an application will be submitted for the construction grant. Construction will begin shortly after the grant is awarded.

Thomas Road will be closed sometime after that. It is the responsibility of the IDA to build the culde sac.

Total cost of the project is 8 ½ million.

Supervisor Casella called a short recess.

7:00 pm - Supervisor Casella reconvened the meeting.

Pledge of allegiance lead by Councilperson Fennelly.

Moved by Councilman Brandt, seconded by Councilperson Helming that the minutes of 11/14/11 be approved.

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

Moved by Councilman Brandt, seconded by Councilperson Fuller that after review and audit of abstract #17, \$196,908.88 general fund, \$246,810.17 highway fund, \$20,744.21 water fund, \$1,978.33 sewer capital project, \$13,326.04 Outhouse Park Capital project that the bills be paid.

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

Supervisor Casella opened the public hearing at 7:01pm on the Local Law for the Proposed Moratorium on High Volume Hydraulic Fracturing and advised it had been properly advertised.

Councilman Brandt-the board has done their homework and attended seminars . There are too many unanswered questions and the Town needs to be fully protected. In favor of the moratorium.

Councilperson Fuller – also in favor of it for the same reasons.

Discussion on the amount of the penalty.

Attorney Brocklebank-

Under SECTION 268 if we deem it an unclassified misdemeanor we can override state law. The penalty could be increased up to \$15,000 for the violation. The ultimate relief would be to stop the violation. Injunctive relief is what we need.

It was the consensus of the board to go to an 18 month moratorium and a minimum fine of \$5,000 up to \$15,000.

Supervisor Casella read the letter from the Environmental Conservation Board in favor of the moratorium.

Bob Dugan- against hydrofracking

Gloria Foster – against hydrofracking

Glen Reed – in favor of moratorium

Jack Kellogg-in favor of moratorium

Bill Palmer – concerned about pollution of air

David Marsh –in favor of moratorium

Barb McVeil – in favor of moratorium

Steven Foster – in favor of moratorium

Colin Deal – wondered if people had thought about where they get their energy from now.

Short is discussion on if the Town would make changes in land use to protect the town.

Councilman Brandt – when we know the issues we can look at zoning regulations.

Supervisor Casella closed the public hearing at 7:48 pm.

Moved by Councilman Fennelly, seconded by councilman Brandt, (EXHIBIT K)
Town of Canandaigua Town Board Resolution
To Adopt Local Law 10 of 2011
Adoption of a moratorium on High Volume Hydraulic Fracturing

~~WHEREAS, the Town Board is considering a moratorium on high volume hydraulic fracturing, (aka hydrofracking),~~

WHEREAS, the Town Board is considering a moratorium on natural gas and/or petroleum exploration activities, natural gas and/or petroleum extraction activities, and/or natural gas and/or petroleum support activities in the Town of Canandaigua

WHEREAS, the action of adopting this moratorium is classified as a Type II action pursuant to NYCRR, Section 617.5, part 30, and

WHEREAS, at their meeting on 11/9/11, the Ontario County Planning Board recommended approval of the proposed moratorium with no modifications or comments, and

WHEREAS, on 12/5/11 the Town Board held a public hearing to allow for public comment on the proposed amendment, and

WHEREAS, it is the position of this Board that the proposed moratorium is needed to allow the Town sufficient time to establish needed controls applicable to high volume hydraulic fracturing and related activities and thereby minimize the potential for significant negative environmental and other impacts associated with the use, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law #10 of 2011.

Moved by Councilman Fennelly, seconded by Councilman Brandt to amend the above.

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

Moved by Councilman Fennelly, seconded by Councilman Brandt to move the above as amended.

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

Short recess.

Supervisor Casella reconvened the meeting at 7:55 pm.

PRIORITY BUSINESS

None

PRIVILEGE OF THE FLOOR

Jack Kellogg-Ashton Place, congratulated the board on not passing the 2% tax cap.

Lew Smith – concerned about the water easement for RSM West lake Road, LLC. He lives on Lot 176 and would like to have residents notified 14 days prior to work being done. And have the site monitored while the drilling is being done.

HIGHWAY REPORT-Jim Fletcher

1. Cleaning ditches and putting up signs
2. Filling in the curve on Rossier Road
3. Netted \$65,000 from the on line auction
4. Planted some trees at Outhouse Park
5. Hasn't heard anything on the outdoor skating rink

DIRECTOR OF DEVELOPMENT-Tim Jensen

Purdy Rd Mobile Rd Sewer: There still has been no word on the status of the application for \$600,000 to fund installation of the sewer main. The Finger Lakes Regional Economic Development Office indicated that decision will likely be made on these grants in the next few weeks.

Wyffels PDR: NYSDAM returned comments today. No major changes are being requested and the plan is to have revised and signed documents in to the State by the end of this week.

Outhouse Park: Nothing to report.

2011 Code Updates: A draft NRI has been forwarded for your review. EDR's work under the current contract is close to complete.

The Hammock Apartments (formerly Amber Meadows): Planning Board review of the preliminary subdivision continues. ZBA variances were continued to the December 20th meeting.

Villas Trail: Nothing to report.

Old Brookside Open Space: : Jeff Leenhouts and BME are going to put in an application for subdividing the open space parcels to make them available for dedication, they have also been advised regarding specific improvements that have to be made to the trails and playground before dedication will take place.

SUPERVISOR'S REPORT

December 27th at 8:00 am year end meeting to pay bills.

RESOLUTIONS:

1. Moved by Councilperson Brandt, seconded by Councilperson Fuller
TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
TO SET A PUBLIC HEARNG DATE FOR PROPOSED AMENDMENT TO THE ZONING, SUBDIVISION, AND
MANUFACTURED HOME PARK CHAPTERS OF TOWN CODE AND THE SITE DESGIN 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 19, 2011 at 6:30 p.m., in the Town Hall, Town of Canandaigua, New York.

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

1. Moved by Councilperson Brandt, seconded by Councilperson Fennelly,

TOWN OF CANANDAIGUA - TOWN BOARD RESOLUTION
ACCEPTANCE OF LETTERS OF CREDIT
FOR SECTION II OF THE VILLAS AT CANANDAIGUA

WHEREAS, Wegman Family (Canandaigua) LLC XV (the applicant) has received Planning Board approval to construct an additional 40 townhouses as part of the ongoing development of the Villas at Canandaigua, and

WHEREAS the applicant has submitted two draft irrevocable letters of credit in the amount of \$342,315.42 to ensure completion of proposed site grading erosion control as well as \$778,891.39 to ensure completion of proposed improvements including landscaping, public water and sewer and paving, and

WHEREAS, the draft irrevocable letters of credit have been reviewed and approved by the Town Engineer and the Town Board Attorney, now therefore be it,

RESOLVED, the Town Board hereby accepts the draft irrevocable letters of credit for \$342,315.42 and \$778,891.39 and, after approval by the Genesee Regional Bank, directs that they be formally filed with the Town prior to issuance of permits for work to be ensured by each respective surety.

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

2. Moved by Councilperson Brandt, seconded by Councilperson Fuller

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
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 a draft letter of credit 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, the overall proposal has been reviewed by the Town Planning Board, Town Engineer and staff of the Canandaigua Lake Watershed Council and Canandaigua Lake Watershed Commission, and

WHEREAS, all of the above have recommended approval of the requested grading permit, 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 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 an amount of no less \$342,315.42 shall be filed with the Town before the issuance of any permits for development.
2. Site disturbance shall be limited to 5ac or less unless required waivers have been received from the NYSDEC and filed with the Code Enforcement Officer.
3. The largest & western pond in the center of the development shall be lowered to a level as approved by the Code Enforcement Officer to provide additional storage of runoff.
4. The applicant shall assess whether or not the storage capacity of the pond in the southeast corner has decreased due to siltation and take corrective measures as needed to ensure it functions as

designed. Verification of the capacity assessment and any needed correction measures shall be forwarded to the CEO before start of site grading in Section II.

5. The CEO shall have the discretion to direct the developer to implement modified and/or additional requirements as needed.
6. The CEO is directed to ensure that the ballast area near the northwest entrance along Parrish St Ext is properly maintained to minimize the amount of dirt and debris leaving the site.
7. Before beginning construction, the applicant shall hold a pre-construction meeting with Town Staff to ensure that applicable conditions of approval have been met.

Discussion.

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

3. Moved by Councilperson Brandt, seconded by Councilperson Fuller

RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION

Project: RSM West Lake Road, LLC

WHEREAS, the developer, RSM West Lake Road, LLC, has offered for dedication to the Town of Canandaigua, a permanent water line easement executed by Kenny Kuek and Layla Pitt relative to the RSM Project 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.
3. *That a 14 day written notice be given to the residents in the area.*

Moved by Councilperson Brandt, seconded by Councilperson Fuller to amend the above resolution.

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

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

4. Moved by Councilperson Brandt seconded by Councilperson Fennelly, to surplus the following items: #1244 lap top computer, #600, #694, #152, #805 chairs and #1424 camera.

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

5. Moved by Councilperson Brandt, seconded by Councilperson Fennelly, that the rent for the upland pavilions at Onanda Park be raised from \$35.00 to \$50.00 starting in 2012 per recommendation of the Parks Committee.

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

6. Moved by Councilperson Brandt, seconded by Councilperson Fuller

Town of Canandaigua

Resolution

Authorizing Canandaigua National Bank to Act as Agent for the Town of Canandaigua to Accept 2012 Town and County Tax Bills

WHEREAS, The Town Board of Canandaigua, on December 5, 2011 approved the Canandaigua National Bank to act as an agent for the Town of Canandaigua and collect Town and County Taxes for 2012 during the month of January.

WHEREAS, the Canandaigua National Bank will accept tax bills from January 1st through January 31st, full payments only (no installment payments) and will deposit these payments to the Town of Canandaigua Tax Collector Account on the following business day and notify the collector with an itemized listing of taxes received. There will be no charge to the town for this service. Tax Collector, Regina "Jeannie" Kesel will be responsible for any check that is returned for any reason.

NOW, THEREFORE, BE IT RESOLVED, Canandaigua National Bank will be accepting tax bills for the Town of Canandaigua, January 1 through January 31, 2012, with no expense to the town, these monies will be deposited in the Town of Canandaigua Tax Collector's checking account and the bank will notify the town the following day with and itemized listing.
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

OTHER BUSINESS

None

PRIVILEGE OF THE FLOOR

Ray Henry-Historian, -announced that the Ontario County Historical Society West Lake Road Tour of Homes had the best year yet and raised several hundred dollars more than in past years.
Moved by Councilman Brandt, seconded by Councilperson Fennelly, that the board move into executive session at 8:53 to discuss pending litigation and the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

The board moved out of executive session at 9:10 pm

The meeting was adjourned at 9:10 pm.

Judith H. Carson
Town Clerk