

Canandaigua Town Board
Regular Meeting
March 7, 2011
6:30

Present: Terry Fennelly Councilperson
 Pam Helming Councilperson
 Oksana Fuller Councilperson
 Ralph Brandt Councilperson
 Sam Casella Supervisor
 Derek Brocklebank Attorney for the Town
 Jim Fletcher Highway Superintendent

Others present: Lew Smith, Kevin Reynolds, Ray Henry, Betsy Landre, Karen Parkhurst, Mary Smith, and Yvonne Chavez

6:30 pm - workshop with John Murphy regarding water meters

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

Pledge of allegiance lead by Councilman Brandt

Moved by Councilman Brandt, seconded by Councilman Fennelly to approve the minutes of 2/14/11 as amended.

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

Moved by Councilman Brandt, seconded by Councilperson Fuller that after review and audit of abstract #4 \$46,187.13 general fund, \$113,794.04 highway fund, \$5,967.26 water fund, \$17.76 sewer capital project , \$496,138 fire protection district \$216.62 , the bill for Lacy Katzen was pulled

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

Supervisor Casella opened the public hearing on the proposed Local law which establishes the powers and duties of the Environmental Conservation Board at 7:15pm and advised it had been properly advertised.

Tim Jensen- gave an overview of the Local Law which defines the powers and duties of the Environmental Conservation Board, training requirements, reports, and membership.

Attorney Brocklebank – the ECB board would not be authorized to go into executive session to discuss land acquisition. They would have to come to the Town Board and request an executive session with them.

Supervisor Casella closed the hearing at 7:18 pm.

Supervisor Casella opened the public hearing on a Local Law which would remove term limits on the Chairperson for the Planning Board at 7:19 pm. and advised it had been properly advertised.

Supervisor Casella – this would remove term limits for the Planning Board Chairperson so that they could serve consecutive terms.

Supervisor Casella closed the public hearing at 7:20 pm.

PRIORITY BUSINESS

Councilperson Fuller thanked Ray Henry for the framed pictures in the upstairs foyer.

Betsy Landre –Finger Lakes Land Trust, handed out a status report on the Hicks PDR. It is a 10 step process and then everything is sent to Ag and Markets for their approval. Discussion followed on the memorandum of understanding .

1. **MOVED BY COUNCILPERSON BRANDT, SECONDED BY COUNCILPERSON FULLER,
TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING SIGNATURE OF THE MEMORANDUM OF UNDERSTANDING AND
PURCHASE AGREEMENT FOR THE HICKS FARMLAND PROTECTION
IMPLEMENTATION GRANT**

WHEREAS, the Town of Canandaigua applied in 2007 to the New York State Department of Agriculture and Markets for funding under said Department’s Farmland Protection Program and was ultimately awarded \$553,919 for the purpose of purchasing conservation easements on the Hicks Farm on Coye and Seneca Point Roads in the Town of Canandaigua, and

WHEREAS, Finger Lakes Land Trust, Inc. is a 501(c)(3) organization dedicated to conservation of open space in the Finger Lakes Region including preservation of prime farmland, and operates a well-established program for holding and monitoring Conservation Easements on private lands;

WHEREAS, the board of directors of the Finger Lakes Land Trust, Inc. resolved in 2009 to provide certain project management services and to negotiate and hold conservation easements on the Hicks Farm properties;

WHEREAS, the Town resolved on March 3, 2009 to transfer certain project management responsibilities to the Finger Lakes Land Trust for said Project while retaining the role of fiscal agent under Contract Number C800679;

WHEREAS, the FLLT has successfully negotiated a Conservation Easement for each of the individual lands owned by Mary Hicks, et al; James and Rene Hicks; and Alan and Elizabeth Hicks which have been reviewed by New York State Department of Agriculture and Markets, and

WHEREAS execution of a purchase agreement for the development rights as well as memorandum of understanding regarding the FLLT’s role in long term monitoring of the conservation easements are needed to allow completion of the application and secure the State funding, and

WHEREAS, copies of both documents have been presented to and reviewed by the Town Board Attorney and Town Board members and found to be acceptable, and now therefore be it

RESOLVED, the Town Supervisor is hereby authorized to sign the memorandum of understanding last revised on 2/17/11 and the purchase agreement last revised on 2/18/11 and to follow up as needed to ensure their proper execution.

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

Historian Ray Henry- advised the board that he is working with the Ontario County Historical Society on the “West Lake Road Tour of Homes” to be held on September 24th. Onanda Park and the West Lake Road Schoolhouse will be included in the tour. In conjunction with the tour, they are asking anyone with historical pictures of West Lake Road to let them know. These pictures will be used in a special project.

Jean Chrisman, Zoning Officer – reviewed the proposed Uniform Docking and Mooring Law and made one minor change.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Letter from Bob & Tracy Locke regarding drainage
2. City of Canandaigua notice of 2011 water rate

Short discussion on the letter from Mr. Locke. Jim Fletcher will look into this drainage problem in the spring.

HIGHWAY REPORT – Jim Fletcher

1. Working with Ontario County highway on hauling in the stone we need for New Michigan Road.
2. The gates for the town complex should be in by the second week in March
3. The recycling compactor is ordered and should arrive in April
4. The Town sewer line is slowly moving forward. Waiting on DEC and Army Corps and John Barry for OCS D for approval
5. Sewer pipe has been bid and will be awarding the bid tonight.
6. Working on adding an environmentally friendly liquid de icing agent to the salt to cut down on usage and to also protect the lake to reduce salt in it. Next year after he has tried different ways to apply this product he will be using it mainly on roads that have low traffic volumes and areas that drain to the lake. The product name is Ice Ban Magic. It is a molasses and rum byproduct that is applied to the salt to help it turn into a brine to melt snow and ice better and at lower temperatures.

Water

1. Hickox Road water is progressing along well. They will be going to DOH very soon for final approval. The plans will be going to DOH soon for final approval.
2. Will need to rebuild the water station in Cheshire so the piping will not freeze in the winter. Have had several times this winter that it has frozen.
3. One of the pumps from the West St pump station will be going out for an over haul.

There was a discussion on the Town taking over the water billing. The Town contracts with the Town of Farmington to do the water billing. Jim is proposing that the Town purchase a billing software program. He feels that in the long term this will save the Town money and will provide better service to the customer. Jim will provide more information in the future.

Parks

1. Onanda shower house has been tiled. The new partitions and sinks will be installed in late March.
2. Will be looking at a utility vehicle for the park to haul the garbage, cleaning supplies and trail maintenance. Discussed taking the money for this vehicle out the Parks and Recreation fund . Attorney Brocklebank advised that monies for a maintenance vehicle for the parks cannot be taken out of this fund.

Buildings

Repaired the overhead door and generator at the fire station. Will be coming up with a cost for maintenance on the station.

DEVELOPMENT OFFICE – Tim Jensen

Mary Smith – explained to the Board that the support staff in surrounding municipalities are getting together to share ideas on what works best in their offices.

Wyffels PDR: Issues related to the budget and purchase contract have been resolved and amended documents sent to NYSDAM. This completes the submittal to the satisfaction of both David Behm and Jason Engle at NYSDAM.

Comp Plan: Recommendations and Action Steps have been forwarded for your review and comment.

Fees: draft has been revised and will be presented at the next board meeting.

2011 Code updates: Staff has met internally to discuss changes to the section on Special Use Permits and will be e-mailed to board members on 3/8.

The Hammock Apartments (formerly Amber Meadows): At their meeting on March 28th, the Town Board will be asked to set a public hearing date and approve submission to the Co. Planning Board for review at their meeting on April 13th.

The Board agreed that a draft law should be written to make a change in the Limited Industry Zone.

SUPERVISOR’S REPORT

Gave a copy of the contract for the North Town Fire Station to the City of Canandaigua. This will be up for discussion in the future when the City is in the position to do so.

Attorney Brocklebank reviewed the revised “uniform contract” with the Board.

Short discussion on the Annual Reports and insurance committee.

RESOLUTIONS:

**TOWN OF CANANDAIGUA
RESOLUTION ADOPTING LOCAL LAW NO. 2 OF THE YEAR 2011**

1. Moved by Councilperson Helming, seconded by Councilperson Brandt, WHEREAS, a resolution was duly adopted by the Town Board of the Town of Canandaigua for a public hearing to be held by said Town Board on March 7, 2011, at 7:05 p.m. at the Town Hall at 5440 Route 5 & 20W., Canandaigua, New York, to hear all interested parties on a proposed local law that would remove term limits on the Chairperson for the Planning Board, and

WHEREAS, notice of said public hearing was duly advertised in the Daily Messenger, the official newspaper of the Town of Canandaigua, on February 24, 2011, and

WHEREAS, said public hearing was duly held on March 7, 2011, at 7:05 p.m. at the Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof, and

WHEREAS, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Canandaigua hereby adopts said Local Law No. - of the Year 2011, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Canandaigua, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Exhibit

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

2. Moved by Councilperson Brandt, seconded by Councilperson Helming

RESOLVED that David Le Clair, Code Enforcement Officer, attend the Finger Lakes Building Officials Association Annual Conference at the RIT Inn & Conference Center, Henrietta, NY, on March 14-17, 2011, to obtain New York State mandated training credits for all Code Enforcement Officials pursuant to Title 19(NYCRR) New York Codes; Rules, & Regulations at a cost of \$390.00.

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

3. The motion was made by Councilman Brandt, seconded by Councilperson Fennelly, to make the following budget transfers for 2010

Moved by Councilman Brandt, seconded by Councilperson Fuller to amend the motion to include

From:	A9060.810	Hospital/Medical Ins	\$1,835.62
To:	A9030.800	Social Security/Medicare	\$1,835.62

Paid out more social security with payroll than anticipated.

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

From:	A1990.400	Special Contingency	\$ 210.00
To:	A5010.130	Highway Account Clerk	\$ 210.00

Bookkeeper did not transfer correct amount in Dec. 6, 2010 TB meeting;
Expense for mid-year raise.

Motion moved as amended by Councilperson Helming, seconded by Councilperson Fennelly

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

3a. The motion was made by Councilman Brandt, seconded by Councilman Fennelly. to make the budget transfer and increase appropriations in the Water Fund in order to provide 202(b) monies from the Water Fund to the Hickox Road-Extension #38 Capital Project Fund. This is to finance the capital improvement to the water system, as approved in the December 6, 2011 Town Board Minutes.

Budget Transfer/Adjustment:

From:	F0599	Appropriated Fund Balance	\$297,220.00	
To:	F9950.900	Interfund Transfer		\$297,220.00

Budget Control General Journal Entry:

Credit :	F0960	Appropriations	\$297,220.00
Debit	F0599	Appropriated Fund Balance	\$297,220.00

Discussion. 4 ayes: Fennelly, Helming, Brandt, Casella 1 abstain Fuller

4. Moved by Councilperson Brandt, seconded by Councilperson Fuller

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING SIGNATURE OF THE CONTRACT FOR THE EPF GRANT
TO FUND DEVELOPMENT OF THE RICHARD P. OUTHOUSE PARK**

WHEREAS, on 8/8/06 the Town of Canandaigua was awarded \$274,098 through the NYS Environmental Protection Fund (EPF) grant program for the purpose of developing the Richard P. Outhouse Park, and

WHEREAS, NYS has forwarded to the Town a draft a contract that will secure the funding and establish basic requirements for grant administration, and

WHEREAS, copies of the draft contract have been presented to and reviewed by the Town Board members and found to be acceptable, and now therefore be it

RESOLVED, the Town Supervisor is hereby authorized to sign the draft contract as presented and to follow up as needed to ensure its proper execution.

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

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

Town of Canandaigua Town Board Resolution
SEQR Determination regarding amendment of
Town Code Chapter 18 – Environmental Conservation board

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, be it further,

RESOLVED, that based on information contained therein as well as input from the public and outside agencies, the Town Board hereby makes a positive/negative determination of significance and directs the Town Supervisor to sign and date the EAF.

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

6.Moved by Councilperson Brandt, seconded by Councilperson Fuller

Town of Canandaigua Town Board Resolution
To adopt Local law # 3 of 2011
Amendment of Chapter 18 – Environmental Conservation board

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 18, and

WHEREAS, the action of adopting this amendment is classified as a unlisted action pursuant to NYCRR, Part 617.5, and

WHEREAS, on 3/7/11 the Town Board held a public hearing to allow for public comment on the proposed amendment, and

WHEREAS, On 3/7/11 the Town Board issued a negative declaration regarding this action and in doing so completed its review pursuant to the implementing regulations of the New York State Environmental Quality Review Act, and

WHEREAS, it is the position of this Board that the proposed changes are necessary to define the powers and duties of the Environmental Conservation Board, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law # 3 of 2011.

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

Exhibit

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

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
TO SET A PUBLIC HEARNG DATE FOR POSSIBLE APPLICATION TO THE
2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Federal Housing and Community Development Act encourages citizen participation both in the preparation of CDBG applications and throughout the implementation of local CDBG projects, and

WHEREAS, to that end the CDBG program specifically requires that, before making application for CDBG funds, the Town hold a minimum of two public hearings, each at a different stage of the application process, for the purpose of obtaining citizens' views and responding to proposals and questions, and

WHEREAS, the first hearing is to allow consideration of possible community development projects and the second is to consider and ultimately authorize application for funds related to a specific proposal, and now therefore be it,

RESOLVED, that a public hearing by the Town Board to allow consideration of possible community development projects to be funded through the 2011 CDBG program will be held on March 28, 2011 at 7:00 pm, in the Town Hall, Town of Canandaigua, New York .

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

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

WHEREAS, bids were opened at the Canandaigua Town Hall on February 28, 2011 for sewer pipe and accessories for the town complex gravity sewer main and

WHEREAS, the lowest bid was from MJ Pipe & Supply for \$ 8,499.40 was withdrawn because the fittings that were bid were not acceptable to the town and

THEREFORE BE IT RESOLVED, that Blair Supply Corp. be awarded the bid in the amount of \$ 8,501.89 as they have met the specifications set forth.

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

9. Moved by Councilperson Brandt, seconded by Councilperson Helming, that the Town Clerk attend the NYSTCA conference in Buffalo May 2-4, 2011 at a cost of \$460 plus travel expenses.

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

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

TOWN OF CANANDAIGUA TOWN BOARD

DECLARATION OF INTENT TO BE LEAD AGENCY

CANANDAIGUA LAKE UNIFORM DOCKING AND MOORING LOCAL LAW

PURSUANT TO 6 NYCRR PART 617 STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Town of Canandaigua enacted Chapter 96, Canandaigua Lake Uniform Docking and Mooring Law (herein after referred to as the Uniform Law) in 1992 and later amended in 2004 pursuant to Section 46-a, Subdivision 4, of the New York State Navigation Law; and

WHEREAS, the Ontario County Planning & Research Department and Canandaigua Lake Watershed Council convened a committee of all municipalities adjoining Canandaigua Lake and other interested parties for the purposes of reviewing the 2004 Uniform Law and to make recommendations for revisions; and

WHEREAS, the Committee has completed its work and reported its findings and recommended revisions to the Uniform Law to the Town Board of the Town of Canandaigua; and

WHEREAS, the adoption of the revised Uniform Law is subject to the provisions contained in 6 NYCRR Part 617 State Environmental Quality Review Regulations (SEQR); and

WHEREAS, the Town Board intends to declare itself the Lead Agency for the above described Action, at its meeting on Monday, April 18, 2011 for the purpose a making the required determination of significance; and

WHEREAS, the Town Zoning Officer has prepared Parts I and II of the Short Environmental Assessment Form for this Action and this information has been reviewed by said Town Board;

NOW THEREFORE, BE IT RESOLVED, that the Town Board determines the Action to adopt amendments to the Town Code, Chapter 96, to be an Unlisted Action under the SEQR Regulations; and

BE IT FURTHER RESOLVED that the Town Board does hereby accept Parts I and II of the above described Short Environmental Assessment Form for this Action and directs that it be filed with the Town Clerk as an attachment to this resolution; and

BE IT FURTHER RESOLVED that the Town Board does hereby declare its intent to designate itself as the Lead Agency for this Action at the Town Board Meeting to be held on March 7, 2011;

BE IT FURTHER RESOLVED that the Town Board does hereby direct the Zoning Officer to provide notices of this declared intent to the following Involved Agencies: the New York State Office of Parks,

Recreation and Historic Preservation; and to the New York State Department of Environmental Conservation.

BE IT FINALLY RESOLVED that the Town Board does hereby direct the Zoning Officer to provide notices of this declared intent to the following Interested Agencies: the Town of Italy Town Board; Town of Gorham Town Board; Town of Middlesex Town Board; Town of South Bristol Town Board; City of Canandaigua City Council; and the Ontario County Planning Board requesting their written responses by noon on Friday, April 8, 2011;

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

11. Moved by Councilperson Brandt, seconded by Councilperson Helming
Town of Canandaigua Town Board
Resolution to Formally Accept the Revised Canandaigua Lake Uniform Docking and Mooring Law

WHEREAS, the Canandaigua Lake Watershed Council reconvened the Committee to review the Canandaigua Lake Uniform Docking and Mooring Law (herein after referred to as UDML) to develop specific recommendations to improve the clarity and enforcement of the UDML with consideration in balancing the multiple uses of the Lake while protecting the ecological integrity of the Canandaigua Lake Watershed; and

WHEREAS, this Committee met on several occasions with Patricia VanDyne and Jean Chrisman being the Town of Canandaigua's representatives on said Committee with other planners, enforcement officers, and citizens; and

WHEREAS, on Monday, February 14, 2011, the revised UDML was presented to the Town of Canandaigua Town Board by committee member Jean Chrisman, Town Zoning Officer, for review; and

NOW THEREFORE BE IT RESOLVED, on Monday, March 7, 2011, the Town of Canandaigua Town Board formally accepts the UDML for the sole purpose of beginning the formal adoption process and directs the Town Zoning Officer to inform Maria Rudzinski Senior Planning with the Ontario County Planning & Research Department, and Kevin Olvany Watershed Program Manager, of said acceptance.

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

12 Moved by Councilman Brandt, seconded by Councilperson Helming,

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, Monroe County Department of Planning & Research is offering training sessions which meet these training requirements and are being offered @Monroe Community Hospital on April 6 and April 20; and,

WHEREAS, monies specifically allocated for this training are available in A8020.400 and A8040.400 leaving a balance of approximately \$5,675 and \$2,475 after payment for this training respectively;

NOW, THEREFORE BE IT RESOLVED, that Richard Gentry at a cost of \$50 and Roy Beecher at a cost of \$25 attend these courses at Monroe Community Hospital on the dates identified.

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

OTHER BUSINESS

None

PRIVILEGE OF THE FLOOR

Yvonne Chavez asked questions regarding the water billing and if it would require hiring someone.

Jim Fletcher- we would not be hiring anyone to do the billing.

Moved by Councilman Brandt, seconded by Councilperson Fuller to move into executive session to discuss pending litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 9:40pm.

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

The Board moved out of executive session at 10:05pm.

The meeting was adjourned at 10:05pm.

Town Clerk