

Canandaigua Town Board 8/29/11

Canandaigua Town Board

Regular Meeting  
August 29, 2011  
6:00 p.m.

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

Others present: Jack Kellogg, Dennis Brewer, Yvonne Chavez, Tom Swartz, Jeff Leenhouts, Linc Swedock and others who did not sign in.

A motion was made by Councilperson Brandt , seconded by Councilperson Fuller , to move into executive session at 6:00 pm to discuss matters leading to an appointment.

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

The board moved out of executive session at 6:50 p.m.

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

Pledge of allegiance lead by Supervisor Casella

A motion was made by Councilperson Brandt, seconded by Councilperson Helming, that the minutes of August 8, 2011 be approved.

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

Motioned made by Councilperson Brandt, seconded by Councilperson Helming that after review and audit of abstract #12 \$74,840.50 General Fund, \$346,905.18 Highway Fund, \$7,981.75 Water Fund, \$20,609.60 Hickox Rd Water Capital Project, \$79.72 Fox Ridge Lighting, \$118.18 Centrepoint Lighting, \$20.48 Lakewood Meadows Lighting, \$759.39 Fallbrook Meadows Lighting , that the bills be paid.

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

Supervisor Casella opened the public hearing on the adoption of the 2011 Comprehensive Plan Update at 7:02 p.m. and advised that it had been properly advertised.

Tim Jensen- DOD- The Comprehensive Plan was posted on the website for the public to review. Tim discussed the topics of the plan which included a wider variety of housing prices, Ag land, Historical resources, Inventory and analysis.

Councilperson Brandt – There were three written letters submitted by the public for comments which will also be entered to the record, but felt the letters would not alter the outcome of the Comprehensive plan at this time.

Councilperson Fuller – The action steps of recommendations and the implementations of the action steps are very comprehensive and next year the board will prioritize the action steps and start working on those. We also have an implementation progress report that we are going to go through and make sure that we are in agreement with what is supposed to happen and will be keeping the public posted.

Small discussion

Supervisor Casella – This has been a lengthy process and thanked everyone for their time and efforts put into it.

Board agreement to make an “Exhibit A” on minor changes.

Councilperson Helming – In the future would like to have a projector available so the Town Board members and public could follow along to review the documents.

Supervisor Casella closed the public hearing at 7:20 p.m.

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

**SEQR DETERMINATION  
2011 COMPREHENSIVE PLAN UPDATE**

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) has determined that the above project is Type I action under the implementing regulations of the State Environmental Quality Review Act (NYCRR Part 617), and

**WHEREAS**, the Town Board has reviewed the Environmental Assessment Form (EAF) on the action as presented by staff, and

**WHEREAS**, on 8/29/11 the Town Board held a public hearing to solicit input regarding the proposed update, and

**WHEREAS**, the Town Board, through completion of Part II of the EAF, has given consideration to the criteria for determining significance as set forth in NYCRR Part 617, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the EAF submitted by staff, and further

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

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

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

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION**

**ADOPTION OF THE 2011 COMPREHENSIVE PLAN UPDATE**

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an update to the existing Town of Canandaigua Comprehensive Plan, and

**WHEREAS**, in 2010 a Citizens Advisory Committee (CAC) was formed to assist Town Staff and a private consultant in drafting an update to the current Town Comprehensive Plan, and

**WHEREAS**, at a 4/25/11 meeting the CAC reached consensus on remaining issues which resulted in completion of a draft document dated 5/10/11, and

**WHEREAS**, the 5/10/11 draft was then forwarded to the Town Board for consideration, and

**WHEREAS**, on 6/27/11, the Town Board forwarded the 5/10/11 draft update to the County Planning Board for their recommendation, and

**WHEREAS**, at their meeting on 7/13/11 the County Planning Board returned a recommendation of approval along with comments which have been reviewed by CAC and the Town Board, and

**WHEREAS**, on 7/21/11 the Citizens Advisory Committee held a public hearing on the draft update, and

**WHEREAS**, on 7/21/11, after closing the public hearing the CAC, by resolution of its voting members, formally recommended the 5/10/11 draft update to the Town Board for their consideration with two minor modifications resulting in a draft dated 7/27/11, and

**WHEREAS**, on 8/29/11 the Town Board held a public hearing to solicit input regarding the 7/27/11 draft, and

**WHEREAS**, on 8/29/11, seeing no increased potential for negative environmental impact, the Town Board, made a negative determination of significance pursuant to the implementing regulations of the NYS Environmental Quality Review Act (SEQR), and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the 7/27/11 draft update to the Town of Canandaigua Comprehensive Plan, with the changes: *shown in" Exhibit A "(attached)*

Discussion: The above resolution was moved by Councilperson Brandt, seconded by Councilperson Helming to be amended.

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

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

#### **PRIORITY BUSINESS**

Jeff Leenhouts- Old Brookside- had gotten signatures for a petition, *but more signatures are needed* to move forward with the process to dedicate a section of land at Old Brookside to the town to be used as trails and playground area, and or whether a district needs to be formed.

Supervisor Casella – We will distribute paperwork on what we have on file at the town of the history of Old Brookside to help with the process moving forward. He suggested to talk with Don Collins, Assessor, to prepare criteria for the process.

Discussion on filing petition and protocol by Attorney Brocklebank.

Supervisor Casella – At the next board meeting we will be setting a public hearing.

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

Yvonne Chavez- Middle Cheshire Rd- inquired of a traffic study on Cdga/Farmington Townline Rd.

Jim Fletcher- there was a TE-9 filed and therefore a traffic study needs to take place.

Jack Kellogg- West Lake Rd- inquired about Hydrofracking in the area.

Councilperson Helming – We are waiting to see what the DEC has to finalize on the matter and then what direction to take.

Supervisor Casella- We're waiting to hear from the County and other municipalities on hydrofracking . We don't know what needs to be regulated or monitored at this time. Right now there is no hydrofracking in the State of New York. The Town Board will address in the future what needs to happen regarding regulations if need be.

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

- 1) NYS Dept. of Taxation & Finance regarding equalization rate.
- 2) NYS DOT regarding traffic study on Cdga-Farm TL Rd.
- 3) Rural Futures
- 4) The Inside Dirt

#### **HIGHWAY DEPARTMENT REPORT- Jim Fletcher**

1. Will complete Middle Cheshire Rd by the end of September.
2. Will be paving New Michigan Rd second week of September.
3. Helping Town of Farmington pave
4. Waiting on Army Cor to get us the permit for the town sewer complex.
5. Drainage study on Laura Lane. Need to address the problem of too much water and too small of a pipe. Flooding in the neighborhood.
6. An ISO rating was done for the Cheshire Fire District. The improvements on Hickox Rd increased the gallons per minute of water.
7. Water meters are being installed. Training will start with new Bas program for water.
8. Will be replacing a PRV on Foster Rd next week. Water will be off for a short time.
9. The 2 park trucks were in disrepair. Need to be replaced with upcoming budget.

10. Church group painted upland buildings for Onanda.
11. Working with Brian Kolb's office to help find funds from Naples sewer project and see if the funds can be used for Purdy Rd project.

Greg Hotaling- gave an update on the flooding situation on Laura Lane. The piping has been compromised over the years and run off drainage water from Waterford Point, Wyffels , and Middle Cheshire Rd has added to the problem. Will be putting together a proposal for the town to review.

Small discussion of drainage issue

Councilperson Fuller- suggested that maybe there should be more of a comprehensive study done as she has heard complaints of drainage problems too.

Greg Hotaling- because of the hardship of economic and financial needs for Purdy/Mobile sewer, Greg discussed a hardship application approach that works like a grant. Will look further into potential funding.

#### **DIRECTOR OF DEVELOPMENT REPORT- TIM JENSEN**

Purdy Rd/Mobile Rd Sewer: No new of status grant application yet.

Wyffels PDR: Request for contract ext. through end of 2012 was signed and sent to State. We should be ready to have a meeting of all those involved in a few weeks to sign the revised documents and forward to NYSDAM to review.

Outhouse Park: Laurie Moore at NYS Parks got back to use with feedback on park plans.

2011 Code Updates: Staff met with EDR on 8/24 to work out details on clustering sections. Discussed assistance with EDR needs to develop Natural Resources Inventory.

The Hammock Apartments (formerly Amber Meadows): Planning Bd review of the preliminary subdivision continues.

Villas Trail: Based on direction received from the Town Board at 8/8/11 meeting, a revision to the Incentive Zoning was drafted and forwarded for review.

Tim Jensen handed out new resolution on authorizing town staff participation in the code enforcement disaster assistance response program.

Discussion on resolution

Supervisor Casella – I will need to speak with Ed Perago, insurance agent, to see that the town is covered for this. Will act on resolution in the future.

#### **SUPERVISOR'S REPORT**

- 1) Budget worksheets have gone out and will be meeting with department heads soon. The biggest challenge we are facing with the budget is the 2% tax cap and are waiting for guidelines set by the comptroller's office for this matter.
- 2) The new Book keeper doing a great job.
- 3) On workplace violence- We have to do another round of training. Sherman Manchester will be coming to the town at some point to conduct required training. I am looking into an electronic version of workplace violence through the County.
- 4) Will be meeting with Dennis on Sept. 7<sup>th</sup> to discuss possible skating rink.
- 5) I will be at the Cdga. High School for the first day of school to meet and greet with students.
- 6) I was invited to a kick-off meeting at the Yacht Club on behalf of the tour of homes in the town by the town Historian.

The Town Board set up the following budget workshop schedule: September 26 @ 4pm, October 11<sup>th</sup> @ 4pm, October 17<sup>th</sup> @ 4pm.

**REPORTS OF ANY STANDING COMMITTEES**

Parks and Recreation- Dennis Brewer

- 1) Will be meeting September 7<sup>th</sup> for a Trails Committee meeting held at Onanda at 6:30 pm
- 2) Will be meeting September 14<sup>th</sup> for the Auburn Trail Feasibility Study public meeting at 6:30pm held at Farmington Town Hall.
- 3) West Lake School House will be closing this Monday for the year.
- 4) The VA hospital gave the preschool class ceiling tiles to decorate. The kids did a great job decorating and were thanked.
- 5) The West Lake School house and Onanda will be on the tour of homes.
- 6) Survey was handed out to the parents of the school children who attended programs this year. The response was well received.

**RESOLUTIONS**

1. Motioned by Councilperson Helming, seconded by Councilperson Fuller,

Town of Canandaigua Town Board Resolution  
Designation of Enforcement Officer  
Canandaigua Lake Uniform Docking & Mooring Law

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) adopted a local law on July 18, 2011, amending in its entirety Chapter 96, of the Town Code, entitled Canandaigua Lake Uniform Docking & Mooring Law; and

**WHEREAS**, Chapter 96, Section 96-5, Definitions, notes the definition of "Enforcement Officer" as "the official designated by the legislative body of this locality to enforce the provisions of this local law"; and

**BE IT RESOLVED**, that the Town Board hereby designates the Zoning Inspector (aka Zoning Officer) as the primary official charged with enforcing the provisions of Chapter 96.

**BE IT FURTHER RESOLVED**, The Town Board hereby designated the Town Code Enforcement Officer as a secondary official charged to enforce the provisions of Chapter 96 in the event that the Zoning Officer is unable to serve as the primary official charged to enforce the provisions of Chapter 96.

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

2. Moved by Councilperson 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**, the NY Planning Federation is offering training sessions which meet these training requirements and are being offered at the Crowne Plaza in Albany, New York on October 9, 10, and 11, 2011; and,

**WHEREAS**, monies specifically allocated for this training are available in A8040.200 leaving a balance of approximately \$4,500 after payment for this training;

**NOW THEREFORE, BE IT RESOLVED**, that Joyce Marthaller at a cost of \$507.96 to attend this conference in Albany, New York on these dates.

5 ayes: Fennelly, Fuller,

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

**WHEREAS**, Development Office staff is encouraged to obtain training hours annually specific to planning and zoning topics; and,

**WHEREAS**, the NY Planning Federation is offering training sessions which meet these training requirements and are being offered at the Crowne Plaza in Albany, New York on October 9, 10, and 11, 2011; and,

**WHEREAS**, monies specifically allocated for this training are available in A8010.400 leaving a balance of approximately \$2,000 after payment for this training;

**NOW THEREFORE, BE IT RESOLVED**, that Jean Chrisman at a cost of \$507.96 to attend this conference in Albany, New York on these dates.

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

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

**PUBLIC HEARING DATE  
FORMATION OF PURDY RD/MOBILE RD SEWER DISTRICT EXTENSION**

**WHEREAS**, the Town Board, is considering a formation of a district to ultimately provide sanitary service to properties along Purdy Rd, Mobile Rd and State Rt 332 as described in the MRB Engineer's Report dated 8/1/11, and

**WHEREAS**, NYS Town Law requires that the Town Board hold a public hearing before deciding on the proposed district formation, and

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing by the Town Board with respect to the proposed district formation will be held on September 19<sup>th</sup>, 2011 at 7:00 p.m., in the Town Hall, Town of Canandaigua, New York.

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

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

**PUBLIC HEARING DATE  
AMENDING THE INCENTIVE ZONING FOR THE VILLAS AT CANANDAIGUA**

**WHEREAS**, the Town Board, is considering an amendment to the Incentive Zoning for the Villas at Canandaigua, specifically to extend by ~~six months~~ **(18 months)** the period within which a hiking/biking trail connecting Middle Cheshire Road and County Road 16 must be completed, and,

**WHEREAS**, NYS Town Law requires that the Town Board hold a public hearing before deciding on the proposed amendment, and

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing by the Town Board with respect to the proposed amendment will be held on September 19<sup>th</sup>, 2011 at 7:00 p.m., in the Town Hall, Town of Canandaigua, New York.

Discussion

The above resolution was moved by Councilperson Brandt, seconded by Councilperson Fuller , to be amended.

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

Moved by Councilperson Brandt, seconded by Councilperson Helming to approve as amended.

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

6. Motioned by Councilperson Brandt, seconded by Councilperson Helming, to appoint Naida Haruieux to the Environmental Conservation Board ( ECB)to fill the term of Greg Case , term ending 12/31/12.

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

7. Motioned by Councilperson Brandt, seconded by Councilperson Fennelly, to appoint Jennifer Kehoe to the Environmental Conservation Board ( ECB) to fill the term of Lew Smith, term ending 12/31/11.

4 ayes: Fennelly, Fuller, Brandt, Casella 1 nay: Helming

**PRIVILEGE OF THE FLOOR**

no one spoke

A motion was made by Councilperson Brandt, seconded by Councilperson Helming, to move into executive session at 9:15pm, regarding the employment 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.

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

The board moved out of executive session at 10:35 p.m.

The meeting was adjourned at 10:35 p.m.

Jean Mackay  
Deputy Town Clerk

