

Canandaigua Town Board
Regular Meeting
September 19, 2011
7:00 pm

Present:

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
Terry Fennelly	Councilperson, necessarily absent

Others present: Dennis Brewer, Vince Burke, Jack Kellogg, Kevin Reynolds, Barb Hoke, Betty Day, Donald Cisco, S. Witt, Ray Henry, Jim Crane, Greg Hotaling and others who did not sign in.

Pledge of allegiance – lead by Ralph Brandt

Moved by Councilman Brandt, seconded by Councilperson Fuller that the minutes of 8/29/11 be approved. Moved by Councilperson Helming, seconded by Councilperson Fuller that the minutes be amended. 4 ayes: Helming, Fuller, Brandt, Casella

Moved by Councilperson Helming, seconded by Councilman Brandt that minutes be approved as amended.

4 ayes: Helming, Fuller, Brandt, Casella

Moved by Councilperson Fuller, seconded by Councilman Brandt, that after review and audit of abstract #62,791.34 general fund, \$117,445.91 highway fund, \$22,320.02 water fund, \$1,165.00 sewer capital project, \$4,560 Hickox Rd water capital project, \$739.72 Fox Ridge Lighting, \$250.39 Centrepont Lighting, \$66.62 Lakewood Meadows lighting, \$107.25 Fallbrook Meadows lighting that the bills be paid. 4 ayes: Helming, Fuller, Brandt, Casella

PUBLIC HEARINGS

Supervisor Casella opened the public hearing on the formation of the Purdy/Mobile Rd. sewer district extension at 7:03 pm and advised it had been properly advertised.

Greg Hotaling gave an overview of the district which goes from 1880 Route 332 to Purdy and Mobile Road.

Total cost of the project is \$1,007,000. Funding from the grant would be \$600,000, total charge to residents would be \$582/unit/year. There would be a onetime connection fee of \$1900 and a cost of \$2000-\$3000 to take care of the old septic system.

This is a public interest order to help obtain grant funds.

The next step after this would be the district formation then an operational agreement with the Town of Farmington.

If this grant was received there is a grant available to defray costs of the hook-up through the Office of Community Renewal. These grants are based on income of residents in this district.

Jim Crane-there is no requirement to hook up to the system unless the septic system has failed and it is the choice of the resident whether to fix the system or hook up to the septic.

Residents that attended had concerns on being able to afford the district.

Supervisor Casella advised the residents that the Town would explore all options to try and make this affordable.

Greg Hotaling –options could be explored with the Clean Water Fund.

Discussion on if there was 202b money available.

Jim Crane- there is no parent district so there is no 202 b money. The district must be formed by the residents and paid for by the residents.

Attorney Brocklebank-this is a public interest order, not a final adoption. We need to wait and see if we get the grant. If we do receive the grant we will do a final order, with a public hearing , then there would be a permissive referendum period.

Supervisor Casella adjourned the hearing to October 3, 2011.

Supervisor Casella opened the public hearing on the Local Law amending the Incentive Zoning for the Villas at Canandaigua at 7:45pm and advised it had been properly advertised.

Tim Jensen-a condition was put on the builder to build a trail. He was originally given 6 months from the time of the sewer dedication. This would amend that condition to 18 months from time of sewer dedication.

Supervisor Casella closed the public hearing at 7:46pm.

PRIORITY BUSINESS

None

PRIVILEGE OF THE FLOOR

Ray Henry –reminded everyone that the Tour of Homes was this Sat., September 24th. He thanked the board for their support of this event.

HIGHWAY REPORT – Jim Fletcher

1. Finished paving New Michigan road. Will be installing shoulders soon
2. Middle Cheshire road was paved and will be working on installing sidewalk and prepping for grass seed.
3. Center lines and edge lines will be painted this week and next on the roads.
4. The state has decided to not make us have the road name signs all changed out by 2015, but we still have to do the stop, stop ahead, double arrow, and any other warning sign by 2015.
5. FEMA has given me a proposed final figure for the reimbursement to the town for the flooding we had this spring. The amount to be paid for work done by town forces is \$ 480,508.28. This is for labor, equipment, materials, and administrative time. I also have \$125,330.00 in mitigation funds to fix areas that still need work to prevent future flooding.

Water

1. Received the final site plans that were approved for the Day road chlorine room from the DOH. Start this project in October.
2. Water meters are still going strong on the replacement of them in the town's water district.
3. Will be finishing cleanup of water main on Hickox Road this week and next.

Parks

1. Parks is down to one truck the other truck that I let them borrow that was to go to auction has a fuel injector issue. Looking in to the cost of repair.
2. Will have one receptacle at Pierce Park due to vandalism.
3. Screened topsoil for the ball fields at Outhouse Park. Will have them surveyed this month to grade and then seed them in October.

The electric, building design, lighting, are all being worked on for Outhouse Park.

DIRECTOR OF DEVELOPMENT –Tim Jensen

Purdy Rd Mobile Rd Sewer: The CDBG grant review process has been delayed through a change at the State level in how they are to be reviewed and ultimately awarded. It's estimated we will have an answer by the end of the year.

.Wyffels PDR: Documents are being finalized and will be resubmitted within the next week or

so.

Outhouse Park: Laurie Moore at NYS Parks met with Jim Fletcher, Kathy Vendel and I this past Wednesday to go over procurement, bidding and reimbursement requirements. We reviewed the proposed site plan and she saw no problems with any of the changes from the concept sent in with the grant application. It looks like we're still on schedule.

Comp Plan: I met with Oksana and am in the process of making the needed corrections. The Plan will be posted online as soon as the changes are complete.

2011 Code Updates: I will have a draft of all the changes ready for your review next week. I would like to have the Board pick at least two times in the next month for working meetings to go over the draft.

The Hammock Apartments (formerly Amber Meadows): Planning Board review of the preliminary subdivision continues. The applicant will be seeking needed area variances from the ZBA at the October meeting.

Villas Trail: The LL has been revised and is ready for a decision at the meeting on the 19th.

Countywide Support Staff Group: That group (support staff from around the County) is set to hold their second meeting of the year on the September 29th in King hall at Onanda Park.

SUPERVISOR'S REPORT

1. Watched the webinar on the 2% budget cap. Discussed the merits of overriding the 2% tax cap.
2. Spoke with Mike Cronin of the Civic Center about the outside ice skating rink that is proposed and he said it would need to go before the Civic Center board. Dennis Brewer said the Parks Committee is in favor of it if there was manpower to maintain it.

REPORTS OF ANY STANDING COMMITTEES

Parks Committee – Dennis Brewer

1. Committee is going to review canoe/kayak policy.
2. Attended the Auburn feasibility study public hearing with Terry Fennelly.
3. The Lions Club is going to donate 15 trees for Blue Heron Park.
4. Will attend the Lions Club meeting with Tim Jensen on Wed. night.
5. The trails committee will work with DOT on an alternate trail for the Wegman's project.
6. The committee also discussed raising the rent for the Sheriff's at Onanda by \$500. Supervisor Casella will look into this.

Councilperson Fuller asked about using the boat launch at Onanda because of the State boat launch being under construction.

Dennis Brewer- the town cannot make this decision it is up to the State. Plus, the park is still busy with rentals for the next couple of months.

REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

No report

RESOLUTIONS AND MOTIONS:

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

Town of Canandaigua Town Board Resolution

SEQR Determination and adoption of an Amendment to Local Law 13 of 2007 - Incentive Zoning for Villas of Canandaigua

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Local Law 13 of 2007 that rezoned the lands from R-1-30 to Incentive Zoning, and

WHEREAS, the amendment is intended to allow an additional twelve months for construction of a previously approved hiking/biking trail, and

WHEREAS, adopting this amendment is classified as a unlisted action pursuant to NYCRR, §617, and

WHEREAS, on 9/19/11 the Town Board held a public hearing to allow for public comment on the proposed amendment, and

WHEREAS, the Town Board has reviewed the completed EAF as submitted by staff, and

WHEREAS, it is the position of this Board that the proposed changes are administrative in nature, will not change the scope or impact of the previously approved development, and are needed to ensure orderly development of the Townhouses development as well as the trail, 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 and outside agencies, the Town Board hereby makes a negative determination of significance and directs the Town Supervisor to sign and date the EAF, and further

RESOLVED, that the Town Board does hereby adopt Local Law # 7 of 2011 amending Local Law 13 of 2007.

4 ayes: Helming, Fuller, Brandt, Casella

EXHIBIT Local Law #7 of 2011

2. Tabled. Moved by, seconded by

Re: Pactiv Corporation Economic Development Project

WHEREAS, the Town of Canandaigua (“Town”) previously applied to the Office of Community Renewal for Fiscal Year 2011 Open Round Economic Development grant program under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, through the Small Cities Community Development Block Grant Program (“OCR Grant”), relative to the Pactiv Corporation Economic Development Project, and

WHEREAS, the OCR Grant was awarded to the Town in June 2011, and furtherance of the implementation of the OCR Grant, and pursuant to the OCR Grant requirements, the Town and Pactiv Corporation have agreed to enter into a Development Agreement to establish the rights and responsibilities of each relative to the administration of the OCR Grant,

NOW, THEREFORE, BE IT RESOLVED that, the Town Board
Authorizes the Supervisor to execute the Development Agreement; and
Authorizes the Supervisor, from time to time, to undertake any and all actions necessary and/or incidental to the administration of the OCR Grant, including the execution of any documents deemed necessary and/or incidental to the administration of the OCR Grant.

3. Tabled.

Moved by Councilperson ,seconded by Councilperson ,to accept the proposal from MRB, Group for the Wyffels Road and Laura Lane Drainage.

4. Bids were open on September 9th 2011 at 9 am for the bidding of one used 2007 road tractor. The town received one bid from Beam Mack in the amount of \$ 54,600.00. Motion to award the bid to Beam Mack for \$ 54,600.00 moved by Councilman Brandt, second by Councilperson Fuller.

4 ayes: Helming, Fuller, Brandt, Casella

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

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
AUTHORIZING TOWN STAFF PARTICIPATION IN THE
CODE ENFORCEMENT DISASTER ASSISTANCE RESPONSE PROGRAM

WHEREAS, in the event of a disaster, many communities do not have enough sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster; and

WHEREAS, the New York Department of State’s Division of Code Enforcement and Administration (DCEA), in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response); and

WHEREAS, the Town of Canandaigua supports the CEDAR program and supports the participation in the program by code enforcement officials employed by the Town; and

WHEREAS, the Town Board has received written confirmation from CIG Insurance Agency stating Public Officials Liability Insurance will include the Town’s Code Enforcement Officials assisting in other Townships in NYS during an emergency and;

NOW THEREFORE BE IT RESOLVED, that Code Enforcement Officers David LeClair and Dale Zukaitis are authorized to work with the Code Enforcement Disaster Assistance Response program to provide mutual aid to New York communities.

~~**BE IT FURTHER RESOLVED**, that the Town of Canandaigua agrees to provide indemnification and insurance coverage for said Code Enforcement Officers while acting as part of the CEDAR Team for mutual aid purposes.~~

Councilperson Helming moved to amend the above seconded by Councilman Brandt,
4 ayes: Helming, Fuller, Brandt, Casella

Moved as amended by Councilperson Helming, seconded by Councilman Brandt,
4 ayes: Helming, Fuller, Brandt, Casella

OTHER BUSINESS

None

PRIVILEGE OF THE FLOOR

None

Supervisor Casella moved to move into executive session seconded by Councilman Brandt, at 9:07pm for the medical, financial, credit or employment history of a particular person or corporation, or matters.
4 ayes: Helming, Fuller, Brandt, Casella

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

The meeting was adjourned at 10:10pm.

Judith H. Carson
Town Clerk