

Canandaigua Town Board
Regular Meeting
May 9, 2011
5:45 pm

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
Don Collins	Assessor

Others present: Paula Benway, Dennis Brewer, Greg Hotaling, Jean Chrisman, Tom Schwartz, Kevin Reynolds, Scott Price, M/M Tim McMahon, Yvonne Chavez, Lew Smith, Jack Kellogg, Bob Cantwell, Jerry Goldman, Jay Wegman and others who did not sign in.

Moved by Councilman Brandt, seconded by Councilperson Fuller to move into executive session for matters leading to an appointment at 5:45pm.

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

The board moved out of executive session at 6:10 pm.

6:10 pm - Workshop on Administrative Fees Local Law

7:35 pm Supervisor Casella lead the pledge of allegiance

Councilman Brandt, seconded by Councilperson Fuller moved that the minutes of April 18th and 25, 2011 be approved.

4 ayes: Fennelly, Fuller, Brandt, Casella 1 abstain Helming for minutes of April 18th.

5 ayes: Fennelly, Fuller, Brandt, Helming, Casella for minutes of April 25th.

Moved by Councilman Brandt, seconded by Councilperson Fuller that after audit and review of abstract #7 \$105,798.50 general fund, \$84,527.75 highway fund, \$15,516.25 water fund, \$6,871.35 Hickox Rd. water capital project, \$8,600. H17R. Outhouse Park Capital project, \$293.10 Lakeside Estates Drainage that the bills be paid.

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

PUBLIC HEARINGS

Supervisor Casella opened the continued hearing on the Local Law to rezone a portion of Tax map #83.00-1-7.00, located at the City and Town line Bristol St. from R1-20 to Multiple Residential at 7:40.

Attorney Jerry Goldman - this hearing was adjourned in April for two reasons, to hear back from the County Planning Board and to get final comments from SRF Consultants. In regards to traffic, written responses have been submitted and a lot of the comments have been taken care of. The County Planning Board deemed this as a Class II Action with comments. The comments that they have will be discussed at the Planning Board level.

Bob Cantwell-BME,-in response to the County's comment on sewer a letter was received from the Canandaigua Waste Water on 1/6/11. The Developer fully acknowledges that they have to go back and amend the agreement between the Town and the City for the flow into the system. The capacity is available for this project.

Paula Benway-the traffic study for this project was done in February. There was very little pedestrian traffic at that time. This was not done during February break. The intersection at Bristol and West St. is one of the higher volumes of traffic. A percentage was added to the study for traffic for when the project is totally built out.

Mrs. McMahon-Bristol Rd. – asked about the zoning.

Bob Cantwell – gave an overview of the project. That it is on 25 acres with 198 apartment units. There will be 8 garages along with surface parking spaces. There are two entrances with one in the Town and the other adjacent to the West/Bristol St. intersection. There will be one lot left in the development for one home to be built on.

Scott Price-Bristol Rd. – asked about what is proposed for the City section of the project and if this is consistent with the Master Plan.

Bob Cantwell – the approval for 34 patio homes has expired. The proposal to the City will be a project that compliments this project.

Jerry Goldman – this is consistent with the Master Plan.

Mrs. McMahon-stated that they are uncomfortable with the number of people this project could bring in compared to the number if it was single family homes.

Jay Wegman- This is mainly designed for empty nesters and young professionals.

Bob Cantwell- the population will be in the same range as single family homes.

Discussion on traffic control. At this time it does not warrant any new traffic controls.

Supervisor Casella closed the public hearing at 8:10 pm.

Supervisor Casella called for a short recess.

The board moved back into session at 8:20 pm.

PRIORITY BUSINESS

Eric Bond –Bond Financial Network, gave an overview of Health Insurance for the Town's upcoming renewal.

Michael Ndolo – Camoin Associates, we are applying for an Economic Development Grant from CDGB for Pactiv. Pactiv was recently bought out by the Reynolds Company and they are looking to make an investment in this plant. We need the support of the Town to apply for this grant.

Bob D'Ottavio - Pactiv plant manager, with this grant multiple production lines will be installed. Fifty additional jobs will be added. It will also give the plant the flexibility to attract new businesses.

There will be administrative reimbursement to the Town. Explained the timeline – resolution to follow for setting the public hearing.

Supervisor Casella stated that he had received a letter of NYS Ag and Markets regarding lateral restrictions for Water Ext. 36 (Hickox Road). In their review of the district it was determined that the proposed action would have an unreasonably adverse effect on the continuing viability of farm enterprises within Ontario County Agricultural District Number 1. The residents in this Ag District have been notified. No one had any objections to the restrictions.

It was the consensus of the Board that the Supervisor should sign the document placing lateral restrictions on Water Ext. 36 (Hickox Road) per the recommendation of the Commissioner of Agriculture and Markets.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Letter from Independent Oil & Gas Association regarding prospects of natural gas development in NYS.
2. Letter from Time Warner Cable regarding their "Going Green Initiative".
3. Letter from US Department of Commerce a online voluntary survey.

4. The Inside Dirt
5. Ontario Pathways
6. Ontario County Emergency Management Office- Preliminary Damage Assessments
7. Monroe County Department of Planning

HIGHWAY DEPARTMENT REPORT – Jim Fletcher

1. Met with FEMA to assess the damage from the recent storms. There may be funds available.
2. Repairing roads from the recent flooding.
3. Will be doing repair on walking paths on Middle Cheshire Rd. from Butler Road.
4. Rocco Venezia, surveyor, will be laying out sewer line.
5. Working with Ontario County to get people to help with the clean up at Onanda Park.
6. Fire alarm is installed at Gorham Lodge.
7. The annual water report has been filed.

DEVELOPMENT OFFICE – Tim Jensen

Greg Hotaling, MRB – showed proposed building designs and a site plan for the Richard P. Outhouse Park. Discussion followed on the four season building, including a kitchen/modules, and porch. Greg will come back in the future with prices.

CDBG Grants: Staff is following up on amending the 2011 submission in accordance with the audit done by the NYS Office of Community Renewal.

Wyffels PDR: Nothing new to report.

Outhouse Park: The Town Board is being asked to consider supplementing the Town's contribution to the project by \$100,000 to offset increased costs related to inflation as well as the addition of a four season building to the overall plan. The executed contract will not be back from the State for a month or so but I have gotten assurances from NYS Parks that state approval of the contract is a formality with little chance that we won't get the funding.

Comp Plan: Final comments from the committee were discussed at the meeting on April 25th.

2011 Code updates: Several sets of recommendations are being brought before the Town Board for consideration. These include those related to site plan, special use permits and non-conforming uses, and the methodology for the enhanced environmental overlay.

Villas Trail: Nothing new to report. It's my understanding that the engineer for the Villas (BME) has met with NYSDOT rep's and received direction on finalizing the trail plan. Once we have a plan that meets state requirements, a realistic cost estimate can be discussed if the applicant still wishes to ask the Town to accept a cash payment instead of actually building the trail themselves. If not, the sewer easement has been dedicated to the City which starts the six month period within which the applicant must build the trail.

ASSESSOR'S REPORT – Don Collins

1. Tentative Roll has been filed. Changes in assessment total \$15 million dollars.
2. Grievance Day in May 24th.
3. The Equalization is 100%.
4. Attended an appraisal course in Watertown
5. Met with several landowners on flood damage.
6. Would like to expand the web site into three categories-1) Ag Land Sales 2) Tear Down Sales 3) Commercial Sales

SUPERVISOR'S REPORT

Went to Albany, and our area was identified as an area hit hard by the recent flooding.

REPORTS OF ANY STANDING COMMITTEES

No report

REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

Dennis Brewer- the Trails committee will meet on Monday the 16th at 6:30 PM at Onanda to walk the Barnes Road Trail.

The Parks Committee will meet on June 8th at Onanda.

RESOLUTIONS:

Moved by Councilperson Brandt, seconded by Councilperson Fennelly,

REZONING A PORTION OF TAX MAP PARCEL 83.00-1-7.00
FROM R-1-20 TO MULTIPLE RESIDENTIAL
SEQR

WHEREAS, the Town Board, is considering a local law to rezone a portion of tax map parcel 83.00-1-7.000 from R-1-20 to Multiple Residential, and

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

WHEREAS, for the purposes of the rezoning the Town Board is the only involved agency and by default shall serve as the lead agency, 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;

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.

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

Moved by Councilperson Brandt, seconded by Councilperson Fuller

Town of Canandaigua Town Board Resolution
Local Law 5 -2011

Rezoning A portion of tax map parcel 83.00-1-7.00
from R-1-20 to Multiple Residential

WHEREAS, the Town Board, is considering a local law to rezone a portion of tax map parcel 83.00-1-7.000 from R-1-20 to Multiple Residential, and

WHEREAS, the Town Board has adopted a list of findings to be kept on file at the Town, and

WHEREAS, the Town has complied with applicable procedural requirements as described in said findings, and

WHEREAS, it is the position of this Board that the proposed zoning is in conformance with the goals of the adopted Comprehensive Plan,

WHEREAS, it is the position of this Board that the area to be rezoned is suitable for the uses allowed under Multiple Residential zoning, with minimal potential for environmental impact beyond what would result from development under the existing zoning, and now there be it

RESOLVED, the above referenced local law rezoning a portion of tax map parcel 83.00-1-7.000 from R-1-20 to Multiple Residential is hereby adopted, and further

RESOLVED, that the Official Town Zoning Map is hereby amended as described in the local law, and further

RESOLVED, that the Town Board does hereby direct staff and the Town Clerk to complete and file all additional paperwork as may be required by law.

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

1. Moved by Councilperson Brandt, seconded by Councilperson Fuller, that the Supervisor sign the Agreement for Services for 2011 between the Town of Canandaigua and the Canandaigua Lake Watershed Commission.

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

2. Moved by Councilperson Brandt, seconded by Councilperson Fuller, that the letter of credit for Lakewood Meadows Subdivision, Sections 5A and 7A in the amount of \$468,840.21 and \$807,940.13 be approved per recommendation of the Attorney for the Town.

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

3. Moved by Councilperson Brandt, seconded by Councilperson Fuller, that Richard Szkapi be appointed to the Zoning Board of Appeals to fill the term of Pat VanDyne ending 12/31/13 and that the first year training requirement be waived to annual training because he was a former member of the Board.

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

4. Moved by Councilperson Helming, seconded by Councilperson Fuller, that Alexandra Schenk be appointed to the Parks and Recreation Committee to fill Barb Rose's term ending 12/31/15.

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

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

WHEREAS, the Town of Canandaigua has established a capital project named Richard P. Outhouse Park Capital Project at the April 18, 2011 board meeting, and

WHEREAS, the Town of Canandaigua has \$36,499.15 in a capital project "Development of Town Parks and Recreation", which was phase I of the Outhouse Park project from 2003, and

WHEREAS, in 2003 the monies for the Phase I project were allocated from the General Fund fund balance, and

WHEREAS, it is legal by NYS law to transfer these monies to Phase II of this same project and close the previous capital project, therefore be it now

RESOLVED. That the following transfer of monies be made:

From: H5 9950.900 Devel. Of Town Parks & Rec – Interfund Transfer \$36,499.15

To: H17 5031 Richard P. Outhouse Park Cap Project \$36,499.15

RESOLVED, that the capital project Development of Town Parks and Recreation be closed.

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

6. Tabled. Moved by Councilperson _____, seconded by Councilperson _____

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
TO SET PUBLIC HEARING DATE FOR PROPOSED AMENDMENT TO ALLOW
CHAPTER 111 OF TOWN CODE – FEES**

WHEREAS, the Town Board has identified the need to amend Chapter 111 of Town Code, and

WHEREAS, the Town Board has been presented with the 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 May 30th, 2011 at 7:00 p.m., in the Town Hall, Town of Canandaigua, New York.

7. Moved by Councilperson Helming, seconded by Councilperson Brandt

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
INTENT TO APPLY FOR 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM FUNDS FOR LATERAL CONNECTIONS IN THE PURDY RD/MOBILE RD
SEWER DISTRICT.**

WHEREAS, the Community Development Block Grant (CDBG) Program funds local projects to provide safe wastewater disposal systems, and

WHEREAS, the Town of Canandaigua is currently seeking 2011 CDBG funds to pay a portion of the cost to install sanitary sewer service in a newly formed sewer district along Purdy Rd and Mobile Rd, and

WHEREAS, many of the households in this area are considered to have income levels considered to be low to moderate, and

WHEREAS, installation of the sanitary sewer line will go a long way towards addressing the ongoing public health threat related to continually failing onsite sewage disposal systems along Purdy Rd and Mobile Rd, and

WHEREAS, lateral connections from the individual homes to the sewer line will be needed and are not included as part of the 2011 CDBG request for funds, and

WHEREAS, additional funds will be needed to offset the cost of lateral connections and other needed site work, normally paid by individual land owners, and

WHEREAS, the CDBG Program includes funding of up to \$400,000 to pay for lateral connections to low and moderate income households, and now therefore be it

RESOLVED, that the Town Board hereby establishes our intent to, if funds are secured for installation of the sanitary sewer line, apply for 2012 CDBG Residential Water/Wastewater System Assistance Program funds specifically to offset the cost of lateral connections to the Purdy Rd and Mobile Rd sanitary sewer.

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

8. Moved by Councilperson Brandt, seconded by Councilperson Helming

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
INTENT TO ACQUIRE BONDS FOR LOCAL MATCH TO FUND INSTALLATION OF
SANITARY SEWER ALONG THE PURDY RD AND MOBILE RD**

WHEREAS, the Community Development Block Grant (CDBG) Program funds local projects to provide safe wastewater disposal systems, and

WHEREAS, the Town of Canandaigua is currently seeking \$600,000 in 2011 CDBG funds to pay a portion of the cost to install sanitary sewer service in a newly formed sewer district along Purdy Rd and Mobile Rd (the project), and

WHEREAS, a local match currently estimated at \$407,000 will also be needed to fund the project, and now therefore be it

RESOLVED, that the Town Board hereby establishes our intent to acquire serial bonds in sufficient amounts equal to the difference between the actual CDBG award amount and the total cost of the project.
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

9) A motion was made by Councilperson Brandt, seconded by Councilperson Fennelly, for the Highway Superintendent to stay (3) nights at the Clairon University Hotel at a cost of \$119.95 per night during the 2011 Highway School in Ithaca, NY on June 5th, 6th, and 7th.

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

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

**AUTHORIZING SUBMISSION OF A 2011 ECONOMIC DEVELOPMENT OPEN ROUND
GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Town of Canandaigua is committed to encouraging economic development initiatives that will enhance job opportunities for its citizens; and

WHEREAS, the Town of Canandaigua has identified the expansion of production capacity at the Pactiv Corporation facility located at 5250 North Street, 2480 Sommers Drive, Brickyard Road, Canandaigua, NY 14424 as a way to bring quality employment opportunities to the Town; and

WHEREAS, Pactiv Corporation, with assistance from the Town, plans to create 50 new jobs in the Town of Canandaigua and make significant investments; and

WHEREAS, Pactiv Corporation is currently in need of assistance with machinery and equipment purchase costs and employee training costs for the proposed expansion of the Canandaigua facility; and

WHEREAS, the only affordable means to secure funding to assist Pactiv Corporation with the significant machinery and equipment purchases it will face in expanding production at their Canandaigua location is through the New York State Office of Community Renewal's (NYSOCR) Community Development Block Grant Program; and

WHEREAS, the Town of Canandaigua is an eligible applicant under the NYSOCR Community Development Block Grant Program, and

WHEREAS, the application for said grant assistance requires the submission of certifications along with and as part of said application;

NOW, THEREFORE, BE IT RESOLVED, by the Town of Canandaigua Town Board, being the governing body thereof, that Supervisor Samuel J. Casella is hereby authorized and directed to:

Sign and submit an Economic Development Open Round grant application for up to \$750,000 to the NYSOCR to provide Pactiv Corporation with assistance with employee training and equipment purchases;

Act as authorized representative of the Town of Canandaigua in connection with the submission of the application; and

Provide such additional information as may be requested.

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

11. Moved by Councilperson Helming, seconded by Councilperson Fennelly.

RESOLUTION

**AUTHORIZING THE TOWN BOARD TO HOLD A PUBLIC HEARING
REGARDING AN ECONOMIC DEVELOPMENT OPEN ROUND GRANT APPLICATION
SUBMITTAL TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Town of Canandaigua is considering applying to the New York State Office of Community Renewal (“OCR”) for a Community Development Block Grant Program grant to assist Pactiv Corporation with a proposed investment and production expansion; and

WHEREAS, the OCR grant application requires two public hearings to be held prior to submittal; and

WHEREAS, the Town of Canandaigua held the first public hearing on March 28, 2011 informing the public of its interest in applying for Community Development Block Grant funds; and

WHEREAS, the Town of Canandaigua must schedule a second public hearing prior to the date that the OCR grant must be submitted to the State to discuss the specifics of the OCR grant application;

NOW, THEREFORE, BE IT RESOLVED, by the Town of Canandaigua Town Board, being the governing body thereof, that:

1. A public hearing be held on **May 23, 2011 @6:00 pm, at the Canandaigua Town Hall, 5440 Route 5 & 20 West**, to receive public comment on the submittal of an Economic Development Open Round grant application to the Office of Community Renewal, and
2. The Town Clerk is directed to file the appropriate notice of public hearing.

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

12, Moved by Councilman Brandt, seconded by Councilperson Fuller

. WHEREAS, The NYS Association of Towns, the Community Regional Development Institute and the Cornell University Cooperative Extension are sponsoring a conference entitled “Home Rule: Preparing for Natural Gas Drilling in the Marcellus Shale Region” to be held on June 24th, 2011

WHEREAS, the Town wishes to have the Director of Development attend said conference at a total cost of \$60, and

WHEREAS, \$750 specifically allocated for such training is available in A8010.403, and

WHEREAS, up to 6 people are authorized to attend this conference and monies will come out of appropriate accounts, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes expenditure of \$60 from the A8010.403 – Director of Development Contractual budget line item to pay for registration at the aforementioned conference.

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

PRIVILEGE OF THE FLOOR

No one spoke.

Moved by Councilman Brandt, seconded by Councilperson Helming that the board move into executive session at 10:15pm for attorney/client privilege and possible land acquisition at 10:15 pm.

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

The Board moved out of executive session at 10:40 pm.

The meeting was adjourned at 10:40 pm.

Judith H. Carson
Town Clerk