

Canandaigua Town Board
Regular Meeting
June 27, 2011
6:00 pm

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

Others present: Dennis Brewer, Joe McEntee, Kevin Reynolds, Yvonne Chavez, Jean Chrisman , Greg Hotaling, and Lew Smith and others who did not sign in.

6:00 pm Workshop on proposed Local Law on Codes update.

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

Pledge of allegiance lead by Councilperson Fuller.

Moved by Councilman Brandt, seconded by Councilman Fennelly that the minutes of June 2 and 6th be approved.

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

Moved by Councilperson Fuller, seconded by Councilperson Helming that after review and audit of abstract #9 \$129,576.19 general fund, \$131,752.81 highway fund, \$14,065.71 water fund, \$8,718.92 sewer capital project, \$12,821.62 Hickox Rd Capital Project, \$728.57 Fox Ridge Lighting, \$113.22 Centrepoint lighting, \$19.96 Lakewood Meadows lighting, \$103.53 Fallbrook Meadows lighting that the bills be paid.

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

PUBLIC HEARING

Supervisor Casella opened the public hearing on the proposed Local Law amendment to allow Chapter 111 of Town Codes entitled "Fees" at 7:05 pm and advised it had been properly advertised..

Tim Jensen,DOD- this law revises the definitions, consolidates language, and clarifies the collection of administrative fees . The Parks and Recreation fees for new development reflects NYS Town Law.

Supervisor Casella closed the public hearing at 7:07pm.

PRIORITY BUSINESS

Report from MRB regarding 4110 County Road 16 was postponed due to the property owner not being able to attend tonight's meeting. A meeting will be set up with the property owner and staff.

Greg Hotaling presented the budget for Outhouse Park. Discussion followed on items in the budget.

PRIVILEGE OF THE FLOOR

Lew Smith-requested that the Water Quality report be put on the web site.

HIGHWAY REPORT

DIRECTOR OF DEVELOPMENT –Tim Jensen

Asked for direction on the CDBG Grant for Purdy/Mobile Road sewer. It was agreed that he will follow up on the following: formation of the district, amendment to the intermunicipal agreement, sewer line easement and adoption of a sewer use local law. :

Wyffels PDR: Jason Engle from NYSDAM emailed a list of comments after completing his review of the application. Later this week we will be discussing and formulating a plan to address issues detailed in his report.

Comp Plan: The final draft has been posted. Public notice for a public information meeting to be held on July 7th.in the Canandaigua High School auditorium.

The Hammock Apartments (formerly Amber Meadows): The applicants are still preparing the application for Planning Board consideration.

The trail for the Wegman's project has been approved by DOT. Construction of the trail will cost \$97,000.

Joe McIntee, Wegman Corp.-feels that the cost of the trail is unfair and would like the Town to look at other options.

Discussion followed on the steepness of the trail, maintenance and other options where the trail could be constructed. The trails committee will review other options for the trail.

ASSESSOR'S REPORT-DON COLLINS

1. The tentative Equalization rate for the Town is 100%.
2. State aid for the Town is \$17,697.74.
3. Staffing cuts have been made at the Office of Real Property and at the regional office of ORPS. This will result in increased workload at the Town assessor level. He feels his office has several advantages because of the support of the Town Board, networking with other town departments, a trained staff, a detailed web site, and support from Ontario County Real Property

SUPERVISOR'S REPORT

Met with the Fox Ridge Homeowners' Association with Dave LeClair, and Jim Fletcher.

Would like to set up interviews for the ECB on July 17th @6:00pm.

REPORTS OF ANY STANDING COMMITTEES

No report

REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

Dennis Brewer- Park Committee

600 students were at Onanda last week along with several graduation parties.

Summer programs start next Tuesday.

There is an article in the Canandaigua Magazine about the Onanda beach.

RESOLUTIONS:

Moved by Councilperson Brandt, seconded by Councilperson Helming,
TOWN OF CANANDAIGUA TOWN BOARD
SEQR RESOLUTION - DESIGNATING LEAD AGENCY STATUS
COORDINATED REVIEW
CANANDAIGUA LAKE UNIFORM DOCKING AND MOORING LOCAL LAW
PURSUANT TO 6 NYCRR PART 617 STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has received from the Town Zoning Officer Parts I and II of the Short Environmental Assessment Form; and

WHEREAS, the Town Board has reviewed the Environmental Record regarding the proposed amendments to the Canandaigua Lake Uniform Docking and Mooring Law; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has previously declared its' intent to be designated as the lead agency on March 7, 2011, for this Action and provided written notifications to involved agencies, for the purposes of conducting a coordinated review under the provisions of SEQR; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Town Board being designated lead agency under the SEQR Regulations for the above described Action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for this Action.

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

Moved by Councilperson Brandt, seconded by Councilperson Helming,

TOWN OF CANANDAIGUA TOWN BOARD
CANANDAIGUA LAKE UNIFORM DOCKING AND MOORING LOCAL LAW
RESOLUTION TO SET THE PUBLIC HEARING

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has received a proposed local law from the Canandaigua Lake Watershed Council Subcommittee to amend Chapter 96 of the Canandaigua Town Code titled Canandaigua Lake Uniform Docking & Mooring Law (hereinafter referred to as Action) in its entirety; and

WHEREAS, the proposed Action requires a referral to the Ontario County Planning Board for its review under the provisions of Sections 239 –l & -m of the New York State General Municipal Law; and
WHEREAS, the proposed Action also requires the setting of a public hearing;

NOW, THEREFORE BE IT RESOLVED, that the Town Zoning Officer is hereby directed to submit a referral to the Ontario County Planning Board for review and recommendation at their July 13, 2011, meeting.

BE IT FURTHER RESOLVED that the Town Board does hereby establish that a public hearing is to be held upon said local law on Monday, July 18, 2011, commencing at 7:00 pm, in the main meeting room, lower level of the Canandaigua Town Hall 5440 Routes 5 & 20 West;

BE IT FINALLY RESOLVED that the Town Board does hereby direct the Town Clerk to place a legal notice of said public hearing in the official newspaper and to post notice thereof on the Town Bulletin Board in the Town Hall.

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

1. Moved by Councilperson Brandt, seconded by Councilperson Fuller,
Town of Canandaigua Town Board Resolution
To adopt Local law #6 of 2011
Amendment of Chapter 111– Fees

Exhibit F

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 111, and

WHEREAS, Chapter 111 establishes requirements for assessment, collection and payment of fees owed to the Town, and

WHEREAS, the action of adopting this amendment is classified as a Type II action pursuant to NYCRR, §617.5, parts 20 and 27, and

WHEREAS, on 6/27/11 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 changes are necessary to clarify and simplify procedures for assessment, collection and payment of fees owed to the Town, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law # 6 of 2011.

ayes: Fennelly, Helming, Fuller, Brandt, Casella

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

Town of Canandaigua town Board Resolution
Public hearing date and Referral to County Planning Board
2011 Comprehensive Plan Update
CANCELLED

WHEREAS, the Town Board, is considering a proposed update to the Town of Canandaigua Comprehensive Plan, and, and

WHEREAS, NYS Town Law requires that the Town Board hold a public hearing before deciding on said update, and

WHEREAS, NYS General Municipal Law requires that said update be referred to the Ontario County Planning Board for review, and

NOW, THEREFORE, BE IT RESOLVED, that said update along with all other relevant materials be referred to the Ontario County Planning Board for review at their July 13th meeting, and further

RESOLVED, that a public hearing by the Town Board with respect to possible adoption of said update will be held on July 18th, 2011 at 7:05 p.m., in the Town Hall, Town of Canandaigua, New York.

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

2. Moved by Councilperson Brandt, seconded by Councilperson Fuller, to do the following transfers

From:

Contingency	A1990.400	\$40,000
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To:

Supervisor Contractual	A1220.400	\$10,000
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Attorney Certiari	A1420.420	\$30,000
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5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

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

WHEREAS, NYS Town Law and the Town of Canandaigua Zoning regulations require Zoning Board of Appeals members to obtain the necessary number of training hours annually; and,

WHEREAS, The Association of Towns / NY Conference of Mayors / NY Planning Federation is offering training sessions which meet these training requirements and are being offered at the Marriott Hotel in Amherst, New York on July 19, 2011; and,

WHEREAS, monies specifically allocated for this training are available in A8040.400 leaving a balance of approximately \$2,100 after payment for this training;

NOW THEREFORE, BE IT RESOLVED, that Graham Smith and Gary Davis at a cost of \$140 attend these courses in Amherst, New York on the dates identified.

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

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 Association of Towns / NY Conference of Mayors / NY Planning Federation is offering training sessions which meet these training needs and are being offered at the Marriott Hotel in Amherst, New York on Tuesday, July 19, 2011; and,

WHEREAS, monies specifically allocated for this training are available in A8010.400 leaving a balance of approximately \$2,900 after payment for this training respectively;

NOW THEREFORE, BE IT RESOLVED, that Jean Chrisman at a cost of \$70 to attend this Planning and Zoning Summer School in Amherst, New York on this date.

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

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

TOWN OF CANANDAIGUA
EXTENSION NO.38 TO CANANDAIGUA CONSOLIDATED
WATER DISTRICT
LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Canandaigua has created Extension No 38 to the Canandaigua Consolidated Water District pursuant to Article 12A of the Town Law for the express purpose of providing public water supply to residents along Hickox Road and Bliss Road in said Town; and

WHEREAS, part of the land area with Extension No. 38 to the Canandaigua Consolidated Water District is also located within Ontario County Agricultural District No. 1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District and to evaluate the impact of providing a source of public water supply within this area on lands within Ontario County Agricultural District No. 1; and

WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture uses within said Agricultural District.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Canandaigua, Ontario County, New York, imposes the following conditions, as warranted on the management of water lines located along a portion of Hickox Road where it connects to an existing 12-inch main located approximately 960 feet north of New York State Route 21 and continues northwesterly along Hickox Road, approximately 7,200 **lineal** feet to a connection with an existing 12-inch main on Hickox Road. This connection is approximately 640 feet south of County Road 32 as measured along Hickox Road. The following conditions also apply to a watermain constructed at the intersection of Hickox Road and Bliss Road, where a new 8-inch watermain will connect to the new 12-inch watermain on Hickox Road and extend 1,800 linear feet west along Bliss Road:

1. The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law § 1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the FNOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

2. If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

3. If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

4. If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

5. This Resolution shall take effect immediately.

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

5. Moved by Councilperson Brandt, seconded by Councilperson Fennelly, Discussion.

Moved by Councilperson Helming, seconded by Councilman Fennelly to amend the motion*

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

WHEREAS, the condition of Goodale Road after being paved was not to the proper quality for Highway Superintendent Fletcher to release payment for service to Suit-Kote Corp in 2010, and

WHEREAS, the Highway Fund had an excess of funds at the close of 2010 of \$191,087 that went into fund balance, and

WHEREAS, Highway Superintendent Fletcher feels payment needs to be released to Suit-Kote Corp. in the amount of *~~\$118,986.79~~ \$80,000, therefore be it now

RESOLVED. that the following appropriation of fund balance and budget increase be made:

From: D909	Highway Fund Balance	\$118,987.00
To: D599	Appropriated Fund Balance	\$118,987.00
From: D960	Appropriations	\$118,987.00
To: D5110.400	General Repairs-Contractual	\$118,987.99

Approved as amended. 5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

6. Moved by Councilman Brandt, seconded by Councilman Fennelly, that the Board approve the Letter of Credit for Happiness House, \$13,500 Landscape, \$22,500 Soil and Erosion per recommendation of Attorney Brocklebank.

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

OTHER BUSINESS

Councilperson Fuller asked about the amounts on the budget lines for the elected officials and attorney. Supervisor Casella will check with the bookkeeper.

Moved by Supervisor Casella seconded by Councilman Brandt that the board move into executive session at 9:20 pm for the medical, financial, credit or employment history of a particular person or corporation.

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

The board moved out of executive session at 10:15pm.

The meeting was adjourned at 10:15pm.

Judith H. Carson
Town Clerk

