

Canandaigua Town Board  
Regular Meeting  
January 24, 2011

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

Others present: Ray Henry, Lew Smith, Kevin Reynolds, Greg Hotaling, Yvonne Chavez, Dennis Brewer, Linc Swedrock, Joyce Marthalter, Scott Morrell and others who did not sign in.

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

Pledge of allegiance lead by Councilperson Helming

Motion moved by Councilperson Helming, seconded by Councilman Brandt that the minutes of 12/28/10 and 1/3/11 be approved.

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

Moved by Councilman Brandt, seconded by Councilperson Helming that after review and audit of bills abstract #1 & 2 \$234,935.22 general fund, \$189,918.22 highway fund, \$82,826.56 water fund, \$6,300 sewer capital project \$8,675.00 Risser Road Ext. Water District, \$13,831.00 Andrew/North Rd ext. \$87,122.Cdga/Farm Water District \$14,591.Emerson/Allen water district \$321,912 fire protection, \$807.26 Fox Ridge lighting, \$211.90 Centrepoint lighting, \$4,729.30 Lakewood Meadows lighting \$120.42 Fallbrook Meadows lighting that the bills be paid

3 ayes: Helming, Brand, Casella 2 abstain-Fuller, Fennelly

**Public Hearings-**

Supervisor Casella opened the public hearing on Local Law 1, 2011 that would remove term limits on the Chairperson of the Zoning Board of Appeals at 7:03 pm and advised it had been properly advertised.

Attorney Brocklebank –this local law will repeal a previously adopted local law that created limits on the term of Chairmanship. This law removes any restrictions on the Chairmanship for the Zoning Board of Appeals.

No public comment.

Supervisor Casella closed the public hearing at 7:05pm.

**Priority Business**

Grading permit request for Lakewood Meadows, Section 7a - Tim Jensen explained that the project has received final subdivision approval for Lakewood Meadows Sections 5A, 7A, 7B and 8A from the Planning Board. Under Town Code Section 174-7 it states that in Special Circumstances the Town Board may grant approval for site preparation in advance of final approval upon application for permission to the Town Board and consultation with the Planning Board. Kevin Olvany and George Barden have reviewed the plans. A pre-construction meeting would be held before they start work. Every safe guard would be in place.

Linc Swedrock-BME, they would like to start the project while temperatures are near freezing. There would be less of a chance for erosion at this time of the year. The project would be stabilized by spring.

Scott Morrell –the special circumstance is economical and also, to get the grading done while it is still frozen and before spring hits. We would like to be ready for the spring market.

Discussion.

Councilperson Helming asked if they had their DEC permit.

Linc Swedrock – not yet, we will get it because nothing can be started until we have that permit.

Greg Hotaling-Town Engineer, stated he would feel more comfortable getting the work done in February as opposed to doing it in the spring when we get spring rains.

The benefit to the town is for that area that does not have a storm water pond below it and it is best to get that work done when it is cold.

Short discussion followed.

Moved by Councilperson Brandt, seconded by Councilperson Helming,  
TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION  
GRADING PERMIT FOR LAKEWOOD MEADOWS, SECTION 7A

WHEREAS, the Town Board is considering a request from S & J Morrell, Inc. to begin site preparation in advance of final Planning Board approval of the Section 7A of the Lakewood Meadows subdivision; and

WHEREAS, in compliance with the NYS Environmental Quality Review Act, an environmental review of the entire Lakewood Meadows subdivision was completed prior to the Planning Board's conditional final approval of Phase 7A; and

WHEREAS, the applicant is moving forward to comply with the conditions of final approval for Section 7A as required before the plans are signed by the Planning Board Chair, and

WHEREAS, Town Code §174-7, part M, allows the Town Board to grant "approval for site preparation in advance of final approval upon application for permission to the Town Board and consultation with the Planning Board." and

WHEREAS, as of 1/21/11, the Town Engineer as well as representatives from both the Canandaigua Lake Watershed Council and Canandaigua Lake Watershed Commission have reviewed the proposal for grading Section 7A and provided specific comments, and

WHEREAS, it is the position of this Board that the Town Engineer review of the proposal has been thorough and comprehensive and that outstanding issues as expressed thus far are minor in nature, and

WHEREAS, the Planning Board will have the opportunity to address any remaining issues they may have through their own review, and now therefore be it

RESOLVED, that the request for a grading permit of the Lakewood Meadows subdivision to commence site grading for Phase 7A, is hereby approved subject to the following conditions:

1. The applicant shall address all additional issues raised by the Planning Board to their satisfaction.
2. All sureties, in amounts as approved by the Town Engineer and in a form as approved by the Town Board Attorney shall be filed with the Town before beginning work.
3. Before beginning construction the applicant shall hold a pre-construction meeting with Town Staff to ensure that all conditions of approval have been met. And further

RESOLVED, the grading permit is referred to the Planning Board for review.

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

Motion moved by Councilman Brandt, seconded Helming, that the letter of credit for Lakewood Meadows Section 7a for Grading & Miscellaneous (only) be approved in the amount of \$194,504.08 as approved by the Attorney for the Town and the Town Engineer.

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

Jane Rice-EDR, discussed the Phase II Zoning update draft scope of services. There will have to be several meetings held up front with a public hearing being held in the fall. Communications will come from Jane directly to the board.

Discussion.

A special meeting will be held on Jan. 31 @6pm to finalize the scope of services and to set the future meeting dates for the workshops.

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

Yvonne Chavez-Middle Cheshire Rd., asked if the board had looked into having a local HR Company.

Supervisor Casella replied that there are no local HR services that specialize in municipal government.

Short discussion on receiving quotes for health insurance. Eric Bond our health insurance broker will discuss this with the board in February.

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

- City of Canandaigua Fire Report
- Letter from NYS Office of Parks and Recreation Historic Preservation
- Report from Ontario County regarding monies paid to the Town of Canandaigua
- Resolution 845-2010 from the Board of Supervisors
- Resolution 782-2010 from the Board of Supervisors
- Resolution 781-2010 from the Board of Supervisors
- Resolution 790-2010 from the Board of Supervisors
- Resolution 784-2010 from the Board of Supervisors
- DOH letter regarding community water supply 2011 sampling requirements
- Letter from Time Warner Cable.
- Letter from DOH regarding water samples test results.

#### **HIGHWAY DEPARTMENT REPORT –Jim Fletcher**

1. Poured concrete for new lift in shop. Lift will be delivered at the end of January.
2. Will be removing dead trees in the town over the next couple of weeks
3. Installed a one inch conduit for the electric to the gate for the future.
4. Will install the gates for the entrance to the highway facility ourselves, to save money.
5. Have enrolled with RGE to do an audit of all out buildings for light fixtures. This will do three things. One it will identify any light fixture that is not energy efficient. Two they will provide us with a cost savings after the audit and third RGE offers a program that they pay for 70 % of the labor and cost of the fixture and we pay 30 % of the labor and fixture. The incandescent bulb will no longer be made after 2011. And by 2017 all light bulbs will become LED's. They will have a program in March to provide the same for our street lighting.
6. Have identified all the street lighting in the town that the town pays for as general street lighting. Instead of many bills we will now have one bill for street lighting. The special districts remain the same.
7. Have found a company that I will be working with on inductive lighting for our lighting districts. This lighting uses less energy, last five times longer than a High Pressure Sodium bulb and has less maintenance cost. I am getting a cost per fixture to try some out.
8. We are now performing the street light maintenance on all town wide street lighting. This will save the town money by not paying prevailing wages to replace what we can do in house. The lighting districts will be done still by Livingston Lighting and Pole.
9. DOT needs to approve the plan for the Wegman's hiking trail.
10. In the future we will be looking at relocating the Woolhouse Road intersection so that a guard rail could be installed to protect the Hunn cemetery.
11. At this time there is no funding for the Grandview Sewer. We have been asked by Rural Development for more information on newer forms for the Purdy Road sewer district.
12. We will no longer charge for disposal of electronics. This will be for Town residents only. RCRR will now collect the fee from the manufacturer of the item.

#### **Water**

1. Gave out information in November for the replacement of water meters. Discussed upgrade to the water system that would detect water leaks. Would also like to have the town do their own water billing.
2. Helped Farmington water on a water break on Thomas and Sommers Road.
3. Will be doing maintenance on a pump at the West St. pump station.
4. MRB has given us a proposal for the chlorine equipment room addition for the Day Road tank. Residuals at the pump station have increased to a point where rechlorination is no longer required for the watermain on Goodale Road due to increased flow.

#### **Park**

1. Have started to remodel the shower house at Onanda.
2. Removed the old wooden swing set at Onanda. The new one will be installed in the spring.

#### **Development Office – Tim Jensen**

**Wyffels PDR:** A contract extension was requested at the end of December to allow the State to complete its review of the completed application sent to them at the beginning of November. No response yet.

**Outhouse Park:** We're still waiting for draft contract. In the meantime staff is moving ahead to assemble paperwork required to actually execute the contract. In addition staff has met with the Town Engineer to discuss design and engineering for the various buildings and other improvements on the park.

**Comp Plan:** On Monday I will be speaking with EDR to lay out a process for finalizing the comp plan update.

**Fees:** The Chapter has been further revised and has been sent to the Planning Board attorney specifically for review of the section on Parks & Recreation Fees. Mr. Nadler was recently involved in a court case that dealt directly with this issue and his insight will help to ensure that section is worded correctly.

**Chapter 18:** Distributed the first draft of the local law.

**Amber Meadows Apartments:** The Planning Board has sent out a notice of their intent to serve as lead agency for SEQR. The concept will be discussed at their 1/25 meeting. A traffic study is also being completed at this time. The Town Board will likely be asked to set a public hearing for the local law to rezone the property to MR sometime later in February or early March

**Villas Trail:** Nothing to report.

Discussion on the Planning Board being the lead agent for the Amber Meadows Apartments.

Moved by Councilperson Fuller, seconded by Councilperson Fennelly that the Planning Board be lead agent for Amber Meadows.

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

### **Supervisor's Report**

Received a letter from the Finger Lakes Addictions Counseling & Referral Agency inquiring if the Town is interested in entering into a Payment In lieu of Taxes agreement in which FLACRA/CRSI would make a nominal payment annually to cover any necessary services the Town may need to provide to the Cadence Square Project on the Canandaigua VA Campus. It was the consensus of the Board that since the Town is not providing any services to the Cadence Square project there is no need for a "pilot" agreement.

### **Reports of any Standing Committees**

No report.

### **Reports of Committees, Boards and Commissions**

Dennis Brewer-Parks

- Information for summer recreation guide will be going to the printer. The guide will be distributed to the schools in March.
- Met with a playground sales rep to discuss equipment at Onanda and Outhouse Park.
- A Keuka college student contacted him and he is doing a feasibility study on disc golf. This could be a possibility at Outhouse Park.
- When the weather breaks in April or May a ribbon cutting will be held for the Peanut Line.
- Trails committee will be on 2/7 @6:30 at the West Lake Road Schoolhouse.
- Parks committee meeting will be on 2/9
- Will give a proposal to the parks committee on types of trees and plaques to be used as memorials.

### **Resolutions:**

The following was moved by Councilperson Brandt, seconded by Councilperson Fennelly,

BE IT RESOLVED, that the following professional providers be named subject to an approved contract:

MRB Group, P.C.	Town Engineer
Ray Wager, CPA, Inc.	Accountant-Auditor
BPD, Inc.	Financial Advisor
Public Sector HR Consultants	Personnel Consultants
Derek Brocklebank	Attorney for the Town

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

1. Moved by Councilperson Brandt, seconded by Councilperson Fennelly,  
TOWN OF CANANDAIGUA  
RESOLUTION ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2011

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 January 24, at 7:00 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 Zoning Board of Appeals, and

WHEREAS, notice of said public hearing was duly advertised in the Daily Messenger, the official newspaper of the Town of Canandaigua, on January 14, 2011, and

WHEREAS, said public hearing was duly held on January 24, 2011, at 7:00 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. 1 of the Year 2011, and

RESOLVED, that the Town Clerk be is hereby 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.

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

Exhibit A

2.Moved by Councilperson Brandt, seconded by Councilperson Helming, that the Supervisor sign the Contract with Ontario County for 2011 Dog Control Services.

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

3.Moved by Councilperson Brandt, seconded by Councilperson Helming, that Christian Nadler be appointed the Zoning Board of Appeals attorney and that the Supervisor sign the contract with Gates and Adams, P.C.

Discussion.

Moved by Councilman Brandt, seconded by Councilman Fennelly to amend the contract to the same rate as 2010.

3 ayes: Fennelly, Brandt, Casella 2 nays: Fuller, Helming

Motion to move the amended resolution by Councilman Brandt, seconded by Councilman Fennelly .

3 ayes: Fennelly, Brandt, Casella 2 nays: Fuller, Helming

4.Moved by Councilperson Brandt, seconded by Councilperson Fennelly, that the Supervisor sign the contract with Gates and Adams, P.C., for Christian Nadler, Esq. To be the attorney to the Planning Board.

Discussion.

Moved by Councilman Brandt, seconded by Councilman Fennelly to amend the contract to the same rate as 2010.

3 ayes: Fennelly, Brandt, Casella 2 nays: Fuller, Helming

Motion to move the amended resolution by Councilman Brandt, seconded by Councilman Fennelly .

ayes: Fennelly, Brandt, Casella 2 nays: Fuller, Helming

5.Moved by Councilperson Brandt, seconded by Councilperson Fennelly, for the Supervisor to sign the contract with the County for the Board of Elections.

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

6.Moved by Councilperson Brandt, seconded by Councilperson Fennelly, for Raymond F. Wager, CPA, to do the Annual Update Document at a cost of\$1,600.

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

7. Moved by Councilperson Helming, seconded by Councilperson Brandt, that in accordance with Town Law, Section 123, that the Canandaigua Town Board acknowledges receipt of and has on file a detailed statement of all the Town Clerk's receipts and disbursements for the 2010 fiscal year.

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

7a.Moved by Councilman Brandt, seconded by Councilman Fennelly , that in accordance with the Uniform Justice Court Action Section 2019(a), that the Canandaigua Town Board acknowledges receipt of and has on file a detailed statement<sup>5</sup> of all Town Justices receipts and disbursements for the 2010 fiscal year.

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

8.Moved by Councilperson Brandt, ,seconded by Councilperson Fennelly,  
RESOLVED that Dale Zukatis, Code Enforcement Officer, attend the New York State Building Officials Central Chapter Annual Conference April 5-8, 2011 to obtain New York State mandated training credits for all Code Enforcement Officials pursuant to Title 19(NYCRR) New York Codes; Rules, & Regulations. The conference (\$350.<sup>00</sup>) with lodging (\$388.<sup>00</sup>) will be \$738.<sup>00</sup>

Discussion.

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

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

SEQR Determination

County sewer line extension to the town hall & highway garage

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) has determined that the above project 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, 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;

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

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

**Other Business**

None

**Privilege of the Floor**

None

Motion moved by Councilman Brandt, seconded by Councilman Fennelly, that the board move into executive session at 9:50pm to discuss the medical, financial, credit or employment history of a particular person.

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

The board moved out of executive session at 10:30 pm.

The meeting was adjourned at 10:30pm.

Judith H. Carson  
Town Clerk

