

From: [Jean Chrisman](#)
To: [Cathy Menikotz](#); [Terry Fennelly](#); [Gary Davis](#); [Jared Simpson](#); [Linda Dworaczyk](#)
Cc: ["Doug Finch, Town Manager"](#)
Subject: January 29 Meeting - Tichenor Point Drive Comments
Date: Wednesday, February 3, 2021 3:18:58 PM

Hi There,

Here are the comments regarding the Tichenor Point Drive property. Please remember these comments will be paraphrased in the final draft of the minutes.

Public Comments:

- Jeff Twombly, who lives on Tichenor Point Drive next to the proposed property, stated that he is not speaking as a neighbor but as a taxpayer of the Town. He did some research in to seeing how Town Manager Finch's proposed 12¢ a thousand tax increase compares to some of the other past projects. This appears to be the largest tax increase in the Town's 206-year history. It is even larger than the 2018 increase associated with the Town's new highway garage. Which we can all agree benefits everybody. He also looked through all the surveys that Town Manager Finch presented. He really did not see anything in there about concerns of overcrowding of the current water access parks. He has not heard anyone say during these public hearings about getting turned away from the existing parks due to overcrowding. The gist of most of the surveys seem to be a desire to expand Kershaw Park and some of other parks so that the Canandaigua City has a more of a feel of Geneva with a big open park at the top of the lake. There is also a lot of discussion about adding more hiking and biking opportunities near the lake which he fully agrees with. Based upon this, he would like the Town Board to commit to hold off on purchasing the Tichenor Point property until: (1) a complete study can be done demonstrating that the current water access parks are overutilized and (2) as a safety concern about having the entrance to this park at the foot of Foster Road could be mitigated. If these studies warrant going further with the purchase, then a referendum be held in November to allow voters to say that they want to take on this historic tax burden to create another water access park at this cost. If the Town Board decides not to held a referendum, the taxpayers could force it through Section 91 Article 7 of the NYS Law. Under this provision, residents would need to have a petition signed by a number of people that equals 5% of last of the total votes cast in the gubernatorial election which was in 2018. That would be about 325 signatures. We would have to have that within 30 days of the resolution. We have every confidence that we could do that. The issue is under the current law that requires all these signatures to be personally witnessed. Which means we would have to go to door-to-door, meet face-to-face with all the residents and voters, putting all our volunteers and all the public at great risk. He asked the Town Board not to make them go through this exercise and put everyone at risk. In addition, the Town Attorney has indicated to us recently that Town considers the resolution passed at the December 21, 2020, meeting to be the resolution subjective to this permissive referendum allowing this petition. Even though every agenda that has been sent out, indicates that no resolution will taken at this time. This meeting that the Town considers the 30-day window we have to submit this petition has already closed. This position seems a little disingenuous. If the position of the Town Attorney is not that of the Board members, then there is Section 94 of the NYS Law that reads "The Town Board upon its own motion may cause to be submitted to the approval of the electors any act or resolution of such Board against a petition could be filed as provided in this chapter." Which basically means any resolution can be made into a permissive referendum through the vote of the Board. Today he thinks we need to fully understand where we are in this process. Is this land acquisition truly in the exploratory stage as they have been told or is it in the phase that as long as the appraisals average out to more than \$5.3 million the purchase will happen. Those are two very different things. Is the Board willing to go to referendum in November prior to approving the purchase

offer for the land so the voters can decide. He thinks that is important to understand as well. If not, will the taxpayers be given the opportunity to file a referendum on petition prior to the purchase based upon this future resolution of which he does not fully understand what that resolution will permit or allow or contain. He kept stressing prior to the purchase because after that purchase is made, the toothpaste is out of the tube, it is going to be very hard to undo anything after that purchase. He thinks it should be clear that any ability to influence this has to occur prior to the purchase of the property. So that is what he really hopes he can discuss at some point this morning is where exactly we are in this process and if indeed the Town considers our opportunity to petition this that window to be closed.

- Town Attorney Nadler explained that he has had a chance to think about the permissive referendum and spoke with Dan O'Brien. The purchase and sale contract that the Town has authorized and entered into with the sellers, is explicitly (the purchase and sale contract) subject to a permissive referendum. The purchase and sale contract is not final yet because there is not purchase price established. There is also an attorney approval contingency. There are existing contingencies on the contract. Contrary to previous advice he has giving, he believes the permissive referendum period will run commencing when the purchase and sale contract is contingency free. Once the appraisals are in and a purchase price is established, he will submit a resolution to the Town Board starting the permissive referendum time period. The permissive referendum will begin to run, based upon his information, sometime in mid-February.
- Dan O'Brien, a Canandaigua attorney who lives in the Town of Canandaigua, represents the folks on Tichenor Point Drive, as well as two neighbors to the south. He wants to make sure that he understands this correctly. The date which would trigger the running of the 30 days to gather a petition has not occurred yet. That date would be when the contract is contingent free. With that said, however, he would like to say that the way he reads the resolution, it does not condition the holding of a referendum on this acquisition to the gathering of signatures in accordance with the petition protocol under Town law. It makes it very expressed at the purchase offer is executed subject to a public referendum. Therefore, he believes that the Town under Section 94 of the Town Law, schedule the referendum regardless of whether or not people are forced to go out in the winter, during the pandemic, to secure the necessary number of signatures. If that is not the intention of the Town, then they really need to let us know rather than it be a mystery. Because of a fair reading of the resolution from December is that it would be subject to a public referendum. If the Town is really interested in having the constituents weigh in, not just on a generic study or survey, but a particular acquisition which is now on the table, then it should be submitted for a permissive referendum. Particularly given the size of this. He pointed out, as he reads the contract, if the appraisals come in the Town would have the ability to back out of the contract but only if the purchase price comes in at \$7 million or more. If the appraisal is \$6,995,000 then the contract would not be voidable by the Town for that reason.
- Aaron Mills has three concerns. Jeff Twombly's presentation was phenomenal. He appreciates everything he said. He would like to reiterate, at least from his standpoint and many others that he has talked to, it does feel to us that this is a done deal, not an expiration, and now waiting for the bits and pieces of the puzzle to come together. He would like to stress that they would like an exploration and not a done deal. The second piece is the appraisal process. He has had many appraisals done on a commercial and residential basis for his business and for his homes over the years. He has never seen an appraisal take this long. He is now concerned that our public comments have weighed in and have altered that appraisal in one way or another. He believes an appraisal should be fair. It should be without public opinion. It should be at the discretion of the certified appraiser. He has concerns with the length of time that appraisal process is taking. Thirdly, is the format of these meetings. He totally recognizes that these are board meetings, and three-minute time limit makes sense. But he thinks that we also need to engage in a slightly more informal meeting. He is happy to have it public and recorded. A question and an answer session,

a dialog meeting. That is how we function as human beings and we do not wait for presentations. He is asking the Town of Canandaigua to have this type of dialog with the residents. He thinks it would be beneficial for both parties if we could engage in a dialog. He does not know the process to do that. The pandemic is making things a little more difficult. He thinks it would be welcomed by everyone. He stressed to the Town Board, the motive in which communicate going forward, let there be a large opportunity to have a dialog and not presentation versus comment section.

- Jaclyn Litzelman, their home is located between the two park proposals. She is born and raised in Canandaigua. Having community access is a wonderful part of our community. Her concerns are around the safety of the community. This stretch of County Road 16 is very busy and adding these parks is going to add more traffic and congestion, with parking on the side of the road. There needs to be some studies and research into the impact to this so that our community is aware. Secondly, watching kayaks and canoes in this stretch of the Lake is also a safety concern. Being located so close to a marina and also within a residential community, you have boats coming and going all day. This causes a lot of congestion within that area of the Lake. Boats go very fast here. It is very different from the north of end of the Lake. That is definitely a safety concern for a public launch in this area. Lastly, we are in the middle of a pandemic, for the foreseeable future this is how it is going to be. Right now, fiscal responsibility and consideration for our neighbors is highly pertinent. Paying \$6 million for a property that is assessed for \$1.4 is not a fiscally responsible use of taxpayer dollars. Which many board members promise to be of utmost concern when running. Taxes in New York are high. And well the majority of that does not go to the Town of Canandaigua, raising taxes especially right now will have a negative impact on the families in our community. We need our community to be able to go out to support and these restaurants and support these businesses that are being forced to shut down and suffering. Raising taxes is also going to prohibit them from doing that. These are the people who are employing our community as well. We also need to have consideration for our neighbors at this time. Buying a residential property and opening it up to 10,000 people in a neighborhood community, really sets a dangerous precedent within the community. Regardless of where people live, rather it's in the Town, in the City, or on the Lake, she does not think that anyone would want their next door neighbor home or bordering property just a few feet away opened up to 10,000 people for public.
- Marion Cassie asked that there was mention of a meeting earlier this week and it was recorded. She is wondering what group or committee that was and where people can view it. She stated that people with questions were asked to send them in by email. She sent in two different communications with questions. She is wondering at what point she will be expecting answers to those questions and in what format.
- Supervisor Menikotz stated that all videos are available on YouTube. Supervisor Menikotz and Town Manager Finch met with concerned residents who live of Lakewood Meadows who had a lot of questions. It was not a full board meeting. It was a meeting with a few people in that area who had questions about the RSM property. A date cannot be given at this time as to when submitted questions and comments will be responded to.
- Ted Brewer, who lives less than 1 mile from Onanda Park, stated that he walks past the Park on a daily basis and sees what is going there. He has concerns regarding the Town perspective that Onanda Park is highly utilized. He is requesting some hard data to substantiate the notion that Onanda Park is highly used. For example, he would like to see the cabin occupancy use data. Reservations are required to use those cabins. Certainly the Town should have some detailed understanding and data regarding the use of the cabins. Additionally, he would like to know about parking space utilization. Both sides of the road together, there is well over 100 parking

spots. Almost all the time a huge number are available. He would like to see some hard data on the parking utilization. Lastly, there is a ticket building at the entry of the park on the lakeside where people are supposed to either check in or pay the admission fee. He would like to see some data from admission process as well. If the Town does not have hard data for them substantiating your claim that this park is over utilized, he really has to ask what is going on here. So he looks forward to answer to these questions.

- Lauren Burke, who lives on Canandaigua Lake, has three concerns. (1) she believes that the tax ramifications that will affect the taxpayer of this community will be far higher than what suggested at the last meeting. (2) trying to go forward and get petitions in person is really not feasible during non-summer months as many people who are property owners do not live here in the winter. (3) She thinks that there are plenty of opportunity to use Onanda Park and West Lake Road Schoolhouse Park. She thought the comment earlier about getting a floating dock for kayak access was an excellent idea. Since she enters the Lake from the north end at Kershaw Park to go swimming. There are many people taking their kayaks off and putting them in there. It would be great to put a dock in where you could have people with mobility issues getting in their kayaks there. She lives less than an 1/8 of a mile from Onanda Park and see's kayakers go by all the time. If there is a way to get more kayakers on the Lake by putting in a more accessible way with a mobility dock that would be great. Lastly, as she has gone around the Lake over the last 20 years and seeing new construction and see what happened to a lot of the old cottages being taken down and very large beautiful homes being up. There is a lack of consideration for the neighbors sometimes. That is really inappropriate and unfortunate. When she looks at what is being suggested for Tichenor Point, she is stunned that a County government would want to impact their community and those neighbors the way this park would be used. It saddens her particularly when there are other ways to accomplish this. If the City and the Town could get together and take those funds and really make Kershaw Park a park that it could be, she thinks that would be a much far better solution.

- Seana Holtz stated that she remembers actually one of the surveys openly asking if we need more access. It is a matter of finding the right kind of access. She thinks that when the Town presents a number of 81.2% of the population of 10,000 residents are in favor, she thinks that it may not be intentional but it is misleading. Only 131 residents responded. That's 34.95% of the survey. 131 people said somewhat needed. She thinks 181 people said greatly needed. And everyone, just like people are stating today, its Kershaw, Kershaw, Kershaw. She grew up when Kershaw was wide open. It is shallow and sandy. The water is warm. She thinks people want to be near amenities. In some ways what has been great about this it has made her look at every possible website relating to water access. There are 18 locations that you can put kayaks in on Canandaigua Lake. She is not far from the water treatment facility. She knows there is a lot of frontage there. There is parking there. Is it possible to put a floating dock there because that is an easy place for people to get in and out. With Onanda Park, she only found out recently, that the ownership of the lakefront is being transferred from New York State to the Town of Canandaigua. She thinks that people should be embracing this. We should be celebrating this. She would love to see a community volunteer group get together with the Town and help to figure out how we can make this the best possible park. What kind of fundraising can we do to make it something really wonderful. She does not mean to sound sacrilegious, but she honestly thinks that perhaps swimming pools are not a bad idea for young children, for people to do laps. She has researched this park, and we are all familiar with it, but lets look at the statistics. She believes there are about 7 acres on the lake front. Lots of lake frontage. There is a building on the lakeside that could accommodate 150 diners. There are buildings on that property that the Town could sublet. People want amenities. They want a place to get a cup of coffee, get a sandwich, and sit by the water. There are 73 acres with 2 miles of trails. There is no way the Town is using the property to our potential. So it is very difficult for me as a taxpayer to turn around and burden our citizens with an additional tax. She is not against Tichenor Point, like

everyone here, she understands the beauty of it. So perhaps there is a better owner. Is there a university that would buy it and use it for some sort of a research opportunity? She does not think it is right for the Town.

- Arron Mills spoke not specifically about either property. He is an avid runner. He understands that West Lake Road is a County road, but it is a County road through our Town. There was a survey sent out a number of years ago about improving pedestrian access on County Road 16. It is a difficult one. There are areas that are fine and there are areas that are dangerous. He runs from Onanda Park to the Water Treatment Plant. He does find the area by German Brothers Marina and the RSM property the most dangerous area in that stretch that he runs. He does think that everyone would share his feelings that it is an absolutely stunning area to walk, run, and ride a bike but at times is extremely dangerous. He does not know what happened with that County study. It would be favorable to see what the results of that study were and if there are already plans in the future to make it a safer place for them to walk, bike, and run.
- Dick McGavern stated that regarding the road survey, someone did send him a copy of the survey. It is inconclusive. It is miles long, with lots of comments, with no conclusion. Truly the road needs to be widened. When the right-of-way is enforced, people are really going to scream because there is a lot of encroachment. His main concern this morning, as he listens to this meeting, there is not overwhelming support for either idea. While the elected officials on the Town Board have been very quiet and he would like to hear from them. The employees of the Town are cheerleaders for this project. At every opportunity, it is noted in the paper that this is a landslide favorable idea to raise taxes for the good of all the people which is not quantified. The residents need to hear from people before the day of the election to get a gist of what they are thinking and perhaps the Town employees could be more impartial.
- Paula Messina stated that she agrees with many of the people who have spoken about safety concerns with either of these park locations as well as the tax implications. She would like to see the Town explore the possibility of working with the City of Canandaigua in other options. There is Atwater Park in the City. Why has that not been development. It has shallow water and there is a lot of beach space. It could be a beautiful place for swimming, kayaking, and fishing for a lot of residents. And it is already available. She would also like to see the Town look into purchasing land at unused the Pinnacle North location and expanding Kershaw Park. Everyone has said that Kershaw Park is the best place. It is going to provide shallow water. It is going to provide access to the City for people to use our restaurants and support our businesses. Which they all need support now. She thinks that is something that should be explored. These would be better options than the Tichenor Point and RSM properties.
- Adeline Rudolf stated that she is a member of the Town's Parks & Recreation Committee. She wanted to make sure that everyone knows that we are talking about people who have control over the Town of Canandaigua not the City of Canandaigua. Kershaw Park and Atwater Park are both not something that the Town of Canandaigua can make decisions on or choices about. We do also have a water trail that you can find information about on the Town's website. It talks about the various kayak launches throughout the Town. She highly recommends the Town's website in researching the Town's parks and trail master plan to give you an idea of what has already been approved for the future of Canandaigua and our park systems. Finally, regarding Onanda Park and the utilization of Onanda Park, the Parks Committee is definitely looking into better ways to more clearly define the utilization of that park for residents. In 2020 there were strange utilization numbers. In the summer of 2019 and the summers before that, Onanda Park is quite booked. The parking lot is usually full on the lakefront side. People are sent across the street to park. During the week, there numerous school camps and summer camp programs at Onanda Park where it is quite full. It would be very easy for us to supply rental data for the

cabins. She knows Town Clerk Jean Chrisman keeps very good records about that. So that would be simple for the Town to supply at this point. She just wanted everybody to have a better understanding of our parks . The only lakefront parks that the Town of Canandaigua has purview over is Onanda Park and West Lake Road Schoolhouse Park.

Jean Chrisman
Town Clerk / Receiver of Taxes
Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua NY 14424
(585) 394-1120 x-2225

Jean Chrisman
Town Clerk / Receiver of Taxes
Town of Canandaigua
(585) 394-1120 Ext 2225