

**Canandaigua Town Board  
Meeting Agenda  
July 16, 2018  
6:00pm**

- Call To Order and Pledge of Allegiance
  - Pledge Led by Gary Davis, Town Councilman
- Roll Call
  - Town Clerk Confirmation meeting was properly advertised
- Circulation of Written Communications and Correspondence
  - Thank you card, Phil Shanley, Thank you to Code Enforcement Office
  - Newsletter, Ontario Pathways, Summer 2018
  - Newsletter, The Inside Dirt, Cornell Cooperative Extension, Volume 16, Issue 6, July 2018
  - Newsletter, Rural Futures, Spring 2018
  - Newsletter, The Chronicles, Volume 47, Issue 2, June 2018
  - Letter, Charter Communication, Upcoming Changes, June 28, 2018
  - Email, Town Resident, Applauding Town Employee Sarah Reynolds, June 18, 2018
  - Letter, Charter Communications, Upcoming Changes, June 8, 2018
- Privilege of the Floor
- Presentations
- Public Hearings

*Continued Public Hearings:*

- None

*New Public Hearings:*

- Public Hearing for a Text Code Amendment to Town Code Chapter 220-9W (pertaining to size limits for swimming pools); and SEQR Intent to Declare Lead Agency

*\*NOTE: This public hearing pertains to Resolution No. 2018 – 201*

- Public Hearing for a Local Law to Override the Tax Levy Limit

*\*NOTE: This public hearing pertains to Resolution No. 2018 – 211*

- Public Hearing for a Text Code Amendment to the Town Code Chapter 100 and Chapter 1 (pertaining to dumping regulations); and SEQR Intent to Declare Lead Agency

*\*NOTE: This public hearing pertains to Resolution No. 2018 – 223*

- Public Hearing for a Text Code Amendment to the Town Code and SEQR Intent to Declare Lead Agency

*\*NOTE: This public hearing pertains to Resolution No. 2018 – 224*

- Priority Business
- Reports of Town Officials and Department Heads – Attachment #1

- A. Director of Parks & Recreation
- B. Highway / Water Superintendent
- C. Assessor
- D. Historian
- E. Town Clerk
- F. Town Manager
- G. Supervisor
  - 1. Monthly Financial Reports for June 2018
    - a. Revenue & Expense Report and Cash Summary Report
    - b. EFPR Solutions Executive Summary
    - c. Overtime Report – All Departments
    - d. Overtime Report – Highway & Water

- Reports of Committees, Boards and Commissions
  - A. Town Board Committees (as needed)
    - a. Finance – Councilwoman Dworaczyk
    - b. Planning – Councilman Fennelly
    - c. Environmental – Councilman Reynolds
    - d. Ordinance – Councilman Davis
    - e. Economic Development – Supervisor Westbrook
  - B. Planning Board, Chairman Schwartz
  - C. Zoning Board of Appeals, Chairman Robinson
  - D. Environmental Conservation Board, Chairwoman Marthaller
  - E. Citizens' Implementation Committee, Chairwoman Reynolds
  - F. Parks & Recreation Committee, Chairman MacNeil
  - G. Special Events Committee, Chairwoman Fuller
  - H. Complete Streets Committee, Chairman Davis
  - I. Agriculture Committee, Chairman Stryker
  - J. Drainage Committee, Chairman Oyler – Attachment #2
- Privilege of the Floor
- Resolutions

*Continued Resolutions:*

*NOTE: Resolution No.2018 – 191 was referred to Town Finance Committee during the Town Board meeting on June 18, 2018 for further action and recommendations.*

**RESOLUTION NO. 2018 – 191: AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE COURT SECURITY AGREEMENT WITH ONTARIO COUNTY**

**WHEREAS**, Ontario County has proposed an intermunicipal agreement for court security services for the Town Court of the Town of Canandaigua; and

**WHEREAS**, the proposed agreement calls for an hourly rate of \$38.00 per hour, the total cost not to exceed \$10,920.00 during the term of the agreement from January 1, 2018 until December 31, 2018; and

**WHEREAS**, during 2017 the Town of Canandaigua paid an hourly rate of \$31.75 per hour plus a benefits rate of \$0.09 per hour, quarterly, for a total cost of \$8,948.62; and

**WHEREAS**, during 2016 the Town of Canandaigua paid an hourly rate of either \$28.00 per hour or \$31.13 per hour (depending on the person assigned) plus a benefits rate of \$0.09 per hour, quarterly for a total cost of \$6,941.27; and

**WHEREAS**, during 2015 the Town of Canandaigua paid a total cost of \$4,543.80 for court security (the hourly rate detail was not available); and

**WHEREAS**, during 2014 the Town of Canandaigua recorded a payment of \$652.40 to the Ontario County Treasurer (Voucher#4261) for court security as the only payment for the year; and

**WHEREAS**, the Town Board of the Town of Canandaigua has budgeted an amount of \$8,000.00 for court security in the adopted 2018 Town budget; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Supervisor to execute the agreement with Ontario County for Court security.

Attachment #3

**RESOLUTION NO. 2018 – 201: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO TOWN CODE CHAPTER 220-9 THAT WOULD CLARIFY THE SIZE LIMITS AND LOCATION FOR SWIMMING POOLS**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a Local Law that would execute a text code amendment to Town Code Chapter §220-9W that would clarify the size limits and location requirement for swimming pools; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on July 16, 2018; and

**WHEREAS**, the Town Board determines said proposed action is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as Lead Agency for the described action; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed action; and

**BE IT FURTHER RESOLVED**, the Town Manager is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua and the community to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. \_\_\_\_ of the Year 2018; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to include SEQR, findings, and narrative of the Town Board of the Town of Canandaigua as it pertains to this Local Law for filing purposes; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. \_\_\_\_ of the Year 2018 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.

Attachment #4

*New Resolutions:*

#### **FINANCE**

- Resolution No. 2018 – 211: Adoption of a Local Law to Override the Tax Levy Limit
- Resolution No. 2018 – 212: Acceptance of Annual Court Audit
- Resolution No. 2018 – 213: Authorization of Budget Adjustment Relating to Highway, CHIPS Funding
- Resolution No. 2018 – 214: Adoption of Amendment to the Town of Canandaigua Procurement Policy
- Resolution No. 2018 – 215: Adoption of Year End Policy and Procedure
- Resolution No. 2018 – 216: Acceptance of the Monthly Financial Reports

#### **PLANNING**

- Resolution No. 2018 – 217: Authorization for Town Manager to Execute Memorandum of Understanding for Vacuum Truck Service with Canandaigua Airport
- Resolution No. 2018 – 218: Request for Flashing Beacon Signs at a Crosswalk on Middle Cheshire Road
- Resolution No. 2018 – 219: Setting a Public Hearing on the Draft Open Space, Conservation, and Scenic Views Master Plan; and SEQR intent to Declare Lead Agency
- Resolution No. 2018 – 220: Acceptance of the Town of Canandaigua Planning Board Annual Report
- Resolution No. 2018 – 221: Authorization for Town Manager to Execute Proposal for Income Survey Relating to Potential Cheshire Sewer Project



## **ENVIRONMENTAL**

### **ORDINANCE**

- Resolution No. 2018 – 222: Canandaigua Town Board Appointment to the Town's Ordinance Committee
- Resolution No. 2018 – 223: SEQR Determination of Non-Significance and Adoption of a Text Code Amendment to Town Code Chapter 100 That Would Clarify and Enhance Regulations on Dumping on Private Property
- Resolution No. 2018 – 224: SEQR Determination of Non-Significance and Adoption of a Text Code Amendment to Town Code Chapter 92 Building Codes

### **ECONOMIC DEVELOPMENT/GENERAL**

- Resolution No. 2018 – 225: Acceptance of CIC's Recommendations Relating to TDR and Open Space, Directing Town Manager to Take Further Steps
- Resolution No. 2018 – 226: Authorization for Town Manager to Execute Contract with Direct Energy for the Purchase of Natural Gas
- Resolution No. 2018 – 227: Request to Hire Summer Staff for Parks
- Resolution No. 2018 – 228: Recognizing Parks Laborer, Gordon Crosby, for his Service to the Town of Canandaigua
- Resolution No. 2018 – 229: Setting Hourly Rate for Seasonal Parks Laborer
- Resolution No. 2018 – 230: Appointment of a Part-Time Deputy Town Clerk
- Resolution No. 2018 – 231: Ratification of Part-Time Temporary Deputy Town Clerk Salary
- Resolution No. 2018 – 232: Accepting \$250 Fine Pursuant to Town Code §206-34 for Violation of Town Code §206-26 at 4096 Onnalinda Drive
- Resolution No. 2018 – 233: Approval of Revised Contract/Retainer Agreement for Town Attorney
- Resolution No. 2018 – 234: County Road 10 Watermain Improvement Project SEQR Part 1 and Town Board Intent to Declare Lead Agency

### **RESOLUTION NO. 2018 – 211: ADOPTION OF A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering the adoption of a Local Law that would override the tax levy limit established in General Municipal Law 3-c; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on July 16, 2018; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua and the community to adopt said Local Law in order to preserve all options for the Town Board when the Town Board undertakes its review of the 2019 municipal budget; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. \_\_\_\_ of the Year 2018; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. \_\_\_\_ of the Year 2018 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.

Attachment #5

**RESOLUTION NO. 2018 – 212: ACCEPTANCE OF ANNUAL COURT AUDIT**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) has hired EFPR Solutions to conduct an annual audit for the fiscal year ending 2017 of the Justice Court of the Town of Canandaigua; and

**WHEREAS**, the Town Board has been informed by EFPR Solutions that there were no formal bank reconciliations completed for review; and

**WHEREAS**, the Town Board has been informed by EFPR Solutions of discrepancies in both Town Justice accounts which have been identified by EFPR Solutions; and

**WHEREAS**, EFPR Solutions has completed working documents for the benefit of the Town Board to better understand the discrepancies associated with the accounts in more detail; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua in compliance with New York State Law, NY Consolidated Laws, Uniform Justice Court Act – UJC §2019-a, and as identified in NYS Town Law, Article 4 has provided for and hired EFPR Solutions to conduct the annual audit for the fiscal year 2017; and

**BE IT FURTHER RESOLVED**, EFPR Solutions has made available to the Town Board findings relating to their review of Justice Court records and the Town Board has accepted a memo from EFPR Solutions dated June 8, 2018, subject “Annual Checklist of Justice Court Records”; and

**BE IT FINALLY RESOLVED**, the Town Clerk is hereby directed to provide a copy of this resolution, the EFPR Solutions Memo to the Town Board dated June 8, 2018, and the accompanying working papers to the following: Justice David Prull, Justice Walter Jones, the Chief Administrative Judge of the Office of Court Administration, and NYS Supreme Court Justice Judge Craig Doran of the 7<sup>th</sup> Judicial District.

Attachment #6

**RESOLUTION NO. 2018 – 213: AUTHORIZATION OF BUDGET ADJUSTMENT RELATING TO HIGHWAY, CHIPS FUNDING**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) has been informed that the Consolidated Local Street and Highway Improvement Program (CHIPS) funding provided for the Town of Canandaigua will be higher than originally budgeted for 2018; and

**WHEREAS**, the 2018 adopted Town budget forecasted \$291,000.00 (budget line D.3501..) in revenue from CHIPS funding; and

**WHEREAS**, the Highway Superintendent has been informed the anticipated revenue for 2018 will be \$299,582.00; and

**WHEREAS**, costs associated with Worker’s Compensation (D.9040.800) have exceeded the 2018 budgeted amount by \$1,467.10; and

**WHEREAS**, the Town Manager and Bookkeeper are recommending budget adjustments to more accurately reflect the revenue and expenditures associated with the items identified; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Manager and Bookkeeper to make the following budget adjustments

Increase:	Revenue D.3501..	\$ 8,582.00
Increase:	Expenditure.D.9040.800	\$ 1,467.10
Increase:	Expenditure.D.1710.400	\$ 7,114.90

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide a copy of this resolution to the Bookkeeper and Town Manager.

**RESOLUTION NO. 2018 – 214: ADOPTION OF AMENDMENT TO THE TOWN OF CANANDAIGUA PROCUREMENT POLICY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) has adopted certain policies and procedures to provide guidance and direction to the Town Manager and staff; and

**WHEREAS**, the Town Board on May 21, 2018 approved an amendment to the Town of Canandaigua’s Procurement Policy; and

**WHEREAS**, the Finance Committee on June 15, 2018 reviewed the current process and recommended an amendment to the policy in order to authorize expenditures approved by resolution of the Town Board to be exempt from the purchase order process; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts an amendment to the Town’s procurement policy; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide a copy of this resolution and the “Town of Canandaigua Procurement Policy” to all department heads.

Attachment #7

**RESOLUTION NO.2018 – 215: ADOPTION OF YEAR END POLICY AND PROCEDURE**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) has adopted certain policies and procedures to provide guidance and direction to the Town Manager and staff; and

**WHEREAS**, the Town Board on May 21, 2018 approved, per Resolution No.2018-155, and accepted the annual financial audit report from Bonadio & Co., LLP and directed the Town of Canandaigua’s Finance Committee to review the Town’s year-end closing policies and procedures and to make recommendations to the Town Board in accordance with the “Communication of Matters Related to Internal Control Over Financial Reporting dated May 2, 2018 submitted by Bonadio & Co., LLP”; and

**WHEREAS**, the Finance Committee on June 15, 2018 reviewed the current process and recommended a written policy and procedure detailing the year-end closing steps to be known as “Year End Closing Policy and Procedures”; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts the “Year-End Closing Policy and Procedure”; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide a copy of this resolution and the “Year-End Closing Policy and Procedure” to all department heads.

Attachment #8

**RESOLUTION NO. 2018 – 216: ACCEPTANCE OF THE MONTHLY FINANCIAL REPORTS**

**WHEREAS**, the Town Board is responsible for the general oversight of the Town’s operations and finances; and

**WHEREAS**, the Town Supervisor, as Chief Financial Officer, is responsible for providing financial reports to the Town Board; and

**WHEREAS**, the Town Supervisor has provided the Town Board with hard copies and electronic copies of the June 2018 Monthly Revenue/Expense Control Report, Cash Summary Report, EFPR Solutions Executive Summary Report, as well as the Highway/Water Department Overtime Report and All Department Overtime Report; and

**NOW, THEREFORE BE IT RESOLVED**, the Canandaigua Town Board hereby confirms receipt and acceptance of these items.

Attachment #1

**RESOLUTION NO. 2018 – 217: AUTHORIZATION FOR TOWN MANAGER TO EXECUTE MEMORANDUM OF UNDERSTANDING FOR VACUUM TRUCK SERVICE WITH CANANDAIGUA AIRPORT**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) has been requested to consider entering into a Memorandum of Understanding (“M.O.U.”) with the Ontario County IDA (“IDA”) to provide vacuum truck services once or twice per year at the Canandaigua Airport; and

**WHEREAS**, the proposed M.O.U. details the pay rate from the IDA to the Town of Canandaigua to be based on the FEMA established rental rates; and

**WHEREAS**, the proposed M.O.U. details the term to expire on July 1, 2019 unless otherwise terminated by either the Town of Canandaigua or the IDA; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Town Manager to execute a Memorandum of Understanding with the Ontario County IDA for the purpose of providing vacuum service to the Canandaigua Airport as called in by the Airport Manager and as available per the Canandaigua Highway Superintendent to be billed to the Ontario County IDA at published FEMA rates.

Attachment #9

**RESOLUTION NO. 2018 – 218: REQUEST FOR FLASHING BEACON SIGNS AT A CROSSWALK ON MIDDLE CHESHIRE ROAD**

**WHEREAS**, the Highway Superintendent has received a letter and several signatures asking the Town of Canandaigua to install a flashing beacon crosswalk sign near the intersection of Middle Cheshire Road and Chatham Lane; and

**WHEREAS**, this particular mid-block crosswalk has limited sight distance facing south on Middle Cheshire Road that creates a precarious condition of uncertainty when walking across the crosswalk; and

**WHEREAS**, the Highway Superintendent supports the request to install the devices; and

**WHEREAS**, the cost to purchase two flashing beacon crosswalk signs that meet the MUTCO manual of traffic control signs is \$ 3,950.00, to be purchased from A.3310.400, using the NJPA cooperative purchasing alliance contract number 091214-WWG; and

**THEREFORE**, a motion to be made to allow the Highway Superintendent to purchase two flashing crosswalk signs.

Attachment #10

**RESOLUTION NO. 2018 – 219: SETTING A PUBLIC HEARING ON THE DRAFT OPEN SPACE, CONSERVATION, AND SCENIC VIEWS MASTER PLAN; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a new Open Space, Conservation, and Scenic Views Master Plan prepared by LaBella Associates, LLC; and

**WHEREAS**, the preparation of the draft plan by LaBella Associates, LLC was approved by the Town Board via Resolution numbers 2017-199 and 2017-298 and is in keeping with the goals set forth in the Town of Canandaigua’s Comprehensive Plan; and

**WHEREAS**, the Citizens’ Implementation Committee and the Open Space Project Team have been working with LaBella Associates over many months to prepare a plan that will serve the Town and its residents well into the future and have received input from the public via a landowner survey and two public informational meetings; and

**WHEREAS**, the Town Board would like to hear from residents about the draft master plan; and

**WHEREAS**, the Draft Open Space, Conservation, and Scenic Views Master Plan prepared by LaBella Associates, LLC and dated June 2018 has been reviewed by the Citizens’ Implementation Committee; and

**WHEREAS**, the Town Board wishes to refer the proposed plan to the Town of Canandaigua Planning Board, Environmental Conservation Board, and Zoning Board of Appeals, as well as the Ontario County Planning Board; and

**WHEREAS**, the Town Board intends to determine said plan is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing for the proposed Open Space, Conservation, and Scenic Views Master Plan to be held on August 20, 2018 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to refer the proposed action to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

Attachment #11

**RESOLUTION NO. 2018 – 220: ACCEPTANCE OF THE TOWN OF CANANDAIGUA PLANNING BOARD ANNUAL REPORT**

**WHEREAS**, the Town Board of the Town of Canandaigua has received the annual report of the Town of Canandaigua Planning Board; and

**WHEREAS**, the Town Board wishes to acknowledge receipt of said report; and

**WHEREAS**, the Town Board of the Town of Canandaigua wishes to extend appreciation to the Town of Canandaigua Planning Board for taking an active role in the long-term planning of the Town of Canandaigua including working on code updates and implementation of the Comprehensive Plan with the assistance of the Citizens' Implementation Committee; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua acknowledges and accepts the June 2018 report of the Town of Canandaigua Planning Board; and

**BE IT FURTHER RESOLVED**, the Town Board extends sincere appreciation to the members of the Planning Board for their continued work and time spent diligently assisting the residents and business owners of the Town of Canandaigua.

Attachment #12

**RESOLUTION NO. 2018 – 221: AUTHORIZATION FOR TOWN MANAGER TO EXECUTE PROPOSAL FOR INCOME SURVEY RELATING TO POTENTIAL CHESHIRE SEWER PROJECT**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as 'Town Board') has identified a possible sewer infrastructure project in the Hamlet of Cheshire as a priority in the 2016 adopted Sewer Master Plan; and

**WHEREAS**, the Town Board has previously authorized the engineering of a map plan report for the potential Cheshire Sewer Project; and

**WHEREAS**, after conversations with the NYS Division of Housing and Community Renewal, the Town Manager, working with MRB Group, has identified a possible funding source of CDBG funds to help offset the cost of construction; and

**WHEREAS**, CDBG requires an income survey of the Hamlet to determine qualifications; and

**WHEREAS**, two quotes have been received for the purpose of completing the income survey; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Town Manager to execute an agreement with G&G Municipal Consulting to

complete an income survey at a cost not to exceed \$ 3,074.00, to be paid from 2018 budget account number A.1440.400.

Attachment #13

**RESOLUTION NO. 2018 – 222: CANANDAIGUA TOWN BOARD APPOINTMENT TO THE TOWN'S ORDINANCE COMMITTEE**

**WHEREAS**, the Town Board of the Town of Canandaigua previously appointed Town Board member Gary Davis as Chair of the Town's Ordinance Committee; and

**WHEREAS**, Chairman Davis has requested to add an additional member to the Town's Ordinance Committee to better assist the Committee with possible code updates; and

**WHEREAS**, the current members of the Town's Ordinance Committee are: Chairman Gary Davis, Zoning Board of Appeals Member Bob Hilliard, Eric Cooper from the Development Office, and Sarah Reynolds from the Town Manager's Office; and

**WHEREAS**, Chairman Davis is recommending the appointment of Town of Canandaigua Planning Board Chairman Tom Schwartz to the Town's Ordinance Committee; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua appoints Tom Schwartz to the Town's Ordinance Committee for a term ending December 31, 2018; and

**BE IT FURTHER RESOLVED**, the Town Board would like to thank the current members of the Ordinance Committee for their work and dedication in advancing proposals to the Town Board.

**RESOLUTION NO. 2018 – 223: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO TOWN CODE CHAPTER 100 THAT WOULD CLARIFY AND ENHANCE REGULATIONS ON DUMPING ON PRIVATE PROPERTY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering the adoption of a Local Law to execute a text code amendment to Town Code Chapter §100 that would clarify existing regulations on dumping and increase penalties for those convicted of a violation of said Chapter; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on July 16, 2018; and

**WHEREAS**, the Town Board determines said proposed action is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as Lead Agency for the described action; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed action; and

**BE IT FURTHER RESOLVED**, the Town Manager is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua and the community to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. \_\_\_\_ of the Year 2018; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to include SEQR, findings, and narrative of the Town Board of the Town of Canandaigua as it pertains to this Local Law for filing purposes; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. \_\_\_\_ of the Year 2018 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.

Attachment #14

**RESOLUTION NO. 2018 – 224: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO TOWN CODE CHAPTER 92 BUILDING CODES**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a Local Law to execute a text code amendment to Town Code Chapter §92 that would amend Civil Penalties as prescribed by State Law; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on July 16, 2018; and

**WHEREAS**, the Town Board determines said proposed action is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and



**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as Lead Agency for the described action; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines, upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed action; and

**BE IT FURTHER RESOLVED**, the Town Manager is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua and the community to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. \_\_\_\_ of the Year 2018; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to include SEQR, findings, and narrative of the Town Board of the Town of Canandaigua as it pertains to this Local Law for filing purposes; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. \_\_\_\_ of the Year 2018 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.

Attachment #15

**RESOLUTION NO. 2018 – 225: ACCEPTANCE OF CIC’S RECOMMENDATIONS RELATING TO TDR AND OPEN SPACE, DIRECTING TOWN MANAGER TO TAKE FURTHER STEPS**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) directed the Citizens’ Implementation Committee (herein after referred to as ‘CIC’) by Resolution No.2018-101 to conduct an analysis of the BFJ Planning Report accepted by the Town Board on March 19, 2018 relating to transfer of development rights; and

**WHEREAS**, the Town Board directed the CIC to provide a response to the Town Board on the report by July 16, 2018; and

**WHEREAS**, the CIC met on June 5, 2018 and June 19, 2018 during which time they discussed the TDR report along with the proposed Open Space, Conservation, and Scenic Views Master Plan; and

**WHEREAS**, the CIC has offered recommendations to the Town Board dated June 19, 2018 which includes five key points (and are further defined in the letter from the CIC to the Town Board dated June 19, 2018) to further the goal of Open Space Conservation and Agricultural Protection including the following:

- 1) **Adoption of the Open Space, Conservation, and Scenic Views Master Plan.**
- 2) **Set a policy regarding expenditures and the use of the Open Space Fund.**
- 3) **Authorize a TDR program.**
- 4) **Take additional steps to replenish the Open Space Fund.**
- 5) **Designate a leader for the Town of Canandaigua’s Conservation efforts.**

; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board would like to thank the CIC for its review and recommendations associated with the Draft Open Space, Conservation, and Scenic Views Master Plan; the Agricultural Enhancement Plan; and the TDR report; and

**BE IT FURTHER RESOLVED**, the Town Board directs the CIC and the Town Manager to submit the draft Open Space, Conservation, and Scenic Views Master Plan to the Town Board, for consideration by the Town Board; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to refer the draft Open Space, Conservation, and Scenic Views Master Plan to the Town of Canandaigua Planning Board, Zoning Board of Appeals, Agricultural Advisory Committee, Environmental Conservation Board, and the Ontario County Planning Board; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to prepare a proposed policy regarding expenditure of funds from the Open Space Reserve Fund for consideration of the Town Board on or before the Town Board’s meeting of September 17, 2018; and

**BE IT FURTHER RESOLVED**, the Town Board acknowledges the CIC’s recommendation regarding instituting a PILOT TDR program and directs the Town Manager to prepare, for consideration, details associated with the implementation of a Transfer of Development Rights (TDR) program by October 15, 2018 including any proposed changes of Town Code; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to include in the proposed policy relating to the Open Space Reserve Fund provisions associated with an annual budget appropriation to the Open Space Reserve Fund, evaluation of open space fees, and bonding for specific projects; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to include, in the proposed 2019 budget, an appropriation for the designation of a lead person or entity relating to conservation efforts on behalf of the Town of Canandaigua to be considered by the Town Board further at the time of budget discussions; and

**BE IT FINALLY RESOLVED**, the Town Clerk is hereby directed to provide a copy of this resolution to the Town Manager.

Attachment #16

**RESOLUTION NO. 2018 – 226: AUTHORIZATION FOR TOWN MANAGER TO EXECUTE CONTRACT WITH DIRECT ENERGY FOR THE PURCHASE OF NATURAL GAS**

**WHEREAS**, the Town Board of the Town of Canandaigua directed the Town Manager to submit an application to the Municipal Electric and Gas Alliance (MEGA) by Resolution No.2018-175 in order to determine potential cost savings associated with the purchase of utilities; and

**WHEREAS**, MEGA is used by Ontario County and conducted a presentation to Towns and Cities in Ontario County during a Shared Service Panel meeting on April 26, 2018; and

**WHEREAS**, Direct Energy Business, LLC is the authorized natural gas distributor for the area serving the Town of Canandaigua for MEGA; and

**WHEREAS**, Direct Energy Business, LLC has provided a quote to the Town Manager to provide natural gas at a rate of Fixed Price: \$3.642 per Dth or Variable Price: \$0.644 per Dth plus the NYMEX charge; and

**WHEREAS**, a Dth (dekatherm) is a unit of energy used primarily to measure natural gas, and there are 10 US therms in a Dekatherm; and

**WHEREAS**, the Town of Canandaigua currently pays supply charges ranging from \$0.333094 (\$3.33 Dth) to \$0.8935 (\$8.94 Dth) per therm plus merchant function charges depending on the address and use of the facility consuming natural gas, and also depending on the current supplier; and

**WHEREAS**, the lowest total cost of natural gas supply paid by the Town of Canandaigua is currently \$3.4958 dth (including supply and merchant function charges) up to \$8.94 dth; and

**WHEREAS**, the proposal agreement with Direct Energy Business, LLC would result in a savings compared to the current supply charges no matter which option is selected; and

**WHEREAS**, by switching to Direct Energy Business, LLC the Town would pay the rate per dekatherm (either variable or fixed depending on option selected) as the Natural Gas Supply Charge which will include the merchant function charge currently paid by the Town of Canandaigua as a separate charge with NYSEG; and

**WHEREAS**, Direct Energy Business, LLC has proposed a 36-month contract which would include contract cancellation penalties based on the close-out value of the agreement if the Town were to break the proposed contract during the 36-month period; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Manager to execute the proposed agreement with Direct Energy Business, LLC; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to enter into an agreement with Direct Energy Business, LLC for a term of 36 months for a rate of \_\_\_\_\_ per Dth (fixed {\$3.642}; or variable {\$ 0.644}; or variable {\$ 0.776 with cap {\$4.00}); and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide a copy of this resolution to the Town Manager and the Ontario County Administrator.

Attachment #17

**RESOLUTION NO. 2018 – 227: REQUEST TO HIRE SUMMER STAFF FOR PARKS**

**WHEREAS**, the Director of Parks and Recreation has requested hiring the following individuals for summer staff at our Parks; and

**WHEREAS**, the proposed hourly rate for each position is identified in the following table; and

**WHEREAS**, these positions are seasonal and are, therefore, per the employee handbook, not benefit eligible; and

**WHEREAS**, the funding for this expense is included in the 2018 Adopted Town Budget; and

Mary Post	Recreation Specialist (Team Leader)	\$11.00/hour	A.7140.142
Jordan Ward	Recreation Specialist	\$10.50/hour	A.7140.142
Thomas Berley	Recreation Specialist	\$10.50/hour	A.7140.142
Natalie Ruppel	Recreation Assistant	\$10.50/hour	A.7140.142
Nicolas Muscato	Recreation Attendant	\$10.50/hour	A.7110.142

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby approves the hiring of the seasonal positions noted above at the stated hourly rate and budget lines; and

**BE IT FUTHER RESOLVED**, the Town Board of the Town of Canandaigua authorizes the Town Manager to execute any and all documents; and

**BE IT FINALLY RESOLVED**, hiring is contingent upon the Ontario County Department of Human Resources certifying the above individuals meet the required training, certification or experience standards; the Director of Parks and Recreation filing the required written reference verifications with the Manager's office; and the completion of the new-hire paperwork prior to the first day of work.

**RESOLUTION NO. 2018 – 228: RECOGNIZING PARKS LABORER, GORDON CROSBY, FOR HIS SERVICE TO THE TOWN OF CANANDAIGUA**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") would like to recognize Parks Laborer Gordon Crosby for his long service and dedication to the Town of Canandaigua; and

**WHEREAS**, Gordy has served as a dedicated and loyal public servant since May 1, 1991; and

**WHEREAS**, Gordy has given his talents, his time, and his commitment to the Town of Canandaigua and the Town Parks for over 27 years; and

**WHEREAS**, Gordy will be greatly missed by the elected officials, Town staff and the community; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby accepts the resignation of Mr. Gordon Crosby and wishes him well with his retirement plans and all of his future endeavors.

**RESOLUTION NO. 2018 – 229: SETTING HOURLY RATE FOR SEASONAL PARKS LABORER**

**WHEREAS**, the Town Manager and Director of Parks and Recreation are requesting that all Seasonal Parks Laborers are compensated fairly and consistently; and

**WHEREAS**, a discrepancy has been discovered between Seasonal Parks Laborers for 2018 with one having a pay rate of \$ 11.25/hour and another at \$12.00/hour; and

**WHEREAS**, the Town Manager and Director of Parks and Recreation are requesting a pay increase for Mr. Evan Rennie, Seasonal Parks Laborer, from \$11.25/hour to \$12.00/hour; and

**WHEREAS**, the Town Manager is requesting retroactive pay for Mr. Rennie for the hours already worked in 2018 (270.5 hours) in the amount of \$ 202.88; and

**NOW, THEREFORE BE IT RESOLVED**, the Canandaigua Town Board hereby wishes to express its appreciation to Mr. Rennie for his hard work on behalf of the Town and approves of an hourly increase to \$12.00/hour, effective immediately and any retroactive pay for hours worked in the 2018 calendar year to be paid out of the current budget line A.7110.131.

**RESOLUTION NO. 2018 – 230: APPOINTMENT OF A PART-TIME DEPUTY TOWN CLERK**

**WHEREAS**, the Town Clerk has a need to fill the position of a part-time Deputy Town Clerk vacated by Judith Miller; and

**WHEREAS**, the Town Clerk has hired Kathryn Pusateri to fill the part-time Deputy Town Clerk position with a start date of June 18, 2018 and is recommending a rate of \$14.50 per hour to be paid from 2018 budgeted line A.1410.141 and not to exceed the budgeted amount of \$20,072.00 for the 2018 calendar year; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board acknowledges the hiring of Kathryn Pusateri as the part-time Deputy Town Clerk, approves the rate of \$14.50 per hour to be paid out of budget line A.1410.142 and authorizes the Town Manager to execute any and all documents to implement the appointment.

**RESOLUTION NO. 2018 – 231: RATIFICATION OF PART-TIME TEMPORARY DEPUTY TOWN CLERK SALARY**

**WHEREAS**, the Town Clerk has determined a need to fill the position of a temporary Deputy Town Clerk in order to continue the process of the digital storage conversion; and

**WHEREAS**, the Town Clerk and Human Resources & Payroll Coordinator have interviewed prospective candidates; and

**WHEREAS**, the Town Clerk is hiring Rebeca Doyle to fill the part-time temporary Deputy Town Clerk position with a start date of July 17, 2018 and is recommending a rate of \$12.50 per hour

to be paid from 2018 budgeted line A.1410.142 and not to exceed the budgeted amount of \$7,800.00 for the 2018 calendar year; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board acknowledges the hiring of Rebeca Doyle as the part-time, temporary Deputy Town Clerk, approves the rate of \$12.50 per hour to be paid out of budget line A.1410.142 and authorizes the Town Manager to execute any and all documents to implement the appointment.

**RESOLUTION 2018 – 232: ACCEPTING \$250 FINE PURSUANT TO TOWN CODE §206-34 FOR VIOLATION OF TOWN CODE §206-26 AT 4096 ONNALINDA DRIVE**

**WHEREAS**, an employee in the Town of Canandaigua's Water Department observed a hose connected to the private fire hydrant located at 4096 Onnalinda Drive; and

**WHEREAS**, Town Code § 206-26 states that "[n]o person shall use any fire hydrant for construction or other purposes without first obtaining a permit for such use from the water district or superintendent and making any advance payment demanded by said district;" and

**WHEREAS**, no such permit was requested from, or issued by the water district or water superintendent for use of the private fire hydrant located at 4096 Onnalinda Drive; and

**WHEREAS**, Town Code § 206-34 provides for a maximum fine of \$250.00 for any offense or violation of Town Code Chapter 206; and

**WHEREAS**, Supervisor Greg Westbrook is an owner of 4096 Onnalinda Drive; and

**WHEREAS**, Supervisor Greg Westbrook has voluntarily agreed to pay the maximum fine of \$250.00 as a result of the violation of Town Code § 206-26 that was observed on his property located at 4096 Onnalinda Drive; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Canandaigua hereby accepts said fine in full satisfaction of the above-described violation of Town Code § 206-26; and

**BE IT FURTHER RESOLVED**, that the Town Manager shall accept and allocate the \$250.00 to Town of Canandaigua General Ledger A.2610.

**RESOLUTION NO. 2018 – 233: APPROVAL OF REVISED CONTRACT / RETAINER AGREEMENT FOR TOWN ATTORNEY**

**WHEREAS**, Christian M. Nadler, Esq., was appointed Town Attorney by the Town Board of the Town of Canandaigua in March 2018; and

**WHEREAS**, at the time he was appointed, Town Attorney Mr. Nadler was affiliated with the law firm of Reeve Brown PLLC; and

**WHEREAS**, at the time he was appointed, the Town entered into a Retainer Agreement with said law firm of Reeve Brown PLLC for Mr. Nadler's services as Town Attorney; and

**WHEREAS**, Mr. Nadler is now affiliated with the Law Offices of Christian M. Nadler, and is no longer affiliated with Reeve Brown PLLC;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby approves the revised 2018 Retainer Agreement attached hereto; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Town Manager to take any and all necessary steps to execute said Retainer Agreement; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall send the fully-executed Retainer Agreement to the vendor and file a copy in the Town Clerk's Office.

Attachment #18

**RESOLUTION NO. 2018 – 234: COUNTY ROAD 10 WATERMAIN IMPROVEMENT  
PROJECT SEQR PART 1 AND TOWN BOARD INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town of Canandaigua Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of Canandaigua County Road 10 Watermain Improvement Project (hereinafter referred to as Action); and

**WHEREAS**, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board determines that said Action is also subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

**WHEREAS**, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby declare its intent to be designated as the lead agency for the Action, and identifies that it is a Type 1 Action pursuant to SEQRA; and

**BE IT FURTHER RESOLVED**, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on **Thursday, August 16, 2018**.

Attachment #19

- Approval of the following Town Board Meeting Minutes:
  - June 18, 2018
  - June 28, 2018
- Payment of the Bills
  - Abstract Claim Fund Totals presented by Town Clerk
  - Voucher Summary Report for Town Board signatures
  - (By signing, Town Board members represent they have reviewed the purchases for compliance with the Town's approved policies & approve of the prepared Voucher Summary Report and the attached invoices)

Utility Abstract dated 7/5/2018 totaling \$8,834.15  
General fund \$6,567.86  
Highway fund \$1,292.70  
Water districts \$973.59

Abstract dated 7/10/2018 totaling \$594,769.72  
General fund \$104,841.67  
Local Solid Waste Management Plan \$63.00  
Highway fund \$167,233.30  
Capital projects \$138,101.50  
Water districts \$151,382.24  
Drainage districts \$2,092.50  
Lighting districts \$1,096.07  
TA fund \$29,959.44

- Privilege of the Floor
- Other Business
- Privilege of the Floor
- Executive Session, as requested
- Adjournment



# ATTACHMENT 1

Director of Parks and Recreation, Dennis Brewer, report for the Town Board for July 16, 2018.

Day Camp: Camp started on July 2. The children have had field trips to Roseland Bowl and Seneca Lake State Park. The next trip is to Seabreeze.

Recreation Programs: Preschool and Onanda Park activities started on July 9<sup>th</sup>. The activities at Richard Outhouse Park had problems getting staffing so won't start until July 16.

Tankless Water Heater: This was installed in Gorham Lodge the first week of July.

Senior Tours: There is a trip on August 7 to Alexandria Bay with a cruise on the St. Lawrence River and a tour to Boldt Castle.

Paddle Boards: The lifeguards have concerns about the use of paddle boards. This will be discussed at the next Parks and Recreation Committee meeting.

Minutes: Minutes from the June 20 Parks and Recreation Committee are enclosed.

Meeting: The next Parks and Recreation Committee meeting will be held on July 25 at 6:00 at Blue Heron Park.

DRAFT MINUTES  
TOWN OF CANANDAIGUA  
PARKS AND RECREATION/TRAILS  
MEETING JUNE 20, 2018  
OUTHOUSE PARK

Members Present: Mark MacNeil, Karen Parkhurst, Dennis Brewer, Adeline Rudolph, Dave Sauter, Alexandra Schenk

1. Approved current minutes from May meeting.
2. Dennis – hired a person with landscaping background, currently working on training him.
3. Reviewed Master Plan Outhouse Park Recommendations
4. Reviewed proposed summer maintenance plan for Outhouse Park.
  - Trees and flower beds are currently being mulched
  - Adding more benches, adding trails using stone dust.
  - Adding trees in all of the parks
  - Still working on the back side of the park where it is rough and still wet.
  - Adding mulch to the playground. 2 or 3 bags of rubber mulch will be added.
  - Kiosk with park information is on hold. Goal is to extend park to Cty. Road 30.
  - There are currently signs in all of the parks except Outhouse and Miller.
  - Athletic field improvements are not being done yet. 2 Goals belong to others and need to be removed.
5. Director's report
  - Day camp is fully staffed and ready to go from 7/2/2018 to 8/10/2018.
  - Currently teaching CPR and basic First Aid.
  - Programs start on July 9<sup>th</sup> through August 16<sup>th</sup>.
  - Beaches are now open.
  - Recently hosted 1500 young people for end of year picnics.
  - Rotary was at Outhouse Park on June 6<sup>th</sup> doing planting.
  - Discussed the biggest problem during the summer – cleaning the cabins.
  - Miller Park was discussed. Wildflowers were scheduled to be planted, but the current thought is to leave the park alone as several users of the park have asked. Will reconsider wildflower planting in the fall.
  - Onanda buildings are being rented on a regular basis.
  - Suggested meeting with Doug Finch about a trails plan.
6. Senior Programs Update –The Active Adult Summer Kick-off Picnic was held on June 12<sup>th</sup> with attendees from both Quail Summit and Ferris Hills and several town residents. Many town officials attended. Ideas for senior activities were solicited from seniors who attended.
7. There was a discussion about the County Road 16 changes. Discussion included some of the difficulties with both walking and biking on the road, especially with construction and landscaping vehicles and equipment and the marina parking on the road.

Next meeting will be held at Blue Heron Park at 6 pm on July 25<sup>th</sup>, 2018.

Respectfully submitted,

Karen Parkhurst

## Highway and Water report for July 16, 2018

### Highway

1. Wells Curtis road is proceeding well. Concrete gutters to be placed 7/9 and 10. Paving of the road will be done the week of the 23 of July. Restoration following after.
2. Buffalo Street extension will start in August for the drainage and asphalt repairs between Outhouse road and Overlook lane.
3. Micro Paving at the end of July
4. Cold in place recycling of Seneca Point road from County road 16 to Coye road late July early August.

### Water

1. Installing the water main on County road 32. Will have water main installed by end of July.
2. County road 10 water main is still a work in progress. Received comments back from the DOT and the DOH. MRB has addressed them and sent back for approval.
3. West street pump station was operating at maximum capacity during the many days of 90 plus degrees.
4. Proposals from MRB to approve the engineering for the four master meter vaults that are needed at the municipal lines.
5. Met with Hopewell water superintendent and town supervisor and discussed how both towns will finish the year out and transfer all accounts and information in 2019. This was the cleanest option for both of the towns.

### Other Items

1. Constructing the County road 30 storm water pond
2. Punch list items and training of the new highway facility HVAC, air ventilation and security system is close to being complete.
3. Transfer station traffic has gone well with the new pattern
4. Received information back from Ontario County Lake sewer district for sanitary sewer on Acorn Hill Drive. We had sent in three options to the county for comment on location of sewer utilities and the only option the County will agree to be a gravity sanitary line from Acorn Hill to Wyffles Road. An information meeting should be held in August with the resident to discuss the cost to the property owner.

## Assessor's Report July 16, 2018

So far 2 property owners have indicated that they are not satisfied with the decision of the Board of Assessment Review, and are filing for small claims assessment review. It is my expectation that there will be at least 9 more from an Attorney that works on a commission based on any tax savings.

Sales numbers in the Town YTD are 50 sales \$40,000 to \$1,375,000 with a median price of \$242,000. For non water-front homes, this equates to about \$125 per square foot of living area.

Respectfully submitted,

*Christopher Lyon, IAO*

Town Historian's Report  
for July 16, 2018

1. The sale of the original "Cheshire" books is nearly gone and another 50 copies of the be ordered be the Ontario County Historical Society.
2. I have been working with Saralinda Hooker of the Open Space Plan on the consideration of the Town's additional Historic and Cultural Resources which could and should be included on an updated version of the Cultural and Historic resource map. Of note, there are approximately 175 pre 1907 historic barns still in existence in the Town, and additionally, **350** pre-**1920** built homes. As you know we have counted 100 percent of the barns and also as of now we have reached the letter "**S**" in the house count
3. We are nearly ready to begin to start work on the Wovlerton Cemetery. This will all take time, and I will keep you posted. **Jay Dutcher's son has a request in for a group of "CB"s for aid in the project.**
4. **We have commenced producing maps for "Millers Park".**

Respectfully,

Ray Henry, Town Historian

## **Town Clerk Report for the July 16, 2018, Town Board Meeting**

1. **Monthly Financial Report:** Revenues collected in the Town Clerk's office for the month of June 2018 totaled \$41,320.61. (see attached).
2. **Interviews for Temporary Part-Time Deputy Town Clerk:** As a result of Judy Miller's resignation, Kathy Pusateri was offered and accepted the part-time Deputy Town Clerk position. Kathy moved over to the part-time position on Monday, June 18. I have advertised for the temporary position and will be interviewing the week of July 9. There are two resolutions on the agenda. The first is to ratify Kathy's new salary and the second is to ratify the temporary part-time clerk's salary.
3. **Resolutions:**
  - A. Ratifying part-time Deputy Town Clerk Kathy Pusateri's hourly rate.
  - B. Ratifying temporary part-time Deputy Town Clerk's hourly rate.

Please let me know if you have any questions.

Submitted by,

*Jean Chrisman*

Jean Chrisman  
Town Clerk

# **TOWN OF CANANDAIGUA**

## **TOWN MANAGER MONTHLY REPORT**

July 16, 2018

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### **PERSONNEL**

KUDOS: To all of the Town's laborers, lifeguards, and maintenance workers who have been braving the 90 plus degree heat to make sure that our Town parks, roads, and water services are provided to our residents without interruption.

KUDOS - Retirement: Thank you to Gordon Crosby for his long time service to the Town of Canandaigua Parks Department. Gordon retired at the end of June with more than twenty years of service to the Town of Canandaigua.

KUDOS – Special Events: Thank you to all the Special Events Committee volunteers, Elected Officials, and staff who participated in the 4<sup>th</sup> of July parade. Congratulations on winning first place for the best float in the parade.

### **GENERAL**

Cheshire Sewer Project: On June 21<sup>st</sup> Greg Hotaling, Emily Palumbos, and I met with the U.S.D.A. about the potential of grant money available for the Cheshire Sewer Project. At this time the Town of Canandaigua is not eligible for grant money from the U.S.D.A. due to the population of the Town. Our best option for grant money for this project remains with U.S. Housing and Community Renewal (CDBG). Your agenda includes authorization for us to hire a firm to conduct an income survey of the Cheshire residents. Additionally, we need to schedule a meeting with our Hamlet of Cheshire residents for August/September.

Court Security: On June 25<sup>th</sup> Town Board member Linda Dworaczyk and I met with Town Justice Wally Jones and Justice Dave Prull regarding court security. Also joining us was Shannon Pero, Esq., Special Counsel for the 7<sup>th</sup> Judicial District for Village and Town Courts. Per Town Board direction, Linda and I met with the Justices to discuss the costs associated with court security after referral to the Finance Committee. Special Counsel Pero, Justice Jones, and Justice Prull made it clear that the costs associated with Court Security are the responsibility of the Town to handle the costs, and it is not up to the Town Court to pay those costs. Justice Prull did indicate that on non-District Attorney (DA) nights, that only one Ontario County Sheriff Deputy is utilized. Two Ontario County Sheriff Deputies are utilized on DA nights which are held twice per month. Justice Prull indicated that DA nights are limited to two nights per month due to the limited availability of DA's. The Justices indicated that the court sessions are often very lengthy with sometimes as many as a hundred cases a night on DA nights. Additionally,



# **TOWN OF CANANDAIGUA**

## **TOWN MANAGER MONTHLY REPORT**

July 16, 2018

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Justice Prull and Justice Jones voiced strong displeasure with a recent article in the paper regarding the possible co-location of the Town Court into the City Hall.

Court Security Follow up: As a follow up to the conversation on June 25<sup>th</sup>, I spoke with Ontario County Administrator Mary Krause regarding the cost not to exceed amount in the proposed contract for 2018. Administrator Krause agreed that we could amend the contract to indicated an amount not to exceed the budgeted amount of \$ 8,000.00; however, the rate per hour needed to remain the same as the proposed contract due to the County's charge structure. This is an item that I have flagged for additional conversation relative to the 2019 Town budget.

Court co-location / City Hall: As you are aware, legislation has passed both the Senate and Assembly that would authorize the Town of Canandaigua's Court to hold session in the City of Canandaigua City Hall. While the legislation would authorize the co-location, NYS Supreme Court Judge Craig Doran and I have communicated regarding the logistics of such a move. On Tuesday, July 10<sup>th</sup>, Supervisor Westbrook, Town Justices Prull and Jones, Town Court Clerks, Samantha Pierce, and I met with representatives of the 7<sup>th</sup> Judicial District, Judge Craig Doran, City Court Stephen Aronson, and City Manager John Goodwin to discuss options and logistics if such a move were to be approved. The Town Justices and Court Clerks expressed concerns regarding the logistics of such a move relating to movement of files from one court facility to the next, parking, ADA accessibility, and losing control over when they can call court at anytime. Generally it was suggested by the 7<sup>th</sup> Judicial District that perhaps the Town should consider the construction of a regional court facility with neighboring municipalities to plan for the future growth over the next forty years. It is possible for the City Court facility to be used on a temporary base while the Town explores a more permanent solution. The 2015/16 study regarding the possible construction of a separate court facility estimated costs at approximately \$1.7 million to the taxpayers of the Town of Canandaigua. The potential impact to the taxpayers for the construction of an estimated \$1.7 million court facility (estimated debt service payment of approximately \$100,000 - \$ 150,000 per year for 30 years) if completely placed on the residents of the Town of Canandaigua would require a tax increase of approximately \$ 0.11 per thousand of assessed value above the current and future anticipated tax rates bringing the anticipated general and highway fund tax rate to as much as \$ 1.19 per thousand when you include the debt service payment and expenditures from the highway facility. For the average home owner of a home of \$ 275,000.00 this would equate to a tax increase of approximately \$77.00 with a tax rate increase from the 2018 budget rate of \$ 0.91 to a potential rate of \$ 1.19 per thousand. The fiscal impact could be even greater for those property owners who saw on average a 7% increase in their assessment, which could increase the tax levy for those residents by as much as \$100.00. The sharing of services between the City and Town is an attempt to avoid this potential cost. It

# **TOWN OF CANANDAIGUA**

## **TOWN MANAGER MONTHLY REPORT**

July 16, 2018

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seems like additional conversation is needed to determine logistics to mitigate this potential tax increase to the residents of the Town of Canandaigua by the Court system.

Fox Ridge HOA meeting: Our annual Fox Ridge HOA meeting was held at the Town Hall on June 25<sup>th</sup> with approximately 40 residents of Fox Ridge attending. A special thank you to City Manager John Goodwin who also attended the evening to answer questions that residents had about development projects in a variety of current status in the City. Additionally, the residents attending were given a tour of the new highway facility.

Water Debt Service: Attached to my agenda this month is a recent debt statement summary of debt by the Town of Canandaigua. This information was prepared by BPD at my request and was required to submit the paperwork with Water District Extension #42. The attached is just for your informational purposes.

City / Town Joint Meeting: Thank you to the entire Town Board for attending the joint City/Town meeting on June 26<sup>th</sup> to discuss the opportunities surrounding economic development and concept mapping. As directed by the Town Board / City Council, City Manager John Goodwin, Karen Dworaczyk and I have met to work on a presentation of options for what a joint entity might look like on July 31<sup>st</sup>. Additionally, we anticipate a presentation to the Town Board / City Council on July 31<sup>st</sup> from CPSM regarding the fire study currently underway.

Canandaigua / Hopewell Water: Representatives from the Town of Hopewell and the Town of Canandaigua met on June 27<sup>th</sup> to discuss the conversion of water administration of the former Canandaigua Hopewell Water District of the Town of Canandaigua to the Canandaigua Consolidated Water District. Generally, it was agreed that the Town of Hopewell would administer the district through the end of 2018, with the Town of Canandaigua taking over administration in late 2018 in parallel with the Town of Hopewell. Additionally, an updated Memorandum of Understanding will be presented to both Boards for consideration.

5450 Route 5 & 20: The Town of Canandaigua is now the owner of the property next to the Town Hall Campus located adjacent to the new highway facility. The property purchase closing took place on June 27<sup>th</sup> at the Town Hall.

Moody's Credit Rating: On July 12<sup>th</sup> I participated in a conference call with BPD, and the Moody's Credit Rating Agency regarding the acquisition of a credit rating for the Town of Canandaigua. The goal of a double or triple A rating is desired in order to secure the best possible interest rate for our upcoming bonding for the new highway facility.

# **TOWN OF CANANDAIGUA**

## **TOWN MANAGER MONTHLY REPORT**

July 16, 2018

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Lifeguards: The City of Canandaigua and Town of Canandaigua are now able to hire a lifeguard trainer / certification trainer through a shared service working together with Ontario County. The idea to be able to hire the certification coach through Ontario County was identified as a shared service during the 2017 County panel meetings. Susan Bennett is now in place as an employee of Ontario County and available for hire to the City and Town of Canandaigua to do lifeguard training and open water lake certification throughout the year at Town or City beaches.

### **DEVELOPMENT / PLANNING**

Citizen's Implementation Committee: Our CIC had been given a deadline of July 16<sup>th</sup> to make a recommendation to the Town Board regarding a possible TDR program. The CIC's recommendation is on the agenda with a resolution for your consideration. Town Attorney Chris Nadler and I have since had a chance to speak about the recommendation and believe a few tweaks should be made to include a separate section of code, similar but different than Incentive Zoning, if you wish to further consider the recommendation.

#### Upcoming Meetings:

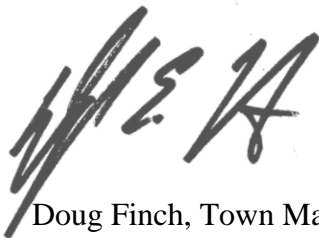
**Planning** – The next scheduled Planning Board meeting is July 24<sup>th</sup> at 6:00pm.

**Zoning** – The Zoning Board of Appeals next meets Tuesday, July 17<sup>th</sup> at 6:00pm.

**Environmental Conservation Board** – August 2nd at 4:30pm.

**Agriculture Advisory Committee** – August 2nd at 6:00pm.

**Citizens Implementation Committee** – July 17<sup>th</sup> at 9:00am.



Doug Finch, Town Manager

**TOWN OF CANANDAIGUA**

**DEBT STATEMENT SUMMARY**

**As of December 31, 2017**

<u>Fiscal Year Ended</u>	<u>Assessed Valuation</u>	<u>Equalization Rates</u>	<u>Equalized Value</u>
12/31/14	\$ 1,565,249,182	100.00%	\$ 1,565,249,182
12/31/15	1,207,474,660	100.00%	1,207,474,660
12/31/16	1,219,036,318	100.00%	1,219,036,318
12/31/17	1,282,355,297	100.00%	1,282,355,297
12/31/18	1,503,528,693	100.00%	<u>1,503,528,693</u>
Total .....			<u>\$ 6,777,644,150</u>
Five-Year Average Equalized Value .....			\$ 1,355,528,830
Debt Limit (7% thereof) .....			\$ 94,887,018
<u>Borrowings:</u>			
Serial Bonds .....		\$ 2,007,580	
Bond Anticipation Notes .....		<u>5,000,000</u>	
Total Inclusions .....			\$ 7,007,580
<u>Exclusions:</u>			
Water Indebtedness .....		\$ 1,516,000 <sup>1</sup>	
Sewer Indebtedness .....		<u>491,580</u> <sup>2</sup>	
Total Exclusions .....			<u>\$ 2,007,580</u>
Total Net Indebtedness .....			\$ 5,000,000
Net Debt-Contracting Margin .....			\$ 89,887,018
Percentage of Debt-Contracting Power Exhausted .....			5.27%

- Notes:    1      Water indebtedness is automatically excluded pursuant to provisions of Article VIII, Section 5B of the New York State Constitution and Section 136.00 of the Local Finance Law.
- 2      Excluded pursuant to Section 124.10 of the Local Finance Law by Orders of the State Comptroller dated April 17, 2014, authorizing the exclusion of not exceeding \$550,000.

## Revenue / Expense Control Report Parameters

Report ID: BD RPT 2

Year: 2018 Include Beg. Encumbrance: Yes

Period: 6 To: 6 Apply to Budget Columns: No

Description: Short Apply % to Original Budget: No

Spacing: Single Print Parent Account: No

Acct Status: Active Grand Totals on Separate Page: No

Suppress Zero Accts.: None Include Req: No

Summary Only: No Use Alt Fund: No

% Fiscal Year: 100 Exclude Rev Brackets: Yes

Account Table:

Alt. Sort Table:

Sort:	Sort	Subtotal	Page Break	Subheading
1	Fund	Yes	No	No
2	Type	Yes	No	No
3	Function	No	No	No
Subtotal/Page Break Expenses Only:		No		

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.1001	REAL PROPERTY TAXES	294,637.00	294,637.00	0.00	293,972.62	664.38	99.77
A.1030	SPECIAL ASSESSMENT/PILOT	18,827.00	18,827.00	0.00	18,941.36	(114.36)	100.61
A.1090	PENALTY ON TAXES	12,000.00	12,000.00	11,495.06	11,495.06	504.94	95.79
A.1120	NON PROPERTY SALES TAX	1,600,000.00	1,710,000.00	0.00	434,762.25	1,275,237.75	25.42
A.1170	CABLE TV FRANCHISE FEES	75,000.00	75,000.00	0.00	42,517.21	32,482.79	56.69
A.1255	TOWN CLERK FEES	1,000.00	1,000.00	158.00	509.09	490.91	50.91
A.1603	VITAL STATISTICS FEE	5,000.00	5,000.00	501.00	2,396.00	2,604.00	47.92
A.2001	PARK & RECREATION FEES	87,500.00	87,500.00	11,421.00	40,816.00	46,684.00	46.65
A.2110	ZONING FEES	25,000.00	25,000.00	200.00	7,650.00	17,350.00	30.60
A.2120	SOIL EROSION CONTROL	8,000.00	8,000.00	150.00	1,050.00	6,950.00	13.13
A.2148	RETURNED CHECK FEE	20.00	20.00	0.00	40.00	(20.00)	200.00
A.2192	CEMETERY SERVICES	500.00	500.00	0.00	0.00	500.00	0.00
A.2302	SERVICES/OTHER GOVERNMENTS	9,000.00	9,000.00	760.00	3,800.00	5,200.00	42.22
A.2401	INTEREST & EARNINGS	6,000.00	6,000.00	676.86	4,596.21	1,403.79	76.60
A.2410	RENTAL OF REAL PROPERTY	12,460.00	12,460.00	900.00	5,850.00	6,610.00	46.95
A.2544	DOG LICENSES	18,000.00	18,000.00	1,683.00	6,445.00	11,555.00	35.81
A.2590	SITE DEVELOPMENT FEES	77,000.00	77,000.00	9,646.60	22,586.98	54,413.02	29.33
A.2591	CONSTRUCTION DEBRIS FEES	16,000.00	16,000.00	2,922.00	9,848.00	6,152.00	61.55
A.2610	FINES & FORFEITED BAIL	85,000.00	85,000.00	(12,715.00)	41,319.00	43,681.00	48.61
A.2651	RECYCLING REVENUE	15,000.00	15,000.00	3,039.98	8,376.76	6,623.24	55.85
A.2660	SALE OF REAL PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00
A.2665	SALE OF EQUIPMENT	7,500.00	7,500.00	0.00	8,100.00	(600.00)	108.00
A.2680	INSURANCE RECOVERIES	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.2701	REFUND PRIOR YEARS EXP	0.00	0.00	0.00	720.70	(720.70)	0.00
A.2705	GIFTS & DONATIONS	0.00	0.00	0.00	0.00	0.00	0.00
A.2770	MISCELLANEOUS INCOME	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
A.3001	NYS AID PER CAPITA	28,000.00	28,000.00	0.00	0.00	28,000.00	0.00
A.3005	ONTARIO CITY MORTGAGE TAX	260,000.00	260,000.00	119,788.69	119,788.69	140,211.31	46.07
A.3040	NYS AID TAX/ASSESSMENTS	0.00	0.00	0.00	0.00	0.00	0.00
A.3089	ST AID.OTHER	35,000.00	35,000.00	0.00	0.00	35,000.00	0.00
A.3092	ST AID.PLANNING STUDIES	80,000.00	88,192.00	0.00	25,755.46	62,436.54	29.20
A.3820	NYS YOUTH PROGRAMS	0.00	0.00	0.00	0.00	0.00	0.00
A.5031	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
A.5031.CM	INTERFUND TRANSFERS	100,000.00	130,000.00	0.00	30,000.00	100,000.00	23.08
A.5031.H	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
A.5031.TE	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
A.5031.V	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
A.9000	APPROPRIATED FUND BALANCE FOR BUDGET	406,317.00	512,317.00	0.00	0.00	512,317.00	0.00
A.9230	TAX STABILIZATION RESERVE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
A.9235	NYSERS RESERVE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>3,284,761.00</b>	<b>3,538,953.00</b>	<b>150,627.19</b>	<b>1,141,336.39</b>	<b>2,397,616.61</b>	<b>32.25</b>
A.1010.110	TOWN BOARD	19,860.00	19,860.00	1,527.68	9,929.92	9,930.08	50.00
A.1010.400	TOWN BOARD	1,500.00	1,500.00	124.67	733.22	766.78	48.88
A.1110.110	JUSTICES	48,872.00	48,872.00	3,759.40	24,436.10	24,435.90	50.00
A.1110.120	JUSTICES	14,976.00	14,976.00	1,036.00	6,208.00	8,768.00	41.45
A.1110.130	JUSTICES	0.00	0.00	0.00	0.00	0.00	0.00
A.1110.140	JUSTICES	15,584.00	15,584.00	1,023.98	6,527.23	9,056.77	41.88
A.1110.200	JUSTICES	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
A.1110.400	JUSTICES	16,185.00	16,185.00	298.82	3,492.64	12,692.36	21.58

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.1220.110	SUPERVISOR	20,000.00	20,000.00	1,538.46	9,999.99	10,000.01	50.00
A.1220.120	DEPUTY SUPERVISOR	2,000.00	2,000.00	153.84	923.04	1,076.96	46.15
A.1220.121	SUPERVISOR	27,591.00	27,591.00	2,122.38	13,795.47	13,795.53	50.00
A.1220.400	SUPERVISOR	2,100.00	2,100.00	0.00	144.60	1,955.40	6.89
A.1230.100	TOWN MANAGER	92,597.00	92,597.00	7,122.84	46,298.46	46,298.54	50.00
A.1230.200	TOWN MANAGER	0.00	0.00	0.00	0.00	0.00	0.00
A.1230.400	TOWN MANAGER	5,000.00	5,000.00	176.75	1,485.57	3,514.43	29.71
A.1320.400	AUDITOR	11,000.00	11,000.00	10,300.00	10,300.00	700.00	93.64
A.1340.120	BUDGET OFFICER	3,000.00	3,000.00	230.78	1,500.07	1,499.93	50.00
A.1340.400	BUDGET	27,000.00	27,000.00	2,000.00	10,900.00	16,100.00	40.37
A.1345.400	PURCHASING	4,000.00	4,000.00	176.35	750.80	3,249.20	18.77
A.1355.120	ASSESSOR	65,795.00	65,795.00	5,061.16	32,897.54	32,897.46	50.00
A.1355.132	ASSESSOR	44,147.00	44,147.00	3,395.20	20,371.20	23,775.80	46.14
A.1355.150	ASSESSOR	2,000.00	2,000.00	375.00	750.00	1,250.00	37.50
A.1355.200	ASSESSOR	500.00	500.00	0.00	0.00	500.00	0.00
A.1355.400	ASSESSOR	34,780.00	34,780.00	366.60	7,861.05	26,918.95	22.60
A.1355.420	ASSESSOR	300.00	300.00	65.25	65.25	234.75	21.75
A.1355.430	ASSESSOR	0.00	0.00	0.00	0.00	0.00	0.00
A.1410.110	TOWN CLERK	57,818.00	57,818.00	4,447.54	28,909.01	28,908.99	50.00
A.1410.131	TOWN CLERK	37,073.00	37,073.00	2,742.81	14,172.00	22,901.00	38.23
A.1410.141	TOWN CLERK	20,072.00	20,072.00	922.54	7,839.66	12,232.34	39.06
A.1410.142	TOWN CLERK	7,800.00	7,800.00	937.50	3,862.50	3,937.50	49.52
A.1410.200	TOWN CLERK	850.00	850.00	0.00	138.00	712.00	16.24
A.1410.400	TOWN CLERK	11,732.00	11,732.00	201.97	5,831.46	5,900.54	49.71
A.1420.400	ATTORNEY	24,000.00	24,000.00	579.00	6,682.28	17,317.72	27.84
A.1430.100	PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00
A.1430.132	PERSONNEL	0.00	32,634.59	4,351.24	4,351.24	28,283.35	13.33
A.1430.141	PERSONNEL	22,721.00	17,721.00	1,270.75	4,927.68	12,793.32	27.81
A.1430.142	PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00
A.1430.143	PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00
A.1430.144	PERSONNEL	47,900.00	20,265.41	0.00	20,265.41	0.00	100.00
A.1430.200	PERSONNEL	500.00	500.00	0.00	0.00	500.00	0.00
A.1430.410	PERSONNEL	3,250.00	3,250.00	79.92	1,530.52	1,719.48	47.09
A.1430.420	PERSONNEL	3,500.00	3,500.00	0.00	672.00	2,828.00	19.20
A.1440.400	ENGINEERING	15,000.00	15,000.00	0.00	0.00	15,000.00	0.00



Date Prepared: 07/06/2018 12:57 PM

Report Date: 07/06/2018

Account Table:

Alt. Sort Table:

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

GLR0130 1.0

Page 4 of 29

Prepared By: TINA

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.1440.402	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
A.1440.404	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
A.1440.406	ENGINEERING	0.00	27,500.00	2,810.01	2,810.01	24,689.99	10.22
A.1450.400	ELECTIONS	7,200.00	7,200.00	0.00	0.00	7,200.00	0.00
A.1460.200	RECORDS MANAGEMENT	10,944.00	10,944.00	0.00	4,449.00	6,495.00	40.65
A.1460.400	RECORDS MANAGEMENT	14,150.00	14,150.00	0.00	2,358.58	11,791.42	16.67
A.1460.410	RECORDS MANAGEMENT	0.00	0.00	0.00	0.00	0.00	0.00
A.1460.420	RECORDS MANAGEMENT -GC	0.00	0.00	0.00	0.00	0.00	0.00
A.1480.400	PUBLICSERVINFO.CONTRACTUAL	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00
A.1620.200	BUILDINGS	45,000.00	45,000.00	3,500.00	8,900.00	36,100.00	19.78
A.1620.400	BUILDINGS	141,928.00	141,928.00	10,294.94	69,151.42	72,776.58	48.72
A.1620.410	BUILDINGS	31,000.00	31,000.00	3,136.50	7,973.50	23,026.50	25.72
A.1670.200	CENTRAL PRINTING	0.00	0.00	0.00	0.00	0.00	0.00
A.1670.400	PRINTING & MAILING	43,472.00	43,472.00	1,108.66	10,614.79	32,857.21	24.42
A.1680.200	DATA PROCESSING	25,000.00	70,000.00	3,799.00	5,698.00	64,302.00	8.14
A.1680.400	DATA PROCESSING	41,940.00	41,940.00	2,412.91	21,905.80	20,034.20	52.23
A.1910.400	UNALLOCATED INSURANCE	120,000.00	120,000.00	20,053.00	57,655.66	62,344.34	48.05
A.1920.400	MUNICIPAL ASSOCIATION DUES	1,850.00	1,850.00	0.00	1,350.00	500.00	72.97
A.1930.400	JUDGEMENTS & CLAIMS	0.00	0.00	0.00	0.00	0.00	0.00
A.1940.200	PURCHASE OF LAND/RIGHT OF WAY	50,000.00	80,000.00	30,916.66	30,916.66	49,083.34	38.65
A.1940.400	PURCHASE OF LAND/RIGHT OF WAY	0.00	0.00	0.00	0.00	0.00	0.00
A.1990.400	CONTINGENCY	100,000.00	98,528.80	0.00	0.00	98,528.80	0.00
A.3310.200	TRAFFIC	0.00	0.00	0.00	0.00	0.00	0.00
A.3310.400	TRAFFIC	99,923.00	99,923.00	18,089.11	18,325.11	81,597.89	18.34
A.3510.400	DOG CONTROL	22,000.00	22,422.00	0.00	22,422.00	0.00	100.00
A.4010.120	HEALTH OFFICER	0.00	0.00	0.00	0.00	0.00	0.00
A.4020.100	REGISTRAR	2,300.00	2,300.00	575.00	1,087.50	1,212.50	47.28

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.4020.400	REGISTRAR	235.00	235.00	0.00	0.00	235.00	0.00
A.4540.400	AMBULANCE	4,000.00	4,000.00	0.00	4,000.00	0.00	100.00
A.5010.110	HIGHWAY SUPT	73,315.00	73,315.00	5,639.62	36,657.53	36,657.47	50.00
A.5010.120	HIGHWAY	3,068.00	3,068.00	236.00	1,534.00	1,534.00	50.00
A.5010.130	HIGHWAY	32,500.00	700.00	0.00	700.00	0.00	100.00
A.5010.131	HIGHWAY.FINANCE CLERK II FT	0.00	0.00	0.00	0.00	0.00	0.00
A.5010.132	HIGHWAY	0.00	31,800.00	2,396.25	14,248.13	17,551.87	44.81
A.5010.200	HIGHWAY	0.00	0.00	0.00	0.00	0.00	0.00
A.5010.400	HIGHWAY	0.00	0.00	0.00	0.00	0.00	0.00
A.5182.400	STREET LIGHTING	40,500.00	40,500.00	1,963.38	12,344.84	28,155.16	30.48
A.6410.410	PUBLICITY	0.00	0.00	0.00	0.00	0.00	0.00
A.6410.420	PUBLICITY	1,700.00	1,749.20	0.00	1,749.20	0.00	100.00
A.6410.430	CONTR TRAILS ADMIN	0.00	0.00	0.00	0.00	0.00	0.00
A.6989.400	ECONOMIC DEVELOPMENT	25,000.00	25,000.00	0.00	129.66	24,870.34	0.52
A.7020.121	RECREATION	26,010.00	26,010.00	2,000.76	13,004.94	13,005.06	50.00
A.7020.141	RECREATION	0.00	0.00	0.00	0.00	0.00	0.00
A.7020.400	RECREATION	2,200.00	2,200.00	411.48	829.90	1,370.10	37.72
A.7110.121	PARKS.MAINTENANCE ASSISTANT	38,760.00	38,760.00	3,269.24	16,028.20	22,731.80	41.35
A.7110.130	PARK	37,716.00	37,716.00	2,785.60	19,017.60	18,698.40	50.42
A.7110.131	LABORER PT	20,022.00	20,022.00	4,384.13	8,715.38	11,306.62	43.53
A.7110.142	PARK	15,500.00	15,500.00	1,792.88	1,792.88	13,707.12	11.57
A.7110.143	PARK	13,300.00	13,300.00	1,624.50	6,726.00	6,574.00	50.57
A.7110.200	PARK	13,750.00	13,750.00	0.00	2,838.76	10,911.24	20.65
A.7110.201	PARK	106,500.00	132,500.00	2,538.35	21,908.90	110,591.10	16.54
A.7110.203	PIERCE PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.240	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.400	PARK	54,200.00	54,200.00	6,534.49	25,972.59	28,227.41	47.92
A.7110.401	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.402	PARK	25,000.00	25,000.00	4,020.00	7,858.00	17,142.00	31.43
A.7110.403	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.404	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.405	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7110.406	PARK	0.00	0.00	0.00	0.00	0.00	0.00
A.7140.141	PLAYGROUND/RECREATION	38,000.00	38,000.00	3,488.06	3,488.06	34,511.94	9.18

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.7140.142	PLAYGROUND/RECREATION	18,250.00	18,250.00	2,212.00	2,212.00	16,038.00	12.12
A.7140.143	PLAYGROUND/RECREATION	0.00	0.00	0.00	0.00	0.00	0.00
A.7140.200	PLAYGROUND/RECREATION	0.00	0.00	0.00	0.00	0.00	0.00
A.7140.400	PLAYGROUND/RECREATION	3,800.00	3,800.00	43.00	540.58	3,259.42	14.23
A.7140.410	PLAYGROUND/RECREATION	12,500.00	12,500.00	0.00	12,500.00	0.00	100.00
A.7410.400	LIBRARY	0.00	0.00	0.00	0.00	0.00	0.00
A.7450.410	MUSEUM	10,000.00	10,000.00	0.00	10,000.00	0.00	100.00
A.7510.120	HISTORIAN	3,183.00	3,183.00	780.25	1,560.50	1,622.50	49.03
A.7510.400	HISTORIAN	1,100.00	1,100.00	0.00	0.00	1,100.00	0.00
A.7550.400	CELEBRATIONS	3,500.00	4,500.00	165.47	2,560.45	1,939.55	56.90
A.7989.400	FLTV 12	0.00	0.00	0.00	0.00	0.00	0.00
A.8010.123	ZONING	0.00	0.00	0.00	0.00	0.00	0.00
A.8010.141	ZONING	5,760.00	5,760.00	485.00	3,155.00	2,605.00	54.77
A.8010.142	ZONING	0.00	0.00	0.00	0.00	0.00	0.00
A.8010.143	ZONING	28,080.00	28,080.00	1,773.00	10,831.50	17,248.50	38.57
A.8010.144	ZONING	34,320.00	34,320.00	2,646.19	15,821.44	18,498.56	46.10
A.8010.145	ZONING	41,946.00	41,946.00	3,226.62	20,973.03	20,972.97	50.00
A.8010.200	ZONING INSPECTOR	1,200.00	1,200.00	0.00	0.00	1,200.00	0.00
A.8010.201	CEO	0.00	4,000.00	0.00	3,990.00	10.00	99.75
A.8010.210	VEHICLE	20,000.00	20,000.00	0.00	20,000.00	0.00	100.00
A.8010.400	ZONING INSPECTOR	2,200.00	2,200.00	0.00	596.74	1,603.26	27.12
A.8010.401	CEO	0.00	0.00	0.00	0.00	0.00	0.00
A.8010.403	DIRECTOR OF DEVELOPMENT	0.00	0.00	0.00	0.00	0.00	0.00
A.8010.410	VEHICLE EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00
A.8020.120	BOARD	13,000.00	13,000.00	3,066.50	6,133.00	6,867.00	47.18
A.8020.140	STENOGRAPHER PT	5,000.00	5,000.00	636.48	3,699.54	1,300.46	73.99
A.8020.150	PLANNING	4,200.00	4,200.00	1,050.00	2,100.00	2,100.00	50.00
A.8020.160	PLANNING	1,900.00	1,900.00	92.82	543.66	1,356.34	28.61
A.8020.400	MISCELLANEOUS	26,750.00	24,702.00	770.98	7,010.67	17,691.33	28.38
A.8020.410	ENGINEERING.CONTRACTUAL	10,000.00	10,000.00	2,097.50	7,612.50	2,387.50	76.13
A.8020.412	PLANNING	0.00	0.00	0.00	0.00	0.00	0.00
A.8020.420	PLANNING	0.00	0.00	0.00	0.00	0.00	0.00
A.8020.422	PLANNING	2,000.00	2,000.00	0.00	1,782.00	218.00	89.10
A.8020.424	PLANNING	80,000.00	80,000.00	0.00	29,197.78	50,802.22	36.50
A.8020.426	PLANNING	0.00	3,500.00	0.00	3,355.00	145.00	95.86
A.8020.428	PLANNING	0.00	10,240.00	0.00	0.00	10,240.00	0.00
A.8020.450	ENVIRONMENTAL CONSULT	3,000.00	3,000.00	0.00	348.00	2,652.00	11.60

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.8020.450	BOARD						
A.8040.120	ZONING BOARD OF APPEALS	5,066.00	5,066.00	1,266.25	2,532.50	2,533.50	49.99
A.8040.140	ZONING BOARD OF APPEALSECRETARY TO BOARD	1,591.00	1,591.00	0.00	362.00	1,229.00	22.75
A.8040.400	ZONING BOARD OF APPEALS CONTRACTUAL	18,000.00	18,000.00	359.90	1,565.01	16,434.99	8.69
A.8140.121	STORMSEWERS	0.00	0.00	0.00	0.00	0.00	0.00
A.8140.200	STORMSEWERS	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
A.8140.400	STORMSEWERS	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
A.8160.130	WASTE AND RECYCLING MEO	58,914.00	58,914.00	4,156.92	25,223.40	33,690.60	42.81
A.8160.140	WASTE & RECYCLING LABORS PT	19,250.00	19,250.00	1,021.13	5,898.38	13,351.62	30.64
A.8160.200	WASTE & RECYCLING EQUIPMENT	37,100.00	37,100.00	0.00	38,106.00	(1,006.00)	102.71
A.8160.201	WASTE & RECYCLING	0.00	0.00	(15,950.00)	0.00	0.00	0.00
A.8160.400	WASTE & RECYCLING CONTRACTUAL	88,750.00	88,750.00	4,948.63	24,386.51	64,363.49	27.48
A.8664.121	CODE ENFORCEMENT	65,790.00	65,790.00	5,060.76	32,894.94	32,895.06	50.00
A.8664.122	CODE ENFORCEMENT	16,640.00	16,640.00	1,280.00	7,680.00	8,960.00	46.15
A.8664.124	CODE ENFORCEMENT	59,670.00	59,670.00	4,590.00	29,835.00	29,835.00	50.00
A.8664.125	CODE ENFORCEMENT	0.00	0.00	0.00	0.00	0.00	0.00
A.8664.200	CODE ENFORCEMENT	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
A.8664.400	CODE ENFORCEMENT	7,315.00	7,315.00	234.54	2,249.74	5,065.26	30.76
A.8810.400	CEMETERIES CONTRACTUAL	11,000.00	11,000.00	0.00	0.00	11,000.00	0.00
A.8989.400	CDGA LAKE MANAGEMENT PLAN	29,000.00	29,000.00	0.00	21,159.00	7,841.00	72.96
A.9010.800	NYS RETIREMENT	122,000.00	122,000.00	0.00	0.00	122,000.00	0.00
A.9030.800	SOCIAL SECURITY/MEDICARE	90,000.00	90,000.00	7,748.93	41,411.23	48,588.77	46.01
A.9040.800	WORKERS COMPENSATION	44,500.00	44,500.00	0.00	43,292.60	1,207.40	97.29
A.9050.800	UNEMPLOYMENT INSURANCE	12,000.00	12,000.00	0.00	566.25	11,433.75	4.72
A.9055.800	DISABILITY INSURANCE	2,500.00	2,500.00	0.00	493.54	2,006.46	19.74
A.9060.810	MEDICAL/DENTAL INSURANCE	155,000.00	155,000.00	14,974.75	73,151.02	81,848.98	47.19
A.9060.820	HOSPITAL/MEDICAL BUY-OUT	4,000.00	4,000.00	0.00	1,153.80	2,846.20	28.85
A.9060.830	HSA ACCOUNT	41,000.00	41,000.00	15,780.00		6,873.86	83.23

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
A.9060.830					34,126.14		
A.9060.840	HOSPITAL/MEDICAL RETIREE BENEFIT	0.00	0.00	0.00	0.00	0.00	0.00
A.9710.600	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
A.9710.700	SERIAL BONDS	0.00	110,000.00	0.00	0.00	110,000.00	0.00
A.9901.900	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
A.9950.900	TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>3,284,761.00</b>	<b>3,538,953.00</b>	<b>260,686.58</b>	<b>1,326,324.96</b>	<b>2,212,628.04</b>	<b>37.48</b>
<b>Total Fund A</b>	<b>GENERAL FUND</b>	<b>0.00</b>	<b>0.00</b>	<b>(110,059.39)</b>	<b>(184,988.57)</b>	<b>184,988.57</b>	<b>0.00</b>
CD.5031	INTERFUND REVENUE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
CD.8684.200	PLANNING & MANAGEMENT DEVT	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Fund CD</b>	<b>SPECIAL GRANTS</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
CL.2655	SALES - OTHER	0.00	0.00	0.00	0.00	0.00	0.00
CL.2797	OTHER LOCAL GOVERNMENTS	0.00	89,680.00	33,978.38	89,680.64	(0.64)	100.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>89,680.00</b>	<b>33,978.38</b>	<b>89,680.64</b>	<b>(0.64)</b>	<b>100.00</b>
CL.1480.400	PUBLICSERVININFO.CONTRACTU AL	0.00	50,000.00	408.70	408.70	49,591.30	0.82
CL.8160.200	WASTE & RECYCLING	0.00	17,549.00	15,950.00	15,950.00	1,599.00	90.89
CL.8160.400	WASTE & RECYCLING	0.00	22,131.00	4,336.25	4,336.25	17,794.75	19.59
<b>Total Type E</b>	<b>Expense</b>	<b>0.00</b>	<b>89,680.00</b>	<b>20,694.95</b>	<b>20,694.95</b>	<b>68,985.05</b>	<b>23.08</b>
<b>Total Fund CL</b>	<b>LOCAL SOLID WASTE MANAGMENT PLAN</b>	<b>0.00</b>	<b>0.00</b>	<b>13,283.43</b>	<b>68,985.69</b>	<b>(68,985.69)</b>	<b>0.00</b>
CM.2001	PARK & RECREATION FEES	60,000.00	60,000.00	1,000.00	5,000.00	55,000.00	8.33

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
CM.2189	HOME & COMMUNITY SERVICE INCOME	0.00	0.00	0.00	0.00	0.00	0.00
CM.2401	INTEREST & EARNINGS	0.00	0.00	48.44	309.77	(309.77)	0.00
CM.2705	GIFTS & DONATIONS	0.00	0.00	0.00	0.00	0.00	0.00
CM.2770	MISCELLANEOUS INCOME	0.00	0.00	0.00	0.00	0.00	0.00
CM.5031	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
CM.9000	APPROPRIATED FUND BALANCE FOR BUDGET	40,000.00	70,000.00	0.00	0.00	70,000.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>100,000.00</b>	<b>130,000.00</b>	<b>1,048.44</b>	<b>5,309.77</b>	<b>124,690.23</b>	<b>4.08</b>
CM.7110.200	PARKS AND RECREATION	0.00	0.00	0.00	0.00	0.00	0.00
CM.7110.400	PARK	0.00	0.00	0.00	0.00	0.00	0.00
CM.9901.900	INTERFUND TRANSFER	100,000.00	130,000.00	0.00	30,000.00	100,000.00	23.08
<b>Total Type E</b>	<b>Expense</b>	<b>100,000.00</b>	<b>130,000.00</b>	<b>0.00</b>	<b>30,000.00</b>	<b>100,000.00</b>	<b>23.08</b>
<b>Total Fund CM</b>	<b>MISCELLANEOUS (SPECIFY)</b>	<b>0.00</b>	<b>0.00</b>	<b>1,048.44</b>	<b>(24,690.23)</b>	<b>24,690.23</b>	<b>0.00</b>
D.1001	REAL PROPERTY TAXES	865,343.00	865,343.00	0.00	865,343.00	0.00	100.00
D.1120	NON PROPERTY SALES TAX	2,585,000.00	2,475,000.00	0.00	646,250.00	1,828,750.00	26.11
D.2189	HOME & COMMUNITY SERVICE INCOME	0.00	0.00	0.00	0.00	0.00	0.00
D.2302	SERVICES/OTHER GOVERNMENTS	135,000.00	135,000.00	68,796.00	137,592.00	(2,592.00)	101.92
D.2303	SALE OF FUEL	0.00	0.00	0.00	0.00	0.00	0.00
D.2401	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
D.2650	SALE OF SCRAP MATERIALS	0.00	0.00	0.00	0.00	0.00	0.00
D.2665	SALE OF EQUIPMENT	130,000.00	130,000.00	0.00	31,101.00	98,899.00	23.92
D.2680	INSURANCE RECOVERIES	0.00	0.00	0.00	243.05	(243.05)	0.00
D.2701	REFUND PRIOR YEARS	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
D.2701	EXPENSES						
D.2797	OTHER LOCAL GOVERNMENTS	0.00	0.00	0.00	0.00	0.00	0.00
D.3501	NYS STATE AID CHIPS	291,000.00	291,000.00	0.00	0.00	291,000.00	0.00
D.3589	OTHER STATE AID	100,000.00	100,000.00	0.00	100,000.00	0.00	100.00
D.4960	FEMA - EMERGENCY DISASTER	0.00	0.00	0.00	0.00	0.00	0.00
D.5031	INTERFUND TRANSFERS	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00
D.9000	APPROPRIATED FUND BALANCE FOR BUDGET	484,107.00	676,997.97	0.00	0.00	676,997.97	0.00
D.9230	HGWY EQUIP RESERVE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
D.9231	HIGHWAY EQUIPMENT RESERVE	0.00	0.00	0.00	0.00	0.00	0.00
D.9232	HGWY IMPROVEMENT RESERVE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>4,690,450.00</b>	<b>4,773,340.97</b>	<b>68,796.00</b>	<b>1,780,529.05</b>	<b>2,992,811.92</b>	<b>37.30</b>
D.1710.400	HWY CONTRACTUAL	51,650.00	51,650.00	4,601.58	17,160.33	34,489.67	33.22
D.5110.130	GENERAL REPAIRS	568,000.00	568,000.00	55,449.20	152,646.52	415,353.48	26.87
D.5110.200	GENERAL REPAIRS	0.00	0.00	0.00	0.00	0.00	0.00
D.5110.400	GENERAL REPAIRS	1,688,300.00	1,688,300.00	64,576.67	132,710.10	1,555,589.90	7.86
D.5110.410	TRAINING & MEMBERSHIP DUES	0.00	0.00	0.00	0.00	0.00	0.00
D.5112.200	IMPROVEMENTS	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.200	MACHINERY	692,500.00	775,390.97	195,015.77	209,686.17	565,704.80	27.04
D.5130.210	SHOP EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400	MACHINERY	233,350.00	184,069.35	4,096.96	49,123.68	134,945.67	26.69
D.5130.400.101	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.103	MACHINERY	0.00	432.56	0.00	432.56	0.00	100.00
D.5130.400.105	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.106	MACHINERY	0.00	75.00	0.00	75.00	0.00	100.00
D.5130.400.107	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.108	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.109	MACHINERY	0.00	1,622.94	0.00	1,622.94	0.00	100.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
D.5130.400.201	MACHINERY	0.00	3,067.08	449.59	3,067.08	0.00	100.00
D.5130.400.202	MACHINERY	0.00	1,476.90	0.00	1,476.90	0.00	100.00
D.5130.400.203	MACHINERY	0.00	3,808.29	5.83	3,808.29	0.00	100.00
D.5130.400.204	MACHINERY	0.00	20.00	0.00	20.00	0.00	100.00
D.5130.400.205	MACHINERY	0.00	3,571.66	641.86	3,571.66	0.00	100.00
D.5130.400.207	MACHINERY	0.00	3,523.66	85.00	3,523.66	0.00	100.00
D.5130.400.208	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.209	MACHINERY	0.00	377.02	0.00	377.02	0.00	100.00
D.5130.400.210	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.211	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.213	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.214	MACHINERY	0.00	7,174.70	0.00	7,174.70	0.00	100.00
D.5130.400.215	MACHINERY	0.00	8,420.28	3,860.50	8,420.18	0.10	100.00
D.5130.400.216	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.217	MACHINERY	0.00	2,607.04	0.00	2,607.04	0.00	100.00
D.5130.400.218	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.219	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.230	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.231	MACHINERY	0.00	337.77	0.00	337.77	0.00	100.00
D.5130.400.233	MACHINERY	0.00	2,867.60	277.95	2,867.60	0.00	100.00
D.5130.400.234	MACHINERY	0.00	374.00	0.00	374.00	0.00	100.00
D.5130.400.235	MACHINERY	0.00	659.98	0.00	659.98	0.00	100.00
D.5130.400.236	MACHINERY	0.00	2,012.45	42.98	2,012.45	0.00	100.00
D.5130.400.244R	MACHINERY	0.00	2,400.50	290.07	2,400.50	0.00	100.00
D.5130.400.245	MACHINERY	0.00	10.00	0.00	10.00	0.00	100.00
D.5130.400.246	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.306	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.312	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.313	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.320	MACHINERY	0.00	1,777.36	1,227.19	1,777.36	0.00	100.00
D.5130.400.323	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.324	MACHINERY	0.00	1,161.01	1,161.01	1,161.01	0.00	100.00
D.5130.400.326	MACHINERY	0.00	712.83	712.83	712.83	0.00	100.00
D.5130.400.327	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.329	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.332	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.340	MACHINERY	0.00	449.99	12.99	449.99	0.00	100.00
D.5130.400.350	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.351	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.352	MACHINERY	0.00	104.86	0.00	104.86	0.00	100.00
D.5130.400.354	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.355	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00



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# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

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Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
D.5130.400.358	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.359	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.360	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.361	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.362	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.363	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.364	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.365	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.366	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.367	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.368	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.370	MACHINERY	0.00	65.22	0.00	65.22	0.00	100.00
D.5130.400.371	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.372	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.373	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.374	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.400.401	MACHINERY	0.00	169.95	0.00	169.95	0.00	100.00
D.5130.400.403	MACHINERY	0.00	0.00	0.00	0.00	0.00	0.00
D.5130.410	MACHINERY	220,750.00	220,750.00	5,452.73	70,700.20	150,049.80	32.03
D.5132.400.233	HWY GARAGE	0.00	0.00	0.00	0.00	0.00	0.00
D.5142.130	SNOW REMOVAL	368,000.00	368,000.00	0.00	277,211.44	90,788.56	75.33
D.5142.400	SNOW REMOVAL	400,000.00	400,000.00	0.00	319,409.92	80,590.08	79.85
D.9010.800	NYS RETIREMENT	165,000.00	165,000.00	0.00	0.00	165,000.00	0.00
D.9030.800	SOCIAL SECURITY/MEDICARE	65,000.00	65,000.00	4,159.87	32,019.77	32,980.23	49.26
D.9040.800	WORKERS COMPENSATION	33,500.00	33,500.00	0.00	34,967.10	(1,467.10)	104.38
D.9050.800	UNEMPLOYMENT INSURANCE	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
D.9055.800	DISABILITY INSURANCE	500.00	500.00	0.00	109.80	390.20	21.96
D.9060.810	MEDICAL/DENTAL INSURANCE	130,000.00	130,000.00	9,419.40	54,134.99	75,865.01	41.64
D.9060.820	HOSPITAL/MEDICAL BUY-OUT	6,000.00	6,000.00	461.52	2,999.88	3,000.12	50.00
D.9060.830	HSA ACCOUNT	38,000.00	38,000.00	13,935.00	27,925.00	10,075.00	73.49
D.9060.840	HOSPITAL/MEDICAL RETIREE BENEFIT	27,900.00	27,900.00	2,515.96	12,423.29	15,476.71	44.53
D.9785.600	LEASE EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
D.9785.700	LEASE EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00

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# TOWN OF CANANDAIGUA

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Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
D.9950.900	TRANSFER HW EQUIPMENT RESERVE	0.00	0.00	0.00	0.00	0.00	0.00
D.9950.905	TRANSFER HW IMPROVE	0.00	0.00	0.00	0.00	0.00	0.00
D.9950.910	TRANSFER HW SNOW/ICE	0.00	0.00	0.00	0.00	0.00	0.00
D.9950.915	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>4,690,450.00</b>	<b>4,773,340.97</b>	<b>368,452.46</b>	<b>1,442,508.74</b>	<b>3,330,832.23</b>	<b>30.22</b>
<b>Total Fund D</b>	<b>HIGHWAY FUND</b>	<b>0.00</b>	<b>0.00</b>	<b>(299,656.46)</b>	<b>338,020.31</b>	<b>(338,020.31)</b>	<b>0.00</b>
F.2140	WATER RENTS	0.00	0.00	0.00	0.00	0.00	0.00
F.2141	TRANSMISSION CHARGES	0.00	0.00	0.00	0.00	0.00	0.00
F.2142	WATER SALES	0.00	0.00	0.00	0.00	0.00	0.00
F.2144	WATER SERVICES/METER SALES	0.00	0.00	0.00	0.00	0.00	0.00
F.2146	RETURNED CHECK FEE	0.00	0.00	0.00	0.00	0.00	0.00
F.2148	PENALTY ON WATER	0.00	0.00	0.00	0.00	0.00	0.00
F.2401	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
F.2680	INSURANCE RECOVERIES	0.00	0.00	0.00	0.00	0.00	0.00
F.2701	REFUND PRIOR YEARS EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00
F.5031	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
F.9000	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
F.1380.400	FISCAL AGENT FEES	0.00	0.00	0.00	0.00	0.00	0.00
F.1990.400	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.110	WATER ADMINISTRATOR	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.120	SUPERINTENDENT	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.131	MOTOR EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.132	MOTOR EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00

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Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
F.8310.133	CLERK	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.134	LABORER	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.200	EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.201	PUMP STATION	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.400	MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.410	LEGAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.420	METER READING	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.422	OVERHEAD	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.423	VEHICLE & REPAIR	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.424	TRAINING & MEMBERSHIP DUES	0.00	0.00	0.00	0.00	0.00	0.00
F.8310.450	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
F.8320.400	WATER PURCHASES	0.00	0.00	0.00	0.00	0.00	0.00
F.8320.420	UTILITIES	0.00	0.00	0.00	0.00	0.00	0.00
F.8340.440	SERVICES & MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
F.8340.450	IMPROVEMENTS	0.00	0.00	0.00	0.00	0.00	0.00
F.8397.200	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
F.9010.800	NYS RETIREMENT	0.00	0.00	0.00	0.00	0.00	0.00
F.9030.800	SOCIAL SECURITY/MEDICARE	0.00	0.00	0.00	0.00	0.00	0.00
F.9040.800	WORKERS COMPENSATION	0.00	0.00	0.00	0.00	0.00	0.00
F.9050.800	UNEMPLOYMENT INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00
F.9055.800	DISABILITY INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00
F.9060.810	MEDICAL/DENTAL INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00
F.9060.820	HOSPITAL/MEDICAL BUY-OUT	0.00	0.00	0.00	0.00	0.00	0.00
F.9060.830	HSA ACCOUNT	0.00	0.00	0.00	0.00	0.00	0.00
F.9060.840	HOSPITAL/MEDICAL RETIREE BENEFIT	0.00	0.00	0.00	0.00	0.00	0.00
F.9950.900	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
F.9950.900.250	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
F.9950.900.251	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
F.9950.900.NOTT	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
Total Type E	Expense	0.00	0.00	0.00	0.00	0.00	0.00
Total Fund F	WATER FUND	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
H.2397..18	CAPITAL PROJECTS - OTHER GOVT	0.00	75,000.00	0.00	37,342.65	37,657.35	49.79
H.2401..14	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..15	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..16	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..17	INTEREST INCOME	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..4	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..5	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..7	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2401..NOTT	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
H.2710..25	PREMIUM & ACCRUED INTEREST ON OBLIGATION	0.00	(39,400.00)	0.00	0.00	(39,400.00)	0.00
H.2797..NOTT	OTHER LOCAL GOVERNMENTS	0.00	0.00	0.00	0.00	0.00	0.00
H.3097..18	STATE AID CAPITAL	0.00	137,465.00	0.00	22,535.00	114,930.00	16.39
H.3989..17	NYSEPF GRANT	0.00	0.00	0.00	0.00	0.00	0.00
H.5031..17	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
H.5031..18	INTERFUND TRANSFERS	0.00	150,000.00	0.00	0.00	150,000.00	0.00
H.5031..249B	DUE FROM OTHER FUNDS	0.00	158,400.00	0.00	0.00	158,400.00	0.00
H.5031..249C	INTERFUND TRANSFERS	0.00	60,000.00	0.00	0.00	60,000.00	0.00
H.5031..25	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
H.5031.A	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
H.5031.F.NOTT	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
H.5710..18	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
H.5710..NOTT	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
H.5730..249C	BOND ANTICIPATION NOTES	0.00	198,545.00	0.00	0.00	198,545.00	0.00
H.5730..25	BOND ANTICIPATION NOTES	0.00	5,000,000.00	0.00	0.00	5,000,000.00	0.00
H.5730..26W	BOND ANTICIPATION NOTES	0.00	7,570,500.00	0.00	0.00	7,570,500.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>13,310,510.00</b>	<b>0.00</b>	<b>59,877.65</b>	<b>13,250,632.35</b>	<b>0.45</b>
H.1310.240.17	ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00
H.1380.400.249C	FISCAL AGENT FEES	0.00	0.00	0.00	0.00	0.00	0.00
H.1380.400.25	FISCAL AGENT FEES	0.00	43,799.69	0.00	1,136.00	42,663.69	2.59
H.1380.400.26W	FISCAL AGENT FEES	0.00	50,000.00	0.00	0.00	50,000.00	0.00
H.1380.400.NOTT	FISCAL AGENT FEES	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
H.1380.401.25	FISCAL EXP	0.00	15,000.00	0.00	0.00	15,000.00	0.00
H.1380.401.26W	FISCAL AGENT FEES	0.00	220,500.00	0.00	0.00	220,500.00	0.00
H.1420.400.18	ATTORNEY	0.00	7,750.00	0.00	0.00	7,750.00	0.00
H.1420.400.249B	ATTORNEY	0.00	6,500.00	0.00	0.00	6,500.00	0.00
H.1420.400.249C	ATTORNEY	0.00	10,000.00	0.00	0.00	10,000.00	0.00
H.1420.400.25	ATTORNEY	0.00	7,695.99	52.00	468.00	7,227.99	6.08
H.1420.400.26W	ATTORNEY	0.00	125,000.00	0.00	0.00	125,000.00	0.00
H.1420.400.NOTT	ATTORNEY	0.00	0.00	0.00	0.00	0.00	0.00
H.1420.401.25	ATTORNEY	0.00	22,000.00	0.00	0.00	22,000.00	0.00
H.1420.401.26W	ATTORNEY	0.00	25,000.00	0.00	0.00	25,000.00	0.00
H.1440.200.18	ENGINEERING	0.00	44,240.00	735.00	735.00	43,505.00	1.66
H.1440.200.25	ENGINEERING	0.00	14,391.94	0.00	0.00	14,391.94	0.00
H.1440.200.26W	ENGINEERING	0.00	925,000.00	4,850.00	4,850.00	920,150.00	0.52
H.1440.201.25	ENGINEERING	0.00	74,484.52	9,601.38	46,692.90	27,791.62	62.69
H.1440.202.25	ENGINEERING	0.00	39,213.96	3,031.20	17,161.98	22,051.98	43.76
H.1440.203.25	ENGINEERING	0.00	37,398.90	1,335.00	9,415.58	27,983.32	25.18
H.1440.240.17	ENGINEER	0.00	0.00	0.00	0.00	0.00	0.00
H.1440.400.17	ENGINEER	0.00	0.00	0.00	0.00	0.00	0.00
H.1440.400.249B	ENGINEERING	0.00	17,860.00	3,200.00	7,810.00	10,050.00	43.73
H.1440.400.249C	ENGINEERING	0.00	36,170.00	0.00	0.00	36,170.00	0.00
H.1440.400.NOTT	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
H.1620.200.25	FURNITURE & FIXTURES	0.00	187,000.00	49,020.07	95,414.27	91,585.73	51.02
H.1940.200.18	PURCHASE OF LAND	0.00	98,787.90	0.00	0.00	98,787.90	0.00
H.1989.200.25	ADMINISTRATION	0.00	5,593.55	0.00	108.00	5,485.55	1.93
H.1989.200.26W	ADMINISTRATION	0.00	100,000.00	0.00	0.00	100,000.00	0.00
H.1989.201.25	ADMINISTRATION	0.00	22,560.96	0.00	0.00	22,560.96	0.00
H.1990.400.249B	CONTINGENCY	0.00	12,190.00	0.00	0.00	12,190.00	0.00
H.1990.400.249C	CONTINGENCY	0.00	27,700.00	0.00	0.00	27,700.00	0.00
H.1990.400.NOTT	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
H.1997.200.25	CONTINGENCY	0.00	224,437.80	0.00	0.00	224,437.80	0.00
H.1997.200.26W	CONTINGENCY	0.00	557,000.00	0.00	0.00	557,000.00	0.00
H.5132.200.25	HWY GARAGE	0.00	1,043,744.85	124,692.25	839,802.85	203,942.00	80.46
H.5132.201.25	HWY GARAGE	0.00	255,472.00	17,849.55	230,983.00	24,489.00	90.41
H.5132.202.25	HWY GARAGE	0.00	423,697.10	13,361.75	380,407.55	43,289.55	89.78
H.5132.203.25	HWY GARAGE	0.00	344,397.55	21,428.20	306,425.35	37,972.20	88.97
H.5132.204.25	HWY GARAGE	0.00	6,510.02	766.23	6,108.19	401.83	93.83

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
H.5132.205.25	HWY GARAGE	0.00	150,000.00	70,517.88	70,578.52	79,421.48	47.05
H.7197.100.17	LABOR	0.00	0.00	0.00	0.00	0.00	0.00
H.7197.240.17	DEVELOPMENT MATERIALS	0.00	0.00	0.00	0.00	0.00	0.00
H.8310.200.26W	WATER ADMINISTRATOR	0.00	2,800,500.00	0.00	0.00	2,800,500.00	0.00
H.8310.201.26W	WATER ADMINISTRATOR	0.00	100,000.00	0.00	0.00	100,000.00	0.00
H.8310.202.26W	WATER ADMINISTRATOR	0.00	1,311,000.00	0.00	0.00	1,311,000.00	0.00
H.8310.203.26W	WATER ADMINISTRATOR	0.00	625,000.00	0.00	0.00	625,000.00	0.00
H.8310.204.26W	WATER ADMINISTRATOR	0.00	515,500.00	0.00	0.00	515,500.00	0.00
H.8310.205.26W	WATER ADMINISTRATOR	0.00	216,000.00	0.00	0.00	216,000.00	0.00
H.8340.240.NOTT	SERVICES & MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
H.8397.200.249B	WATER CAPITAL PROJECTS	0.00	48,758.00	0.00	0.00	48,758.00	0.00
H.8397.200.249C	WATER CAPITAL PROJECTS	0.00	99,800.00	0.00	0.00	99,800.00	0.00
H.8397.200.NOTT	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
H.8397.400.249B	WATER CAPITAL PROJECTS	0.00	73,092.00	0.00	2,968.79	70,123.21	4.06
H.8397.400.249C	WATER CAPITAL PROJECTS	0.00	84,875.00	0.00	0.00	84,875.00	0.00
H.8597.100.18	DRAIN & STORM, EQUIP & CAPITAL OUTLAY	0.00	32,000.00	0.00	0.00	32,000.00	0.00
H.8597.200.18	DRAIN & STORM, EQUIP & CAPITAL OUTLAY	0.00	5,000.00	0.00	0.00	5,000.00	0.00
H.8597.400.18	DRAIN & STORM, EQUIP & CAPITAL OUTLAY	0.00	145,488.81	0.00	0.00	145,488.81	0.00
H.9730.600.25	BOND ANTICIPATION NOTES	0.00	0.00	0.00	0.00	0.00	0.00
H.9730.700.249C	BOND ANTICIPATION NOTES	0.00	0.00	0.00	0.00	0.00	0.00
H.9730.700.25	BOND ANTICIPATION NOTES	0.00	0.00	0.00	0.00	0.00	0.00
H.9780.700.NOTT	DEBT SERVICE FROM PUBLIC AUTHORITY	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.11	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.12	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.14	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.15	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.16	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.4	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9901.900.7	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
H.9903.9.16	TRANSFER/WATER-MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>0.00</b>	<b>11,238,110.54</b>	<b>320,440.51</b>	<b>2,021,065.98</b>	<b>9,217,044.56</b>	<b>17.98</b>

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
<b>Total Fund H</b>	<b>CAPITAL PROJECTS</b>	<b>0.00</b>	<b>2,072,399.46</b>	<b>(320,440.51)</b>	<b>(1,961,188.33)</b>	<b>4,033,587.79</b>	<b>(94.63)</b>
PN.2401	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
PN.9900.9	TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Fund PN</b>	<b>PERMANANT TRUST - CEMETARY</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
S.1001	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
S.1001..241	REAL PROPERTY TAXES	1,500.00	1,500.00	0.00	1,500.00	0.00	100.00
S.1001..241A	REAL PROPERTY TAXES	17,139.00	17,139.00	0.00	17,139.00	0.00	100.00
S.1001..241B	REAL PROPERTY TAXES	202,569.00	202,569.00	0.00	202,569.00	0.00	100.00
S.1001..243	REAL PROPERTY TAXES	49,741.00	49,741.00	0.00	49,741.00	0.00	100.00
S.1001..244	REAL PROPERTY TAXES	1,619.00	1,619.00	0.00	1,619.00	0.00	100.00
S.1001..245	REAL PROPERTY TAXES	1,187.00	1,187.00	0.00	1,187.00	0.00	100.00
S.1001..245A	REAL PROPERTY TAXES	23,769.00	23,769.00	0.00	23,769.00	0.00	100.00
S.1001..245B	REAL PROPERTY TAXES	7,997.00	7,997.00	0.00	7,997.00	0.00	100.00
S.1001..246	REAL PROPERTY TAXES	8,609.00	8,609.00	0.00	8,609.00	0.00	100.00
S.1001..246A	REAL PROPERTY TAXES	2,878.00	2,878.00	0.00	2,878.00	0.00	100.00
S.1001..246B	REAL PROPERTY TAXES	18,046.00	18,046.00	0.00	18,046.00	0.00	100.00
S.1001..247	REAL PROPERTY TAXES	288,541.00	288,541.00	0.00	288,541.00	0.00	100.00
S.1001..247A	REAL PROPERTY TAXES	8,720.00	8,720.00	0.00	8,720.00	0.00	100.00
S.1001..247B	REAL PROPERTY TAXES	16,478.00	16,478.00	0.00	16,478.00	0.00	100.00
S.1001..248	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
S.1001..248A	REAL PROPERTY TAXES	9,613.00	9,613.00	0.00	9,613.00	0.00	100.00
S.1001..248C	REAL PROPERTY TAXES	58,921.00	58,921.00	0.00	58,921.00	0.00	100.00
S.1001..248D	REAL PROPERTY TAXES	3,315.00	3,315.00	0.00	3,315.00	0.00	100.00
S.1001..249	REAL PROPERTY TAXES	1,223.00	1,223.00	0.00	1,223.00	0.00	100.00
S.1001..249A	REAL PROPERTY TAXES	6,174.00	6,174.00	0.00	6,174.00	0.00	100.00
S.1030..245A	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
S.1030..246A	SPECIAL ASSESSMENT	16,783.00	16,783.00	0.00	16,783.00	0.00	100.00
S.2140..241A	OTHER THAN TAXES	0.00	0.00	0.00	0.00	0.00	0.00
S.2140..241B	OTHER THAN TAXES	0.00	0.00	0.00	0.00	0.00	0.00
S.2140..246B	WATER RENTS	0.00	0.00	0.00	0.00	0.00	0.00
S.2140..247	WATER RENTS	600,000.00	600,000.00	7,278.52	329,776.33	270,223.67	54.96

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.2140..248	OTHER THAN TAXES	0.00	0.00	0.00	0.00	0.00	0.00
S.2140..248C	UNPAID WATER BILLS - TAX ROLL	0.00	0.00	0.00	0.00	0.00	0.00
S.2142..247	WATER METER SALES	2,200.00	2,200.00	130.75	327.25	1,872.75	14.88
S.2144..247	WATER SERVICES	20,000.00	20,000.00	(1,000.00)	2,485.00	17,515.00	12.43
S.2148..247	PENALTY ON WATER	5,000.00	5,000.00	730.48	1,692.41	3,307.59	33.85
S.2401..241	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..241A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..241B	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..243	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..244	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..245	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..245A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..245B	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..246	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..246A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..247	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..247A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..247B	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..248	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..248A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..248C	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2401..249	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
S.2655..247	SALES - OTHER - REPAIRS/REPLACEMENTS	0.00	0.00	0.00	1,180.00	(1,180.00)	0.00
S.2660..247	SALE OF REAL PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00
S.2770..246A	MISCELLANEOUS INCOME	45,780.00	45,780.00	0.00	48,097.05	(2,317.05)	105.06
S.2770..249A	MISCELLANEOUS INCOME	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..245	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..245B	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..246A	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..247	INTERFUND TRANSFERS	402,353.00	402,353.00	0.00	0.00	402,353.00	0.00
S.5031..247B	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..248A	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031..249	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
S.5031.V.245B	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00



# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.9000..241	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..243	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..244	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..245	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..245A	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..245B	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..246	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..246A	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..247	APPROPRIATED FUND BALANCE FOR BUDGET	8,947.00	776,087.26	0.00	0.00	776,087.26	0.00
S.9000..247A	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..247B	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..248A	APPROPRIATED FUND BALANCE FOR BUDGET	4,838.00	4,838.00	0.00	0.00	4,838.00	0.00
S.9000..248C	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..249	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9000..249A	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9230..247B	TAX STABILIZATION RESERVE FOR	0.00	0.00	0.00	0.00	0.00	0.00
S.9230..249A	TAX STABILIZATION RESERVE FOR	0.00	0.00	0.00	0.00	0.00	0.00
S.9231..249A	HIGHWAY EQUIPMENT RESERVE	0.00	0.00	0.00	0.00	0.00	0.00
S.9232..249A	IMPROVEMENT RESERVE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
S.9235..249A	NYSERS RESERVE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>1,833,940.00</b>	<b>2,601,080.26</b>	<b>7,139.75</b>	<b>1,128,380.04</b>	<b>1,472,700.22</b>	<b>43.38</b>
S.1380..247	FISCAL AGENT FEES	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
S.1910.400.247	UNALLOCATED INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.1930.400.247	JUDGEMENTS & CLAIMS	0.00	0.00	0.00	0.00	0.00	0.00
S.1990.400.247B	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
S.1990.400.248A	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
S.5110.400.247B	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
S.5110.400.248A	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.120.247	WATER ADMINISTRATOR	18,500.00	18,500.00	1,423.08	9,250.02	9,249.98	50.00
S.8310.131.247	WATER ADMINISTRATOR	153,080.00	153,080.00	8,567.53	49,675.99	103,404.01	32.45
S.8310.200.247	WATER ADMINISTRATOR	68,000.00	166,140.26	0.00	116,331.64	49,808.62	70.02
S.8310.400.246A	LEGAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.400.247	WATER ADMINISTRATOR	2,000.00	2,000.00	0.00	726.38	1,273.62	36.32
S.8310.400.247B	LEGAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.400.248A	LEGAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.410.241	LEGAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.410.245	LEGAL EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00
S.8310.410.247	WATER ADMINISTRATOR	1,500.00	26,500.00	507.00	3,068.00	23,432.00	11.58
S.8310.420.247	WATER ADMINISTRATOR	28,500.00	28,500.00	0.00	4,770.85	23,729.15	16.74
S.8310.423.247	WATER ADMINISTRATOR	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
S.8310.424.247	WATER ADMINISTRATOR	2,000.00	2,000.00	0.00	121.00	1,879.00	6.05
S.8310.450.247	WATER ADMINISTRATOR	65,000.00	198,000.00	16,883.75	61,748.75	136,251.25	31.19
S.8320.400.247	WATER PURCHASES	425,000.00	425,000.00	0.00	70,223.91	354,776.09	16.52
S.8320.420.247	WATER PURCHASES	51,000.00	51,000.00	4,263.74	20,985.74	30,014.26	41.15
S.8340.440.247	SERVICES & MAINTENANCE	155,220.00	151,220.00	3,813.66	65,838.50	85,381.50	43.54
S.8340.440.248D	SERVICES & MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.8340.450.247	SERVICES & MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.8350.400.241A	COMMON WATER	6,129.00	6,129.00	0.00	5,060.00	1,069.00	82.56
S.8350.400.241B	COMMON WATER	202,569.00	202,569.00	0.00	163,061.05	39,507.95	80.50
S.8350.400.246A	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8350.400.246B	COMMON WATER	4,664.00	4,664.00	0.00	3,858.00	806.00	82.72
S.8350.400.247	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8350.400.248	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8350.400.248B	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8350.400.248C	COMMON WATER	58,921.00	58,921.00	0.00	62,309.89	(3,388.89)	105.75
S.8350.400.248D	COMMON WATER	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00
S.8380.400.247	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8389.400.241A	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8389.400.241B	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.8389.400.246B	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8389.400.247	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8389.400.248	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8389.400.248C	COMMON WATER	0.00	0.00	0.00	0.00	0.00	0.00
S.8397.200.246A	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
S.8397.200.247	WATER CAPITAL PROJECTS	0.00	357,000.00	0.00	0.00	357,000.00	0.00
S.8397.200.247B	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
S.8397.201.248D	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
S.8397.400.247	WATER CAPITAL PROJECTS	0.00	158,000.00	0.00	0.00	158,000.00	0.00
S.9010.800.247	NYS RETIREMENT	19,000.00	19,000.00	0.00	0.00	19,000.00	0.00
S.9030.800.247	SOCIAL SECURITY	12,000.00	12,000.00	747.93	4,675.88	7,324.12	38.97
S.9040.800.247	WORKERS COMPENSATION	5,900.00	5,650.00	0.00	4,995.30	654.70	88.41
S.9050.800.247	UNEMPLOYMENT INSURANCE	500.00	500.00	0.00	0.00	500.00	0.00
S.9055.800.247	DISABILITY INSURANCE	100.00	100.00	0.00	14.64	85.36	14.64
S.9060.800.247	HOSPITAL/MEDICAL INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.9060.810.247	HOSPITAL/MEDICAL INSURANCE	17,900.00	17,900.00	1,268.05	8,110.31	9,789.69	45.31
S.9060.820.247	HOSPITAL/MEDICAL INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.9060.830.247	HOSPITAL/MEDICAL INSURANCE	6,800.00	7,050.00	4,700.00	7,050.00	0.00	100.00
S.9701.600.246A	SERIAL BONDS CDGA	0.00	0.00	0.00	0.00	0.00	0.00
S.9701.700.246A	SERIAL BONDS CDGA	0.00	0.00	0.00	0.00	0.00	0.00
S.9701.820.247	SERIAL BONDS CDGA	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.241	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.241A	SERIAL BONDS	10,000.00	10,000.00	0.00	10,000.00	0.00	100.00
S.9710.600.243	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.244	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.245	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.245A	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.245B	SERIAL BONDS	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
S.9710.600.246	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.246A	SERIAL BONDS BRISTOL	15,000.00	15,000.00	0.00	0.00	15,000.00	0.00
S.9710.600.246B	SERIAL BONDS	6,000.00	6,000.00	0.00	6,000.00	0.00	100.00
S.9710.600.247A	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.9710.600.247B	SERIAL BONDS	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
S.9710.600.248	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.248A	SERIAL BONDS	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
S.9710.600.248C	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.249	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.600.249A	SERIAL BONDS	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00
S.9710.700.241	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.241A	SERIAL BONDS	1,010.00	1,010.00	0.00	1,010.00	0.00	100.00
S.9710.700.243	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.244	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.245	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.245A	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.245B	SERIAL BONDS	4,020.00	4,020.00	2,010.00	2,010.00	2,010.00	50.00
S.9710.700.246	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.246A	SERIAL BONDS BRISTOL	42,238.00	42,238.00	21,118.50	21,118.50	21,119.50	50.00
S.9710.700.246B	SERIAL BONDS	7,382.00	7,382.00	0.00	7,382.00	0.00	100.00
S.9710.700.247A	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.247B	SERIAL BONDS	9,675.00	9,675.00	4,837.50	4,837.50	4,837.50	50.00
S.9710.700.248	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.248A	SERIAL BONDS	5,838.00	5,838.00	2,919.00	2,919.00	2,919.00	50.00
S.9710.700.248C	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.249	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
S.9710.700.249A	SERIAL BONDS	2,108.00	2,108.00	1,054.00	1,054.00	1,054.00	50.00
S.9730.700.247B	BOND ANTICIPATION NOTES	0.00	0.00	0.00	0.00	0.00	0.00
S.9903.400.248A	TRANSFER/WATER-MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.9903.900.241	TRANSFER/WATER-MAINTENANCE	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
S.9903.900.243	TRANSFER/WATER-MAINTENANCE	49,741.00	49,741.00	0.00	0.00	49,741.00	0.00
S.9903.900.244	TRANSFER/WATER-MAINTENANCE	1,619.00	1,619.00	0.00	0.00	1,619.00	0.00
S.9903.900.245	TRANSFER/WATER-MAINTENANCE	1,187.00	1,187.00	0.00	0.00	1,187.00	0.00
S.9903.900.245A	TRANSFER/WATER-MAINTENANCE	23,769.00	23,769.00	0.00	0.00	23,769.00	0.00
S.9903.900.245B	TRANSFER/WATER-MAINTENANCE	1,977.00	1,977.00	0.00	0.00	1,977.00	0.00
S.9903.900.246	TRANSFER/WATER-MAINTENANCE	8,609.00	8,609.00	0.00	0.00	8,609.00	0.00
S.9903.900.246A	TRANSFER/WATER-MAINTENANCE	8,203.00	8,203.00	0.00	0.00	8,203.00	0.00
S.9903.900.247	TRANSFER/WATER-MAINTENANCE	288,541.00	288,541.00	0.00	0.00	288,541.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
S.9903.900.247A	TRANSFER/WATER-MAINTENANCE	8,720.00	8,720.00	0.00	0.00	8,720.00	0.00
S.9903.900.247B	TRANSFER/WATER-MAINTENANCE	1,803.00	1,803.00	0.00	0.00	1,803.00	0.00
S.9903.900.248A	TRANSFER/WATER-MAINTENANCE	3,613.00	3,613.00	0.00	0.00	3,613.00	0.00
S.9903.900.248D	TRANSFER/WATER-MAINTENANCE	815.00	815.00	0.00	0.00	815.00	0.00
S.9903.900.249	TRANSFER/WATER-MAINTENANCE	1,223.00	1,223.00	0.00	0.00	1,223.00	0.00
S.9903.900.249A	TRANSFER/WATER-MAINTENANCE	1,066.00	1,066.00	0.00	0.00	1,066.00	0.00
S.9903.901.246A	TRANSFER/WATER-MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
S.9950.900.248D	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>1,833,940.00</b>	<b>2,601,080.26</b>	<b>74,113.74</b>	<b>718,206.85</b>	<b>1,882,873.41</b>	<b>27.61</b>
<b>Total Fund S</b>	<b>WATER DISTRICTS</b>	<b>0.00</b>	<b>0.00</b>	<b>(66,973.99)</b>	<b>410,173.19</b>	<b>(410,173.19)</b>	<b>0.00</b>
SD.1001..241	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..241A	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..243	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..244	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..245	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..246	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..247	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..248	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..249	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..250	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1001..251	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SD.1030..241	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
SD.1030..241A	SPECIAL ASSESSMENT	2,053.00	2,053.00	0.00	2,053.00	0.00	100.00
SD.1030..243	SPECIAL ASSESSMENT	2,000.00	2,000.00	0.00	2,000.00	0.00	100.00
SD.1030..244	SPECIAL ASSESSMENT	3,003.00	3,003.00	0.00	3,003.00	0.00	100.00
SD.1030..245	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
SD.1030..246	SPECIAL ASSESSMENT	2,003.00	2,003.00	0.00	2,003.00	0.00	100.00
SD.1030..247	SPECIAL ASSESSMENT	1,500.00	1,500.00	0.00	1,500.00	0.00	100.00
SD.1030..248	SPECIAL ASSESSMENT	5,000.00	5,000.00	0.00	5,000.00	0.00	100.00
SD.1030..249	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
SD.1030..250	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
SD.1030..251	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
SD.2401..241	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..241A	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..243	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..244	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..245	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..246	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..247	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..248	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..249	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..250	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.2401..251	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SD.5031..241	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
SD.9000..241	APPROPRIATED FUND BALANCE FOR BUDGET	75,000.00	75,000.00	0.00	0.00	75,000.00	0.00
SD.9000..243	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
SD.9000..244	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
SD.9000..246	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
SD.9000..247	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
SD.9230..247	TAX STABILIZATION RESERVE FOR	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>90,559.00</b>	<b>90,559.00</b>	<b>0.00</b>	<b>15,559.00</b>	<b>75,000.00</b>	<b>17.18</b>
SD.1440.400.241	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
SD.1440.400.243	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
SD.1440.400.244	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
SD.1440.400.245	ENGINEERING	0.00	0.00	0.00	0.00	0.00	0.00
SD.1990.400.241	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SD.1990.400.243	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SD.1990.400.244	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SD.1990.400.245	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SD.8310.410.241	LEGAL	0.00	0.00	0.00	0.00	0.00	0.00
SD.8510.400.241	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SD.8510.400.243	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SD.8510.400.244	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

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Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
SD.8510.400.245	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SD.8520.400.241	MAINTENANCE	75,000.00	75,000.00	0.00	0.00	75,000.00	0.00
SD.8520.400.241A	MAINTENANCE	2,053.00	2,053.00	0.00	0.00	2,053.00	0.00
SD.8520.400.243	MAINTENANCE	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
SD.8520.400.244	MAINTENANCE	3,003.00	3,003.00	0.00	0.00	3,003.00	0.00
SD.8520.400.245	MAINTENANCE	0.00	0.00	0.00	2,402.50	(2,402.50)	0.00
SD.8520.400.246	MAINTENANCE	2,003.00	2,003.00	0.00	0.00	2,003.00	0.00
SD.8520.400.247	MAINTENANCE	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
SD.8520.400.248	MAINTENANCE	5,000.00	5,000.00	0.00	6,985.35	(1,985.35)	139.71
SD.8520.400.249	MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
SD.8520.400.250	MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
SD.8520.400.251	MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>90,559.00</b>	<b>90,559.00</b>	<b>0.00</b>	<b>9,387.85</b>	<b>81,171.15</b>	<b>10.37</b>
<b>Total Fund SD</b>	<b>DRAINAGE DISTRICTS</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6,171.15</b>	<b>(6,171.15)</b>	<b>0.00</b>
SF.1001..241	REAL PROPERTY TAXES	947,096.00	947,096.00	0.00	947,096.00	0.00	100.00
SF.2401..241	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SF.9000..241	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	25,000.00	0.00	0.00	25,000.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>947,096.00</b>	<b>972,096.00</b>	<b>0.00</b>	<b>947,096.00</b>	<b>25,000.00</b>	<b>97.43</b>
SF.1930.400.241	JUDGEMENTS & CLAIMS	0.00	0.00	0.00	0.00	0.00	0.00
SF.1989.400	ADMINISTRATION	0.00	25,000.00	0.00	25,000.00	0.00	100.00
SF.3410.400.241	FIRE PROTECTION AGREEMENTS	947,096.00	947,096.00	0.00	947,096.00	0.00	100.00
SF.8310.400.241	LEGALS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>947,096.00</b>	<b>972,096.00</b>	<b>0.00</b>	<b>972,096.00</b>	<b>0.00</b>	<b>100.00</b>
<b>Total Fund SF</b>	<b>FIRE PROTECTION DISTRICTS</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(25,000.00)</b>	<b>25,000.00</b>	<b>0.00</b>
SL.1001..241	REAL PROPERTY TAXES	5,800.00	5,800.00	0.00	5,800.00	0.00	100.00
SL.1001..242	REAL PROPERTY TAXES	10,000.00	10,000.00	0.00	10,000.00	0.00	100.00
SL.1001..243	REAL PROPERTY TAXES	393.00	393.00	0.00	393.00	0.00	100.00

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
SL.1001..244	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SL.1001..245	REAL PROPERTY TAXES	0.00	0.00	0.00	0.00	0.00	0.00
SL.1030..244	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00
SL.2401..241	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SL.2401..242	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SL.2401..243	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SL.2401..244	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SL.2401..245	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
SL.2701..241	REFUND PRIOR YEARS EXP	0.00	0.00	0.00	0.00	0.00	0.00
SL.2701..242	REFUND PRIOR YEARS EXP	0.00	0.00	0.00	0.00	0.00	0.00
SL.2701..245	REFUND PRIOR YEARS EXP	0.00	0.00	0.00	0.00	0.00	0.00
SL.2705..244	GIFTS & DONATIONS	0.00	0.00	0.00	0.00	0.00	0.00
SL.9000..241	APPROPRIATED FUND BALANCE FOR BUDGET	800.00	800.00	0.00	0.00	800.00	0.00
SL.9000..242	APPROPRIATED FUND BALANCE FOR BUDGET	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00
SL.9000..243	APPROPRIATED FUND BALANCE FOR BUDGET	0.00	0.00	0.00	0.00	0.00	0.00
SL.9000..244	APPROPRIATED FUND BALANCE FOR BUDGET	360.00	360.00	0.00	0.00	360.00	0.00
SL.9000..245	APPROPRIATED FUND BALANCE FOR BUDGET	1,400.00	1,400.00	0.00	0.00	1,400.00	0.00
SL.9230..241	TAX STABILIZATION RESERVE FOR	0.00	0.00	0.00	0.00	0.00	0.00
SL.9230..242	TAX STABILIZATION RESERVE FOR	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>21,253.00</b>	<b>21,253.00</b>	<b>0.00</b>	<b>16,193.00</b>	<b>5,060.00</b>	<b>76.19</b>
SL.1990.400.241	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SL.1990.400.242	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SL.1990.400.243	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SL.1990.400.244	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SL.1990.400.245	CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00
SL.5110.400.241	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SL.5110.400.242	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SL.5110.400.243	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SL.5110.400.244	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00
SL.5110.400.245	ADMINISTRATIVE	0.00	0.00	0.00	0.00	0.00	0.00



# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
SL.5182.200.241	STREET LIGHTING	0.00	0.00	0.00	0.00	0.00	0.00
SL.5182.200.242	EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
SL.5182.240.244	UTILITIES - EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
SL.5182.400.241	UTILITIES ELECTRIC	6,600.00	6,600.00	107.60	759.63	5,840.37	11.51
SL.5182.400.242	UTILITIES ELECTRIC	12,500.00	12,500.00	872.43	4,280.61	8,219.39	34.24
SL.5182.400.243	UTILITIES ELECTRIC	393.00	393.00	0.00	0.00	393.00	0.00
SL.5182.400.244	UTILITIES-ELECTRIC	360.00	360.00	18.49	129.24	230.76	35.90
SL.5182.400.245	UTILITIES ELECTRIC	1,400.00	1,400.00	118.96	608.62	791.38	43.47
SL.5182.401.242	STREET LIGHTING MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>21,253.00</b>	<b>21,253.00</b>	<b>1,117.48</b>	<b>5,778.10</b>	<b>15,474.90</b>	<b>27.19</b>
<b>Total Fund SL</b>	<b>LIGHTING DISTRICTS</b>	<b>0.00</b>	<b>0.00</b>	<b>(1,117.48)</b>	<b>10,414.90</b>	<b>(10,414.90)</b>	<b>0.00</b>
SS.1030..241	SPECIAL ASSESSMENTS..PURDY/MOBILE ROAD	18,210.00	18,210.00	0.00	18,210.00	0.00	100.00
<b>Total Type R</b>	<b>Revenue</b>	<b>18,210.00</b>	<b>18,210.00</b>	<b>0.00</b>	<b>18,210.00</b>	<b>0.00</b>	<b>100.00</b>
SS.9710.600.241	SERIAL BONDS	18,210.00	18,210.00	0.00	0.00	18,210.00	0.00
SS.9710.700.241	SERIAL BONDS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>18,210.00</b>	<b>18,210.00</b>	<b>0.00</b>	<b>0.00</b>	<b>18,210.00</b>	<b>0.00</b>
<b>Total Fund SS</b>	<b>SANITARY SEWER</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>18,210.00</b>	<b>(18,210.00)</b>	<b>0.00</b>
TE.2401	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
TE.5031	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Fund TE</b>	<b>PRIVATE PURPOSE TRUST-CEMETARY</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
V.2401..10	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..11	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..12	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..14	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..16	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..20	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00

Date Prepared: 07/06/2018 12:57 PM

Report Date: 07/06/2018

Account Table:

Alt. Sort Table:

# TOWN OF CANANDAIGUA

## Revenue / Expense Control Report

Fiscal Year: 2018 Period From: 6 To: 6

GLR0130 1.0

Page 29 of 29

Prepared By: TINA

Account No.	Description	Original Budget	YTD Adjusted Budget	Curr. Month Total Rev / Exp	YTD Actual Rev / Exp	YTD Available Balance	Percent Rev/Exp Balance
V.2401..3	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..4	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
V.2401..7	INTEREST & EARNINGS	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type R</b>	<b>Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
V.9901.900.10	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.11	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.12	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.14	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.16	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.20	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.3	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.4	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
V.9901.900.7	INTERFUND TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Type E</b>	<b>Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Fund V</b>	<b>DEBT SERVICE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Grand Total</b>		<b>0.00</b>	<b>2,072,399.46</b>	<b>(783,915.96)</b>	<b>(1,343,891.89)</b>	<b>3,416,291.35</b>	<b>(64.85)</b>

**TOWN OF CANANDAIGUA  
CASH SUMMARY  
June 30, 2018**

FUND #	No.	FUND ACCOUNT	6/30/2018 BALANCES	CNB #4425 TRUST & AGENCY				
				PETTY CASH	CNB #4328 DIST. ACCT.	CNB #4476 INVEST ACCT.	CNB #4670 PARKS FUND	
A	200	CASH - CHECKING	22,585.27		22,585.27			
A	202	CASH - INVESTMENTS	2,953,965.83			2,953,965.83		
A	210	PETTY CASH	250.00	250.00				
A	230	CASH - C/T RESERVE - INVESTMENT	-					
A	231	CASH - CONTINGENT/TAX RESERVE	535,000.00			535,000.00		
A	232	CASH - REPAIR RESERVE - INVESTMENT	155,000.00			155,000.00		
A	233	CASH - TECHNOLOGY RESERVE- INVESTMENT	12,402.97			12,402.97		
A	234	CASH - OPEN SPACE RESERVE - INVESTMENT	480,200.00			480,200.00		
A	235	CASH - NYS EMPLOYEE SYST RES. - INVESTMENT	225,000.00			225,000.00		
A	236	CASH - CAMPUS RESERVE	-			-		
CL	200	CASH - CHECKING	(15,950.00)		(15,950.00)			
CL	202	CASH - LOCAL SOLID WASTE MANANGEMENT PLAN	84,935.69			84,935.69		
CM	201	CASH	762,221.29				762,221.29	
D	200	CASH - CHECKING	(1,005.43)		(1,005.43)			
D	202	CASH - INVESTMENTS	1,350,353.95			1,350,353.95		
D	230	CASH - HIGHWAY EQUIP. RESERVE - INVESTMENTS	182,109.03			182,109.03		
D	231	CASH - HIGHWAY EQUIP. RESERVE	-			-		
D	232	CASH - HIGHWAY IMP. RES. - INVESTMENTS	375,000.00			375,000.00		
D	233	CASH - HIGHWAY IMP. RES.	-			-		
D	235	CASH - SNOW/ICE RM/RD REPAIR RESERVE	200,000.00			200,000.00		
F	200	CASH - CHECKING	1,074.10		1,074.10			
F	202	CASH - INVESTMENTS	1,323,632.25			1,323,632.25		
H	200	CASH - CHECKING	804.70		804.70			
H	202.18	CASH - SUCKER BROOK PROJECT	(2,822.96)			(2,822.96)		
H	201..26A	CASH - WATER DISTRICT UPGRADES	(4,850.00)			(4,850.00)		
H	202.25	CASH - HWY FACILITY PROJECT	999,202.32			999,202.32		
H	202.NOTT	CASH - NOTT ROAD CAPIAL PROJECT	-			-		
H	202.249B	CASH - COUNTY RD. 32 W1	142,962.21			142,962.21		
H	202.249C	CASH - WATER DISTRICT EXT 1 #42	(5,187.50)			(5,187.50)		
S	200.247	CASH - CHECKING	(1,577.97)		(1,577.97)			
S	202.241	CASH - INVESTMENTS - NOTT RD. EXT. #6 WATER	4,034.37			4,034.37		
S	202.241A	CASH - INVESTMENTS - ANDREWS-NORTH RD WATER	1,353.81			1,353.81		
S	202.241B	CASH - INVESTMENTS - CANADAIGUA-FARMINGTON WATER	34,894.36			34,894.36		
S	202.243	CASH - INVESTMENTS - EXT. 8 WEST LAKE SOUTH	101,506.33			101,506.33		
S	202.244	CASH - INVETMENTS - EXT. 9 CRAMER RD. WATER	3,008.34			3,008.34		
S	202.245	CASH - INVESTMENTS - PARRISH STREET WATER	4,491.39			4,491.39		
S	202.245A	CASH - INVESTMENTS - WEST LAKE WATER (BENEFIT BASIS)	48,516.15			48,516.15		
S	202.245.B	CASH - INVESTMENTS - MCINTYRE RD. WATER	8,387.19			8,387.19		
S	202.246	CASH - INVESTMENTS - EXT. 10 WYFELLS RD.	17,824.76			17,824.76		
S	202.246A	CASH - INVESTMENTS - CANADAIGUA-BRISTOL JOINT WATER	58,119.02			58,119.02		
S	202.246B	CASH - INVESTMENTS - EMERSON ALLEN TL RD. WATER	961.53			961.53		
S	202.247	CASH - INVESTMENTS - CANADAIGUA CONSOLIDATED	250,646.51			250,646.51		
S	202.247A	CASH- INVESTMENTS - EXT. 11 ADAMS RD. WATER	17,589.01			17,589.01		
S	202.247.B	CASH- INVESTMENTS - EXT. 36 COUNTY RD. #30 WATER	11,765.50			11,765.50		
S	202.248	CASH- INVESTMENTS - RISSEY RD. WATER	365.67			365.67		
S	202.248A	CASH- INVESTMENTS - HOPKINS-GRIMBLE WATER	15,432.34			15,432.34		
S	202.248C	CASH- INVESTMENTS - CANANDAIGAU HOPEWELL WATER	67,720.88			67,720.88		
S	202.248D	CASH- INVESTMENTS - HICKOX ROAD WATER DISTRICT	4,733.00			4,733.00		
S	202.249	CASH- INVESTMENTS - PARRISH RD. EXT. WATER	11,773.46			11,773.46		
S	202.249A	CASH - INVESTMENTS - NOTT RD. EXT. #40 WATER	4,969.46			4,969.46		
SD	200	CASH - CHECKING	-		-			
SD	202.241	CASH - INVESTMENTS - RT. 332 DRAINAGE	170,790.12			170,790.12		
SD	202.241A	CASH - INVESTMENTS - LAKEWOOD MEADOWS DRAINAGE	28,865.31			28,865.31		
SD	202.243	CASH - INVESTMENTS - ASHTON DRAINAGE	14,594.91			14,594.91		
SD	202.244	CASH - INVESTMENTS - FOX RIDGE DRAINAGE	35,135.94			35,135.94		
SD	202.245	CASH - INVESTMENTS - LANDINGS DRAINAGE	7,021.37			7,021.37		
SD	202.246	CASH - INVESTMENTS - OLD BROOKSIDE DRAINAGE	16,996.64			16,996.64		
SD	202.247	CASH - INVESTMENTS - LAKESIDE ESTATES DRAINAGE	9,490.78			9,490.78		
SD	202.248	CASH - INVESTMENTS - WATERFORD POINT DRAINAGE	8,862.77			8,862.77		
SD	202.249	CASH - INVESTMENTS - STABLEGATE DRAINAGE	18,073.73			18,073.73		
SF	200	CASH - CHECKING	-		-			
SF	202.241	CASH - INVESTMENTS - FIRE PROTECTION DISTRICT	69,726.06			69,726.06		
SL	200	CASH - CHECKING	-		-			
SL	202.241	CASH - INVESTMENTS - CENTERPOINT LIGHTING	6,740.57			6,740.57		
SL	202.242	CASH - INVESTMENTS - FOX RIDGE LIGHTING	11,233.02			11,233.02		
SL	202.243	CASH - INVESTMENTS - LANDINGS LIGHTING	1,255.18			1,255.18		
SL	202.244	CASH - INVESTMENTS - LAKEMEADOW LIGHTING	3,981.39			3,981.39		
SL	202.245	CASH - INVESTMENTS - FALLBROOK PARK LIGHTING	5,827.44			5,827.44		
SS	202.241	CASH - INVESTMENTS - PURDY ROAD SEWER	18,209.74			18,209.74		
TA	200	CASH	269,063.28					269,063.28
TE	202	CASH - INVESTMENTS	75,586.69			75,586.69		
V	202.3	CASH - INVESTMENTS - Parrish Rd. Ext. #13	-			-		
			11,214,853.77	250.00	5,930.67	10,177,388.53	762,221.29	269,063.28
<b>BANK STATEMENT BALANCES</b>			11,271,610.06	250.00	58,425.80	10,177,388.53	762,221.29	273,324.44
<b>DEPOSITS IN TRANSIT</b>			-			-	-	
<b>OUTSTANDING CHECKS (Schedule attached)</b>			(56,756.33)		(52,495.17)			(4,261.16)
<b>IDENTIFIED DIFFERENCES TO BE ADJUSTED</b>								
OUTSTANDING TRANSFER			0.04		0.04			
BALANCE ON KVS BOOKS			11,214,853.77	250.00	5,930.67	10,177,388.53	762,221.29	269,063.28

## CLIENT MEMO

To: Canandaigua Town Board Date: July 6, 2018

Client: Town of Canandaigua

From: Bob Fox, Tina DeNigro, Shelby Bennett

June 2018 Revenue/Expense Control Report for Board

We are providing you with the June 2018 Revenue/Expense Control Reports as of June 30, 2018.

### EXECUTIVE SUMMARY

#### BALANCE SHEET

- Bank statements have been reviewed and reconciled as of June 30, 2018

#### REVENUES

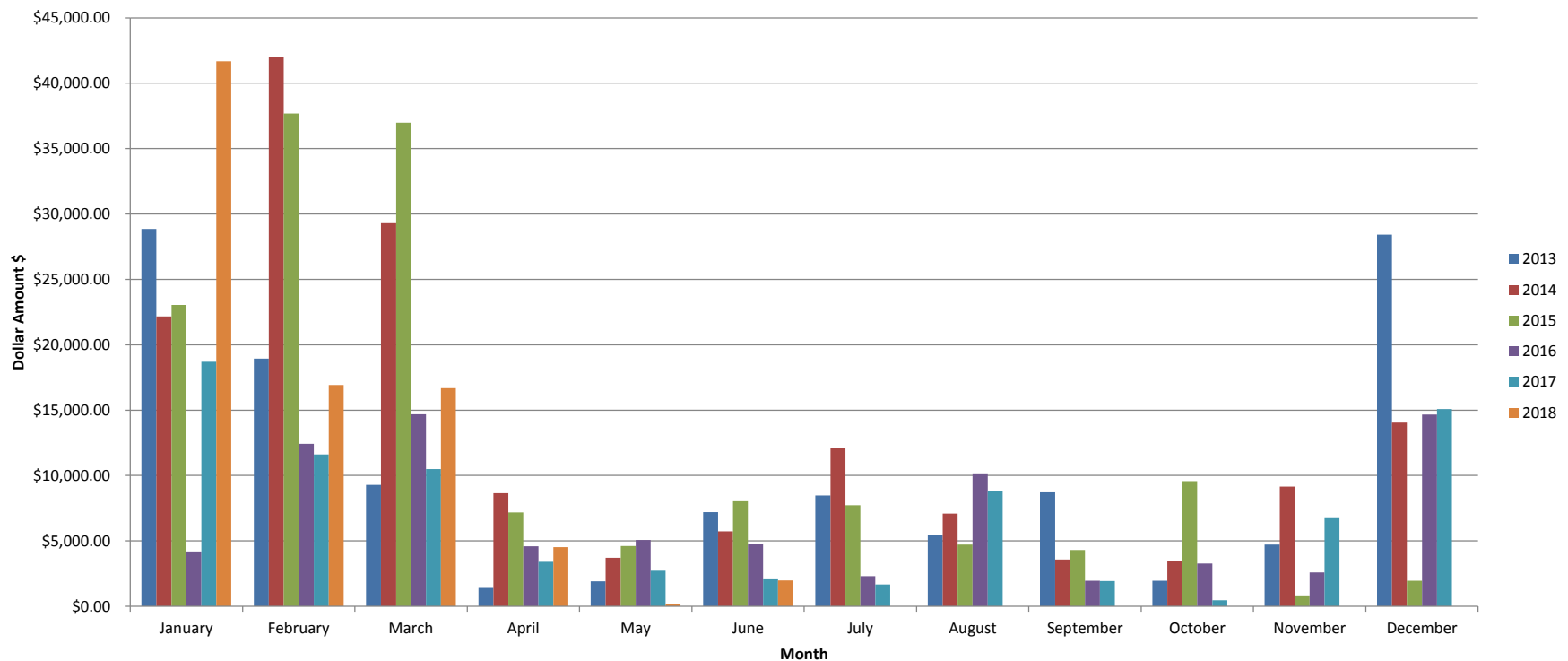
- Receipts recorded for May totaled \$326,990.97 and major receipts include the following:
  - Town Clerk - \$37,761.35 - including \$8,139.75 in water revenues, and \$13,141.00 in park and recreation fees
  - Development Office - \$6,454.50 applied against accounts receivable.
  - Justice Fines & Fees- \$21,809.00
  - Mortgage Tax - \$119,788.69
  - Interest & Penalties - \$11,495.06
  - County Snow & Ice - \$68,796.00
  - Foreign Fire Ins. Tax - \$18,714.44
  - Solid Waste Management Plan Grant - \$33,978.38
  - Other - \$8,193.55

#### EXPENDITURES

- We would expect the available balances in each fund to be about 50% at the end of June.
  - General Fund – Expenditures to date are \$1,326,324.96 against a revised budget of \$3,538,953 which leaves 62.52% available.
  - Highway Fund – Expenditures to date are \$1,442,508.74 against a revised budget of \$4,773,340.97 which leaves 69.78% available.
  - Water Fund – Expenditures to date are \$718,206.85 against a revised budget of \$2,601,080.26 which leaves 72.39% available.

	2013	2014	2015	2016	2017	2018
January	\$28,862.28	\$22,155.51	\$23,046.67	\$4,183.58	\$18,707.18	\$41,679.61
February	\$18,935.61	\$42,035.88	\$37,674.78	\$12,418.13	\$11,601.64	\$16,910.89
March	\$9,287.84	\$29,302.83	\$36,977.77	\$14,682.85	\$10,491.75	\$16,677.83
April	\$1,401.60	\$8,649.62	\$7,173.22	\$4,584.14	\$3,402.95	\$4,524.16
May	\$1,914.73	\$3,707.54	\$4,618.01	\$5,061.36	\$2,715.51	\$178.52
June	\$7,188.71	\$5,730.26	\$8,040.67	\$4,741.15	\$2,060.55	\$1,984.64
July	\$8,475.63	\$12,116.04	\$7,718.19	\$2,298.19	\$1,664.52	
August	\$5,479.85	\$7,085.96	\$4,720.03	\$10,152.84	\$8,794.31	
September	\$8,704.27	\$3,575.99	\$4,299.72	\$1,962.98	\$1,940.93	
October	\$1,948.35	\$3,476.09	\$9,558.24	\$3,273.32	\$459.55	
November	\$4,708.75	\$9,158.92	\$844.76	\$2,596.51	\$6,743.01	
December	\$28,423.96	\$14,038.96	\$1,957.16	\$14,667.81	\$15,086.85	

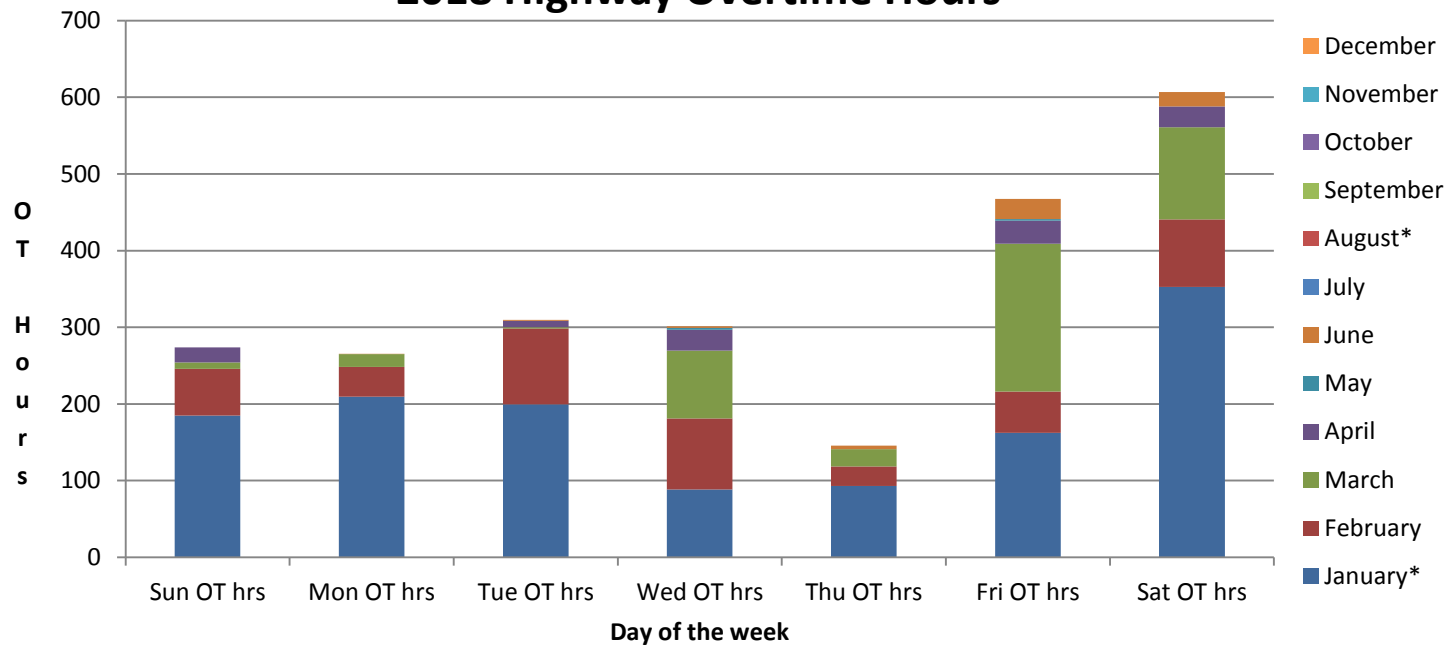
### Overtime Amounts for All Employees 2013-2018



	Sun OT hrs	Mon OT hrs	Tue OT hrs	Wed OT hrs	Thu OT hrs	Fri OT hrs	Sat OT hrs
<b>January*</b>	185	209.5	199.5	88.5	93	162.5	352.75
<b>February</b>	60.75	39	99	92.75	25.5	53.5	88
<b>March</b>	8.5	16.5	1.5	88.5	22.5	193	120.25
<b>April</b>	19.5	0	8.5	27	0	30	27
<b>May</b>	0	0	0	2.5	0	2	0
<b>June</b>	0	0.25	1	2	4.5	26.5	19
<b>July</b>	0	0	0	0	0	0	0
<b>August*</b>	0	0	0	0	0	0	0
<b>September</b>	0	0	0	0	0	0	0
<b>October</b>	0	0	0	0	0	0	0
<b>November</b>	0	0	0	0	0	0	0
<b>December</b>	0	0	0	0	0	0	0
	273.75	265.25	309.50	301.25	145.50	467.50	607.00

\*3 pay period month

## 2018 Highway Overtime Hours



# ATTACHMENT 2

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, New York 14424

## **DRAINAGE ADVISORY COMMITTEE**

*Established October 16, 2017*

**TUESDAY, JUNE 12, 2018, 11:00 A.M.**

### **MINUTES—APPROVED**

---

<b>Meeting Called by:</b>	Charles Oyler, <i>Chairperson</i>
<b>Committee Members Present:</b>	Richard Krebs Kathy Page
<b>Town Representatives:</b>	James Fletcher, Town Highway Superintendent Greg Hotaling, MRB Group, D.P.C. Chris Jensen, Town Code Enforcement Officer Stephen Schultz, MRB Group, D.P.C.
<b>Guests:</b>	Gary Humes, 4960 Hillcrest Drive Joyce Kowba, 4939 Hillcrest Drive Alfred Puchebner, 4970 Hillcrest Drive John and Joanne Ryan, 5140 Laura Lane Peg Thorne, 4970 Hillcrest Drive

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#### **1. CALL TO ORDER BY THE CHAIR**

Mr. Oyler called the meeting to order at 11:00 a.m.

#### **2. APPROVAL OF MINUTES OF MAY 22, 2018**

The minutes of the May 22, 2018, meeting were approved as submitted and amended. The minutes will be posted upon the Drainage Advisory Committee web page and will be distributed to the Town Board members and Town staff via e-mail.



### 3. HILLCREST DRIVE DRAINAGE

*Attending:* Gary Humes, 4960 Hillcrest Drive; Joyce Kowba, 4939 Hillcrest Drive; Alfred Puchebner and Peg Thorne, 4970 Hillcrest Drive

Mr. Schultz and Mr. Hotaling: Reviewed the revised plan for the installation of a 15-inch-diameter 223-foot-long drainage pipe to run along the top of the bank on the property of Greg Novak (4969 Hillcrest Drive) leading to the outfall into an existing swale just south of an existing cross pipe. This was the preferred alternative selected by the Committee and the residents at the previous meeting on May 22, 2018.

Mr. Oyler: Asked about the feasibility of the project. Mr. Fletcher said that the project is feasible. He said that the acquisition of the required access easements on private property will be necessary.

Mr. Hotaling: Said that it must be understood that the catch basin proposed for installation must be kept clear and free of leaves and other debris. Mr. Schultz noted that the catch basin would be in a location which is not easily visible from the road.

Mr. Oyler: Will send an electronic PDF file of the plan to Mr. Humes for forwarding to the residents on Hillcrest Drive. Mr. Schultz will amend the drawing to include the location of a proposed 20-foot easement on both sides of the drainage pipe. Mr. Hotaling noted that installation of an optional drainage pipe extension also would be shown on the amended drawing. *(See attachment)*

Mr. Oyler: The project will require acquisition of the required easements on private property (the Novak property) for the installation and maintenance of the drainage system.

Mr. Humes: Asked about the timeline and funding of the project. Mr. Hotaling explained that the Drainage Advisory Committee would submit the project as a recommendation to the Town Board following approval of the final plan by the Hillcrest Drive Homeowners' Association. Mr. Fletcher said that the project estimate is approximately \$10,000 for Town staff time plus the cost of the optional drainage pipe. Mr. Oyler said that the Town Board would be requested to approve funding from either the existing drainage district or from the Town general fund. He said that there would no special assessment upon the property owners.

Mr. Humes: Said that he will forward the plan to the residents and the Homeowners' Association for review and approval. He said that he also would request that Mr. Novak review the plan.

Mr. Humes: Asked if representatives from MRB Group would be available to meet with residents at a meeting of the Homeowners' Association. Mr. Hotaling said that they would be available.

Mr. Oyler: Noted that funding and acquisition of the required easements would follow approval of the plan by the Homeowners' Association and the Town Board.

#### **4. TOWN OPEN HOUSE AND DISPLAYS**

The Drainage Advisory Committee will have a table display at the Town and Highway Garage Open House on Saturday, June 16, 2018, from 9:00 a.m. to 1:00 p.m.

Ms. Page: Will coordinate the Drainage Advisory Committee information table at which a sign-up sheet will be provided for residents to report drainage issues on their properties.

Mr. Jensen: Prepared 24-inch x 36-inch maps for the display, i.e., a map depicting the locations of reported drainage concerns and a flood hazard/wetland delineation (environmental resources) map.

*(See attachment)*

Ms. Page expressed concern that the Committee's work is to benefit all property owners in the Town and not solely those property owners who reside in established drainage districts. Following several revisions by Committee members and Town staff via e-mail prior to the meeting, the following legend will appear as the heading of the Committee information table:

##### **Drainage Advisory Committee**

The Town of Canandaigua Drainage Advisory Committee was established in October 2017 in order to address drainage issues throughout the Town and to provide a mechanism for people to share concerns relating to stormwater drainage.

The Town Board wishes to understand the options with existing drainage districts and to explore opportunities for greater efficiency associated with special drainage districts, inventory existing facilities, possible funding sources and other mechanisms associated with overall storm event drainage mitigation.

Mr. Jensen: Will send the final PDF files of the maps to Canandaigua Quick Print on South Main Street, Canandaigua, N.Y., for output. Mr. Fletcher will arrange for pick-up of the maps on Thursday (June 14, 2018). Ms. Page will pick up the maps at the Development Office and mount them onto frames for the display.

*(See attachment)*

## **5. UPDATE ON FINGER LAKES COMMUNITY COLLEGE PROJECT**

Mr. Oyler: Acknowledged the Town Manager's receipt of a letter (with accompanying photographs) dated March 28, 2018, from Terence L. Robinson Jr., legal counsel for Paul Murphy and his mother Judy Murphy, owners of property at 3458 Sandy Cove, regarding flooding on the properties of homeowners along Sandy Cove, Sandy Beach Drive and Poplar Beach. The letter was sent to Robert K. Nye, Ph.D., President of Finger Lakes Community College; Canandaigua Supervisor Gregory Westbrook; and Kevin Olvany, Program Manager of the Canandaigua Lake Watershed Council.

Mr. Oyler: Also acknowledged the Town Manager's receipt of a response to Mr. Robinson's letter dated May 25, 2018, from Meghan E. Maslyn, Assistant Ontario County Attorney; and a copy of the Finger Lakes Community College Area Storm Water Management Study prepared in August 2006 by Larsen Engineers of Rochester, N.Y., from the Ontario County Planning Department, to which Ms. Maslyn refers in her response letter.

*(See attachment)*

## **6. DRAINAGE ISSUES: LAURA LANE**

*Attending:* John and Joanne Ryan, 5140 Laura Lane

Mr. Ryan: Said that he has lived on Laura Lane for 34 years, that his backyard has always been wet during certain times of the year, but that water has been encroaching closer to his and other homes on the north side of Laura Lane during the past three or four years. He asked about solutions to relieving the standing water in the backyards.

Mr. Ryan: Noted that RG&E occasionally clears the property in the backyards along the utility lines and suggested that perhaps the drainage path may have become clogged by the debris left behind. Mr. Oyler asked if RG&E removes the brush which is cut. Mr. Ryan said that RG&E does not remove the brush and that residents often clean it out themselves.

Mr. Jensen: Reviewed the path of an existing water course in the vicinity of the backyards of the homes. He noted that it often meanders out of its banks. He said that a long-term solution would be to install a drainage swale along the backyards of all the affected properties, but this could be difficult because the stream is a New York State classified wetland. Mr. Jensen also explained that the entire easement along the backyards of the homes is on City of Canandaigua property. Approvals to enter private property and permission from the utility company would be required to create a new swale.

Mr. Oyler: Suggested that the Committee conduct a site visit to view the properties, as follows:

- **SITE VISIT:** Monday, June 25, 2018, 6:30 p.m., 5140 Laura Lane

Ms. Ryan: Said that she would publicize the site visit on the Laura Lane social media web page to invite residents to attend.

## **7. REPLACEMENT OF CULVERTS ON COUNTY ROAD 16**

Mr. Fletcher: Reported that Ontario County has notified the Town via a “Call Before You Dig” message of plans to replace metal Culvert #44 and metal Culvert #47 on County Road 16 with PVC culverts of the same diameter.

Mr. Oyler: Since work has now begun on the cross pipes, he will consider contacting Timothy McElligott, P.E., of the Ontario County Department of Public Works, for an update on the County’s drainage-improvement plans on County Road 16.

## **8. DAVID BORKHOLDER DRAINAGE ISSUES: 4752 COUNTY ROAD 16**

Mr. Oyler: Reported that the drainage system in the vicinity of Mr. Borkholder’s home on County Road 16 is working well and is expected to continue to work well on the condition that the grower’s field above County Road 16 remains as currently planted and that the grower does not revert the field to a row crop.

Mr. Oyler: Discussed a comment by Mr. Olvany at the previous meeting in which Mr. Olvany suggested that a cooperative effort by the landowner, the Town and the County to pursue the purchase of an easement on the steep slope area may be an appropriate initiative to seek a permanent solution to the drainage concerns in this area. It was not known at this time if Mr. Olvany has pursued this initiative with the landowner.

Mr. Oyler: Acknowledged receipt of an e-mail from Mr. Borkholder who thanked the Committee for its time in reviewing his drainage concerns.

## **9. SPREADSHEET OF DRAINAGE ISSUE LOCATIONS AND PROJECT STATUS**

Mr. Oyler: Acknowledged receipt of the spreadsheet of drainage issue locations and project status from Mr. Jensen. Mr. Oyler will update the spreadsheet and return the file to Mr. Jensen.

**10. NEXT STEPS**

- a. **Site Visit:** Monday, June 25, 2018, 6:30 p.m., 5140 Laura Lane
- b. Future discussion to be determined: Consolidated Town-wide Drainage District with the Town Manager and possibly Town Attorney Christian Nadler.

**11. NEXT MEETINGS AND ADJOURNMENT**

The next meeting of the committee will be:

<b><i>Tuesday, June 26, 2018</i></b>	<b><i>11:00 a.m.</i></b>	<b><i>Canandaigua Town Hall (Center Conference Room, First Floor)</i></b>
--------------------------------------	--------------------------	---

Subsequent meetings will be:

Tuesday, July 10, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, July 24, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, August 14, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, August 28, 2018	11:00 a.m.	Canandaigua Town Hall

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

\_\_\_\_\_  
John M. Robortella L.S.

Attachments (one PDF file containing the following items):

- Updated Plan: Hillcrest Drive Drainage Improvements from MRB Group
- Drainage Advisory Committee maps and materials for Town Open House
- Letter and photographs: Terence L. Robinson Jr., re: Sandy Cove, Sandy Beach Drive, Poplar Beach drainage issues
- Letter: Ontario County Attorney Meghan E. Maslyn response
- Study: Finger Lakes Community College Area Storm Water Management Study prepared in August 2006 by Larsen Engineers of Rochester, N.Y.

**E-mail distribution:**

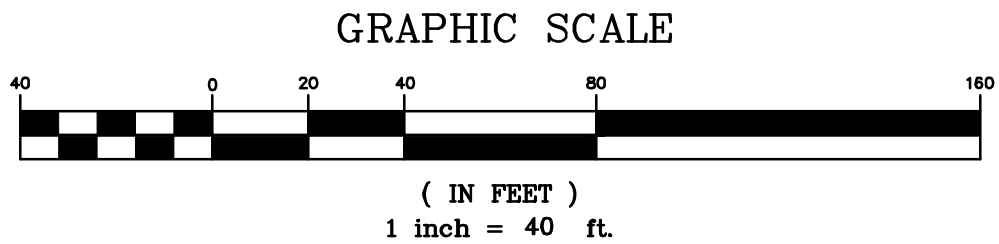
Krebs, Richard  
Oyler, Charles  
Page, Kathy

**cc. to:**

Amon, Michelle  
Bloom, Tina  
Brabant, Lance  
Chrisman, Jean  
Cooper, Eric  
Davis, Gary  
Dworaczyk, Linda  
Fennelly, Terry  
Finch, Doug  
Fletcher, Jim  
Hotaling, Greg  
Jensen, Chris  
Marthaller, Joyce  
McCumiskey, Kaitlynn  
Olvany, Kevin  
Reynolds, Kevin  
Reynolds, Sarah  
Schwartz, Tom  
Westbrook, Greg



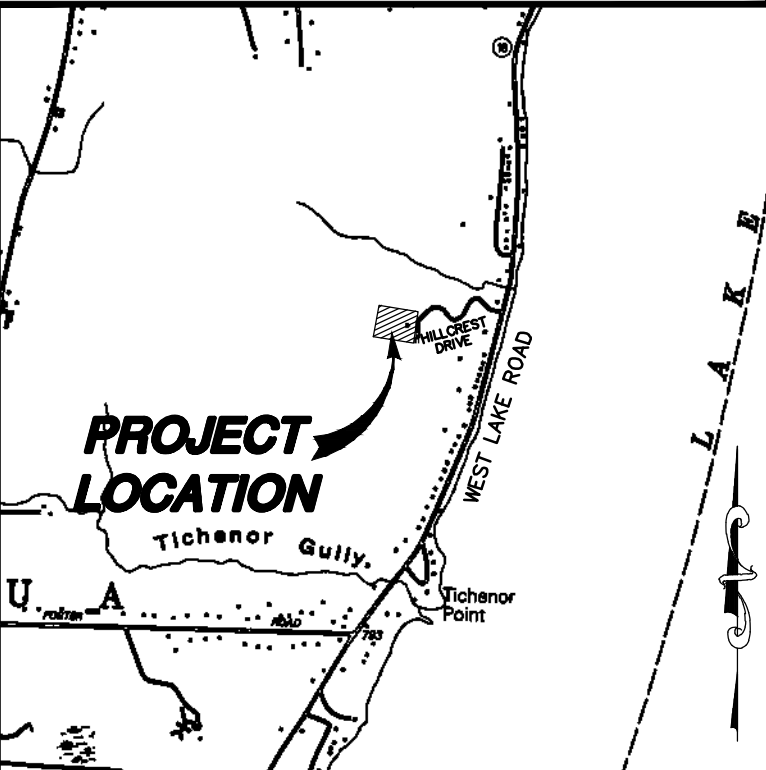
- REFERENCES:
1. TOPOGRAPHIC INFORMATION BY MRB GROUP ON JULY 31 & AUGUST 6, 2013.
  2. ELEVATIONS ARE REFERENCED TO THE 1988 NGVD.
  3. HORIZONTAL DATUM NAD 83.
  4. PROPERTY LINES FROM TAX MAPS.



GENERAL NOTES

1. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF CANANDAIGUA.
2. UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE HORIZONTAL AND VERTICAL LOCATIONS. THE CONTRACTOR SHALL BEAR THE RESPONSIBILITY OF VERIFYING UTILITY LOCATION AND SIZES. THE CONTRACTOR SHALL CALL CENTRAL STAKEOUT (1-800-962-7962) PRIOR TO COMMENCING WORK TO HAVE UTILITIES STAKED IN THE FIELD.
3. THE CONTRACTOR IS TO VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL UTILITIES, MAINS, SERVICES, ETC. PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS TO LOCATE EXISTING UNDERGROUND FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS AS REQUIRED TO MEET EXISTING CONDITIONS.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT EXISTING UTILITIES WITHIN THE AREA OF CONSTRUCTION. IF DURING CONSTRUCTION EXISTING UTILITIES ARE DAMAGED, THE CONTRACTOR BEARS THE RESPONSIBILITY AND EXPENSE TO REPAIR THE DAMAGED UTILITIES BOTH PUBLIC AND PRIVATE TO THE SATISFACTION OF THE UTILITY OWNERS.
5. THE CONTRACTOR WILL PROTECT AND PRESERVE ALL PROPERTY CORNERS, MONUMENTS, MARKERS, ETC., AT ALL TIMES. THE CONTRACTOR WILL REPLACE AS NECESSARY AT HIS EXPENSE.
6. PAVEMENT MARKINGS, TRAFFIC SIGNALS AND/OR SIGNS THAT HAVE BEEN DISTURBED BY THE CONSTRUCTION OPERATIONS SHALL BE RESTORED IN A MANNER CONFORMING TO THE GOVERNING AGENCY SPECIFICATIONS/ REGULATIONS.
7. THE CONTRACTOR WILL PROTECT AND MAINTAIN AT ALL TIMES DRAINAGE SWALES, PIPES, TILES, ETC. AND INSTALL EROSION MEASURES PRIOR TO THE START OF CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING EROSION CONTROL DEVICES UNTIL A PERMANENT COVER OF VEGETATION HAS BEEN ESTABLISHED.
9. IT IS THE INTENTION DURING THE PROJECT TO PROTECT AND PRESERVE, WHEREVER POSSIBLE, TREES, BUSHES, ETC. PRESERVATION MAY INCLUDE COMPLETE AVOIDANCE, PROTECTIVE FENCING AND/OR CONSULTATION WITH A TREE SURGEON. IF IT IS NECESSARY THAT A TREE OR BUSH, OTHER THAN THOSE MARKED ON THE PLANS, BE REMOVED, THE CONTRACTOR WILL COORDINATE THE REMOVAL WITH THE TOWN OF CANANDAIGUA, THE ENGINEER AND THE PROPERTY OWNER.
10. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE SAFETY MEASURES TO PROTECT THE PUBLIC WITHIN THE WORK ZONE AREA AT ALL TIMES THROUGH THE USE OF ORANGE CONSTRUCTION FENCING, CONES, CONSTRUCTION SIGNS, SIDEWALK CLOSED SIGNS, COVERING OR BACKFILLING EXCAVATIONS, OR USING OTHER DEVICES DEEMED NECESSARY AND APPROPRIATE.

DRAWING ALTERATION:  
THE FOLLOWING IS AN EXCERPT FROM THE NEW YORK EDUCATION LAW ARTICLE 145 SECTION 7208 AND APPLIES TO THIS DRAWING.  
"IT IS A VIOLATION OF THIS LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION."



LOCATION MAP

Project Title:		HILLCREST DRAINAGE IMPROVMENTS HILLCREST DRIVE TOWN OF CANANDAIGUA ONTARIO COUNTY		6/12/18	
Drawn By:	SWS			SWS	
Checked By:	TJF			SWS	
Scale:	1"=40'			SWS	
Date:	8-23-13			SWS	
Drawing Title:		SITE PLAN		By	
				Date	
				No.	
				Revisions and Descriptions	
				By	
				Date	
				All Rights Reserved	
				Copyright © 2013 MRB Group	

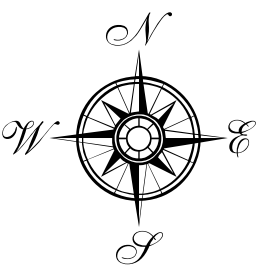
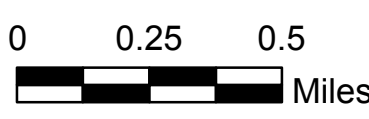
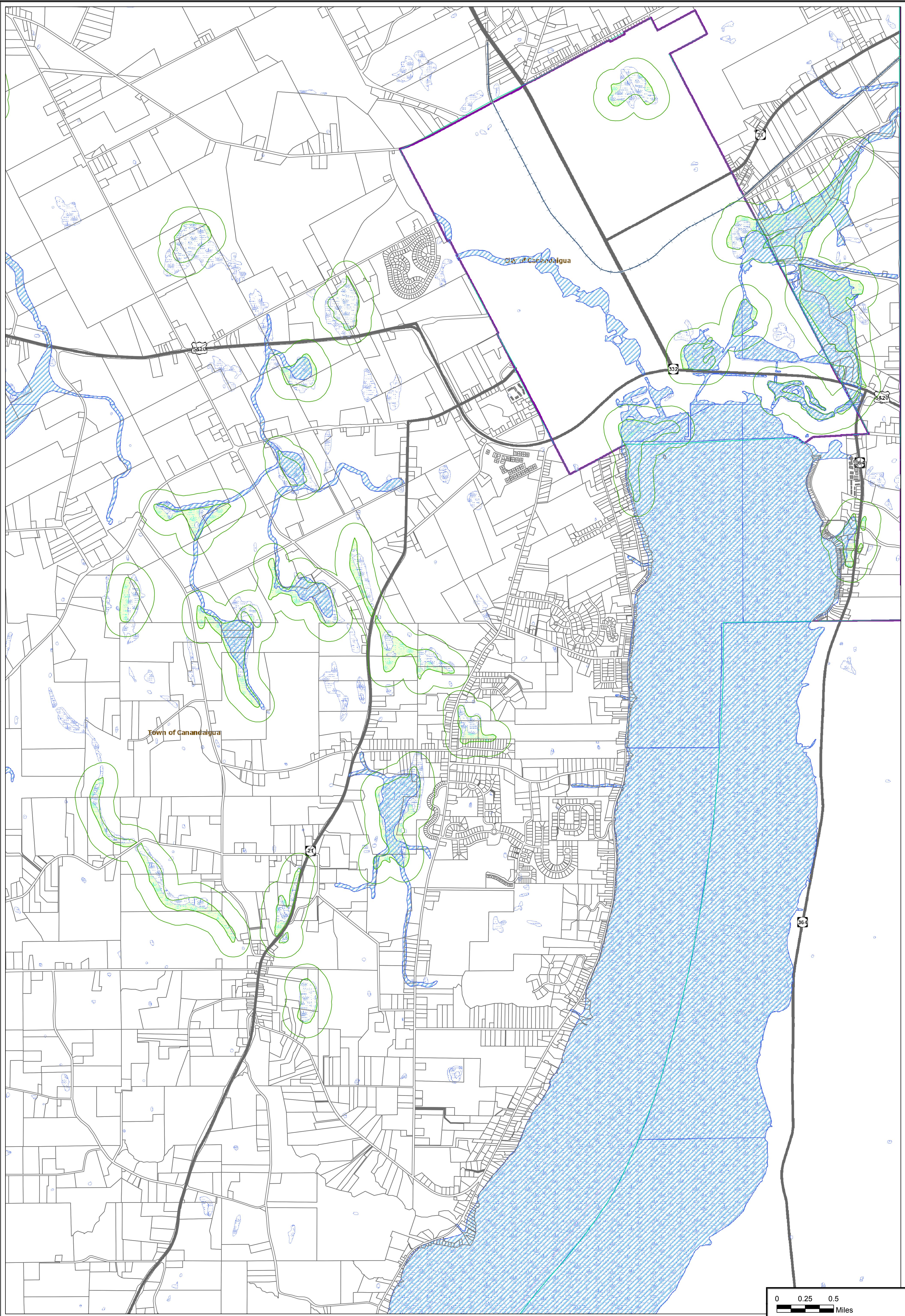
MRB

group

Engineering, Architecture, Surveying, P.C.  
The Culver Road Armory, 145 Culver Road, Suite 160, Rochester, New York, 14620 585-381-0250  
2750 Westinghouse Road, Suite 1, Horseheads, New York, 14845 607-796-9340  
The Mill, 125 High Rock Avenue, Saratoga Springs, New York 12866 518-899-2180  
[www.mrbgroup.com](http://www.mrbgroup.com)

Sheet No.	G-1	
1	of	1
Project No.		
0300.13003		





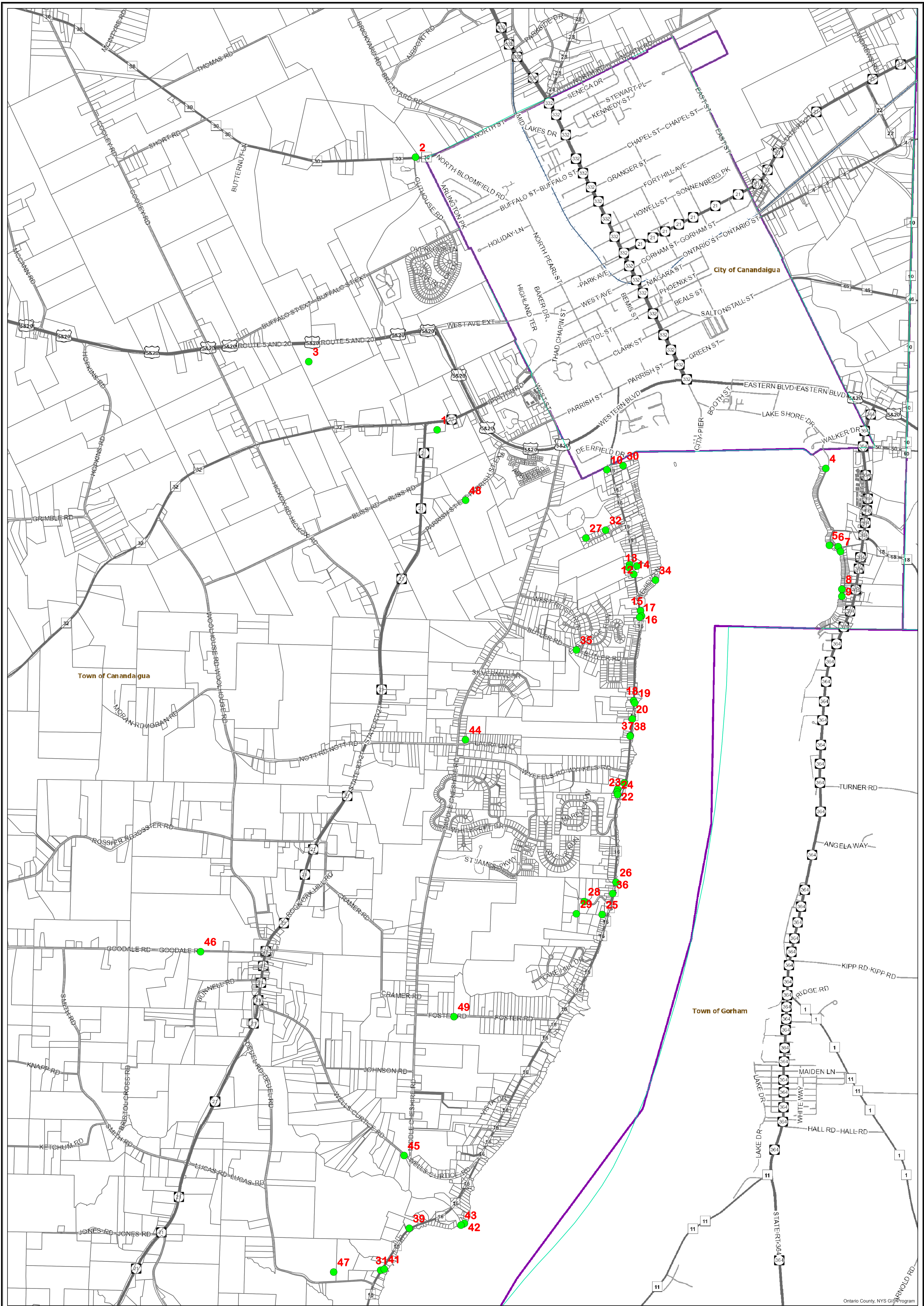
# TOWN OF CANANDAIGUA ENVIRONMENTAL RESOURCES MAP

DATE CREATED  
4/26/2018  
LAST REVISED  
6/5/2018

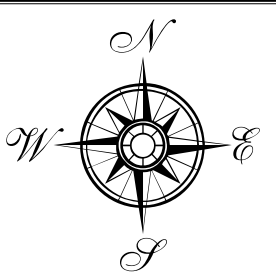
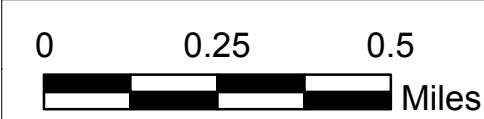
- WETLAND CHECKZONE
- FEMA Q3 Floodplains
- National Wetland Inventory
- NYS DEC Wetlands

ENV 01  
SHEET  
1 of 1





Ontario County, NYS GIS Program



# TOWN OF CANANDAIGUA IDENTIFIED DRAINAGE LOCATIONS OF CONCERN

DATE CREATED  
10/31/2017  
LAST REVISED  
6/5/2018

**Legend**  
● DATA POINTS

**DR-101**  
**SHEET**  
1 of 1



# **DRAINAGE ADVISORY COMMITTEE**

## **Purpose**

---

**The Town of Canandaigua Drainage Advisory Committee was established in October 2017 in order to address drainage issues throughout the Town and to provide a mechanism for people to share concerns relating to stormwater drainage.**

**The Town Board wishes to understand the options with existing drainage districts and to explore opportunities for greater efficiency associated with special drainage districts, inventory existing facilities, possible funding sources and other mechanisms associated with overall storm event drainage mitigation.**

**DRAINAGE ADVISORY COMMITTEE  
STORMWATER CONCERN**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL / NUMBER: \_\_\_\_\_

CONCERN/ISSUE: \_\_\_\_\_

\_\_\_\_\_

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**DRAINAGE ADVISORY COMMITTEE  
STORMWATER CONCERN**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL / NUMBER: \_\_\_\_\_

CONCERN/ISSUE: \_\_\_\_\_

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\_\_\_\_\_



Boylan Code  
Attorneys at Law

Terence L. Robinson, Jr.  
Partner  
Email: [trobenson@boylancode.com](mailto:trobenson@boylancode.com)  
Phone: (585) 232-5300 ext. 273  
Fax: (585) 232-3528

March 28, 2018

**VIA U.S. MAIL**

President Robert K. Nye, Ph.D  
Ontario County FLCC  
3325 Marvin Sands Drive  
Canandaigua, New York 14424

Supervisor Gregory Westbrook  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, New York 14424

Mr. Kevin Olvany  
Canandaigua Lake Watershed Council, Program Manager  
205 Saltonstall Street  
Canandaigua, New York 14424

**RE: Flooding of Homes on Sandy Cove**

Dear President Nye, Supervisor Westbrook, and Mr. Olvany:

This letter is submitted to seek your assistance in correcting the drainage of water from real property located at 3430 County Road 18, Canandaigua, New York (see enclosed Tax Map) and other similarly situated upland parcels, which are flooding the property of home owners along Sandy Cove, Sandy Beach Drive, and Poplar Beach. We submit this letter as counsel for Paul Murphy and his mother, Judy Murphy, owners of property at 3458 Sandy Cove, Canandaigua, New York 14424.

As Town of Canandaigua tax payers, the homeowners on Sandy Cove and Sandy Beach Drive support the efforts to expand FLCC and CMAC, but should not be deprived of the use of their properties because of the repeated flooding caused by the redevelopment of 3430 County Road 18. The flooding in those areas has gotten worse and occurs with ever more frequency. Enclosed for reference are photographs of a recent flooding event in early February of this year, which has not receded as of this date.

The property at 3430 County Road 18, which includes a large parking lot and several small detention ponds, generates a significant amount of water runoff. That water is artificially

conveyed under State Route 364 via a drainage pipe that, upon information and belief, was installed by the Town of Canandaigua to facilitate drainage away from FLCC and CMAC. The drainage pipe conveys water directly onto the property of homeowners along Sandy Cove, Sandy Beach Drive, and Poplar Beach via an undeveloped parcel owned by Ontario County, which bears an address of 3442 State Route 364, Canandaigua, New York 14424 (Tax Map Id 98.15-1-73.00).

Under New York law, a property owner may improve his or her land and alter grading, but it is impermissible to do so in a manner that uses artificial means, like pipes and ditches, to flood downhill property owners. *See Musumeci v. State*, 43 A.D.2d 288, 291 (4th Dept. 1974) (“[I]mprovements made in good faith to fit one’s property to some rational use are permitted so long as the diffused surface water is not drained into another’s property by means of artificial pipes and ditches.”). The work that has been done at 3430 County Road 18 violates this basic principal of New York law by using pipes to discharge water onto downhill property owners along Sandy Cove, Sandy Beach Drive, and Poplar Beach.

We understand that the flooding issues described above have been discussed by the Town of Canandaigua and FLCC, and that Mr. Olvany has been consulted to try and recommend potential remedies. While we appreciate those efforts, we wish to schedule a meeting with all of the interested stakeholders and Mr. Olvany to discuss a prompt and permanent resolution to the flooding issues caused by the improvements to 3430 County Road 18, and the pipes that convey water from that property to the downhill property owners on Sandy Cove, Sandy Beach Drive, and Poplar Beach. Leo Murphy, Judy’s husband, is in the process of organizing his fellow neighbors to form a Neighborhood Association to better address this issue. Please advise as to your willingness to meet and confer regarding a resolution of this issue.

While this letter seeks an amicable resolution to this issue, the Murphy’s expressly reserve all legal and/or equitable rights with regard to the continuing damage caused by the flooding diffused surface waters from 3430 County Road 18 and other similarly situated upland parcels.

Sincerely,



Terence L. Robinson, Jr.

TLR/sms

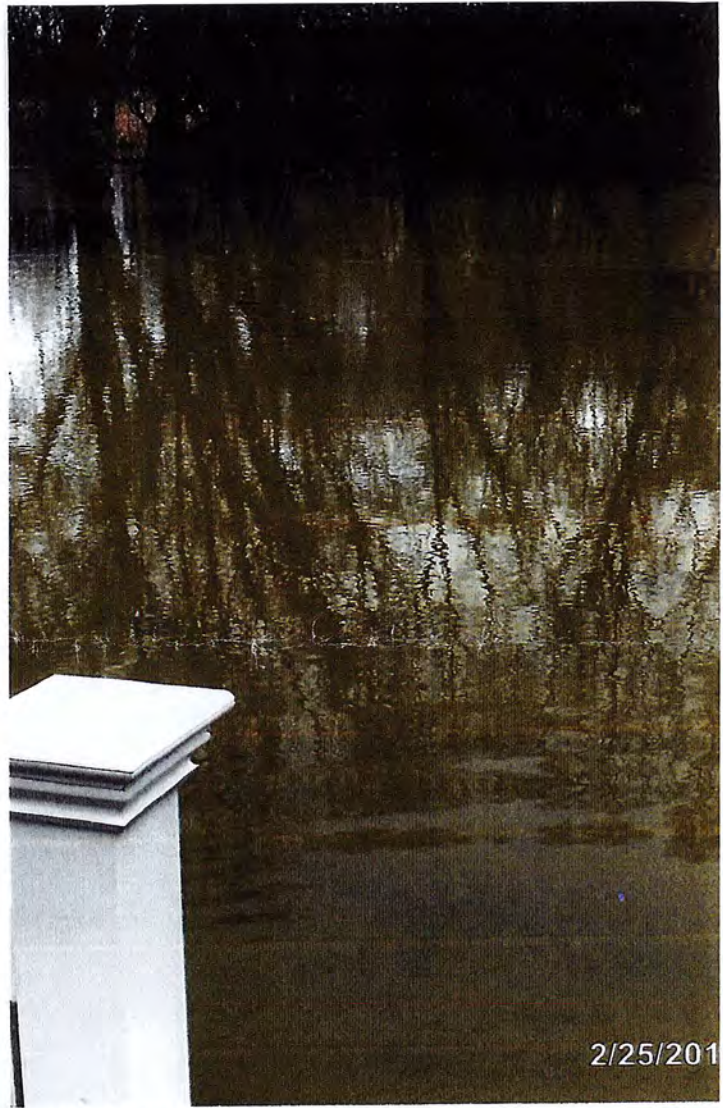
Enclosure











# **Ontario County Attorney**

MUNICIPAL BUILDING  
20 ONTARIO STREET, 3RD FLOOR  
CANANDAIGUA, NEW YORK 14424  
Telephone (585) 396-4411  
Facsimile (585) 396-4481  
(E-mail and fax not for service)

May 25, 2018

## **VIA USPS**

Terence L. Robinson, Jr., Esq.  
Boylan Code, Attorneys at Law  
28 S. Main Street  
Canandaigua, New York 14424

**Re: Flooding of Homes on Sandy Cove**

Dear Mr. Robinson:

I write in regard to your letter of March 28, 2018, written on behalf of Paul Murphy and his mother Judy Murphy, regarding drainage issues in the Sandy Cove neighborhood.

In 2004, a similar letter was sent by property owners in the Sandy Cove neighborhood to Finger Lakes Community College ("FLCC"), Ontario County, the surrounding Town Supervisors, and New York State officials. The 2004 letter asserted that storm water runoff had increased in the Sandy Cove neighborhood due to FLCC's expansion of its facilities and parking lots. As a result of the 2004 letter, FLCC and the County committed to conducting a drainage study and evaluating storm water flow to the CL-13 wetland area and the nearby Sandy Cove neighborhood.

In 2005, the County established Capital Project 3-2005 and hired Larsen Engineers to complete the drainage study ("the Larsen study") and present its findings. The Sandy Cove property owners were apprised of the status of the Larsen study and invited to attend public meetings to review the study completed by Larsen Engineers. The County hosted a public meeting on April 19, 2006 and those in attendance included Leo and Judy Murphy.

At the April 19, 2006 meeting, Larsen Engineers presented their findings and recommendations and the distribution of costs was discussed. The Larsen study found that runoff from County property exceeded FLCC's predeveloped state and recommended the County design and construct a storm water management facility



adjacent to FLCC's "G-lot." As a result, the County committed to designing and constructing a storm water management facility. The County expanded Capital Project 3-2005 to include the design and construction phase, obtained necessary grant funding, and obtained requisite state permits. The construction of the detention facility was completed in 2008.

However, the Larsen study also found the area along the lake shore and CL-13 wetland near Poplar Beach, Sandy Cove and Sandy Beach was adversely affected by private development and was thus unable to drain effectively. For example, open drainage ways from the CL-13 wetland to the lake were replaced with piped systems, outlets to one of two drains into the lake could not be located, the drainage structures adjacent to the CL-13 wetland impeded effective drainage throughout the CL-13 wetland due to inadequate size and lack of maintenance, and private development expanded to the east into the NYS DEC regulated CL-13 wetland. Thus, the Larsen study recommended the Sandy Cove neighborhood cooperate and work with the DEC to accommodate the historic drainage capacity by constructing three outlets to the lake close to the historic drainage ways. When the recommendations of the Larsen study were presented, the few property owners affected did not have enough support from the surrounding property owners to form a drainage district to fund and implement the recommendations. To the County's knowledge, the property owners never implemented the Larsen study recommendations.

Then, in 2015 the County created Capital Project No. 11-2015, "FLCC G-lot – Parking and Utility Rehabilitation Capital Maintenance Project," comprised of a multi-year and multi-phase project. During the late fall of 2017, as part of the rehabilitation phase of G-lot, the County reconfigured the storm water detention facility adjacent to G-lot. The County reconfigured the detention facility to eliminate its encroachment into G-lot and, in fact, increased the capacity of the detention facility to hold a higher volume of storm water.

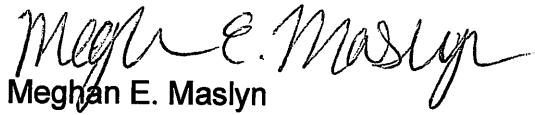
Nonetheless, the County has a natural and historical right to drain storm water in the area. In fact, "each land owner has the right to divert or change the course of a stream flowing through his land provided he returns it to its ordinary channel before it reaches the land of the lower owner." *Friedland v. State*, 35 Ad2d 755, 756 (3d Dept. 1970). Furthermore, the County "will not be liable for damages to abutting property for the flow of surface water resulting from improvements to his land 'provided that the improvements are made in good faith to fit the property to some rational use . . . and that the water is not drained into the other property by means of pipes or ditches.'" *Cottrell v. Hermon*, 566 NYS2d 740, 741 (3d Dept. 1991).

While there is a parking lot on the FLCC property, paving alone does not constitute artificial means of diversion. See *Prachel v. Town of Webster*, 96 AD3d 1365, 1366 (4<sup>th</sup> Dept. 2012). Water runoff is directed through swales on the FLCC property and into the storm water detention facility that was constructed as a result of the Larsen study. From the detention facility, water is conveyed under State Route 364 via a culvert. The culvert under State Route 364 was first installed in the 1930s – long before

construction of FLCC began – and does not alter or artificially increase the natural course of the surface water. The culvert was designed to carry water under the public roadway, as opposed to letting it flow over top the roadway, and does not increase the volume or velocity of naturally flowing water. Furthermore, the County has not installed pipes, drains, or ditches on its property at 3442 State Route 364 that result in surface water artificially diverting to the Murphy's property.

Therefore it is the County's position that it has acted reasonable and in good faith in managing storm water on its property to limit storm water runoff in the CL-13 watershed to pre-development conditions.

Sincerely,



Meghan E. Maslyn  
Assistant Ontario County Attorney

cc: Dr. Robert K. Nye, President of Finger Lakes Community College  
Mary Krause, Ontario County Administrator  
Kevin Olvany, Program Manager, Canandaigua Lake Watershed Council  
Doug Finch, Canandaigua Town Manager  
Bill Wright, Ontario County Commissioner of Public Works  
Tom Harvey, Ontario County Director of Planning

# FINAL

## Finger Lakes Community College Area Storm Water Management Study



Prepared for:



**Ontario County Planning Department  
Attention: Mr. Thomas P. Harvey, AICP  
20 Ontario Street  
Canandaigua, New York 14424**

August 2006

Prepared by:



700 West Metro Park, Rochester, NY 14623  
Phone: 585-272-7310 Fax: 585-272-0156

# **STORM WATER MANAGEMENT STUDY AND SCHEMATIC DESIGN WITHIN TWO WATERSHEDS IN THE AREA OF FINGER LAKES COMMUNITY COLLEGE ONTARIO COUNTY, NEW YORK**

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- I. INTRODUCTION
- II. BACKGROUND / HISTORY
- III. STUDY PURPOSE / OBJECTIVES
- IV. STUDY TASKS
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    - 1. Fall Brook
    - 2. CL-13
  - B. Development of the Storm Water Models
    - 1. Calibrate Storm Water Models
    - 2. Evaluate Groundwater Influence
  - C. Evaluation of Existing Drainage Conditions Throughout Watershed
  - D. Update Area Wetland Delineation
- V. SUMMARY OF FINDINGS
- VI. RESPONSIBILITIES
- VII. RECOMMENDATIONS
- VIII. COST ESTIMATES AND POSSIBLE COST DISTRIBUTION ALTERNATIVES

## **APPENDICES**

## **I. Introduction**

Figure 1, taken from the Final Environmental Impact Statement prepared by Labella Associates, P.C., for the addition of the new Auditorium Building and the expansion of the Finger Lakes Performing Arts Center shows the FLCC campus and its surrounding area. During the environmental review process for this work comments were received concerning existing drainage issues in the area of the Community College Campus.

Having considered the concerns of its nearby property owners presented at the proposed FLCC campus addition's FEIS public hearing on April 21, 2005 and included in Appendices of this report, the County concluded that it would evaluate the FLCC campus impact on downstream drainage, specifically to the DEC CL-13 wetland area. The County would also examine conditions to determine whether the runoff from County property contributed to the cause for concern over continuing erosion of the banks of the Fall Brook through the Canandaigua County Club property. The County was committed to restore drainage conditions to its pre college developed state in both the Fall Brook and CL-13 watersheds.

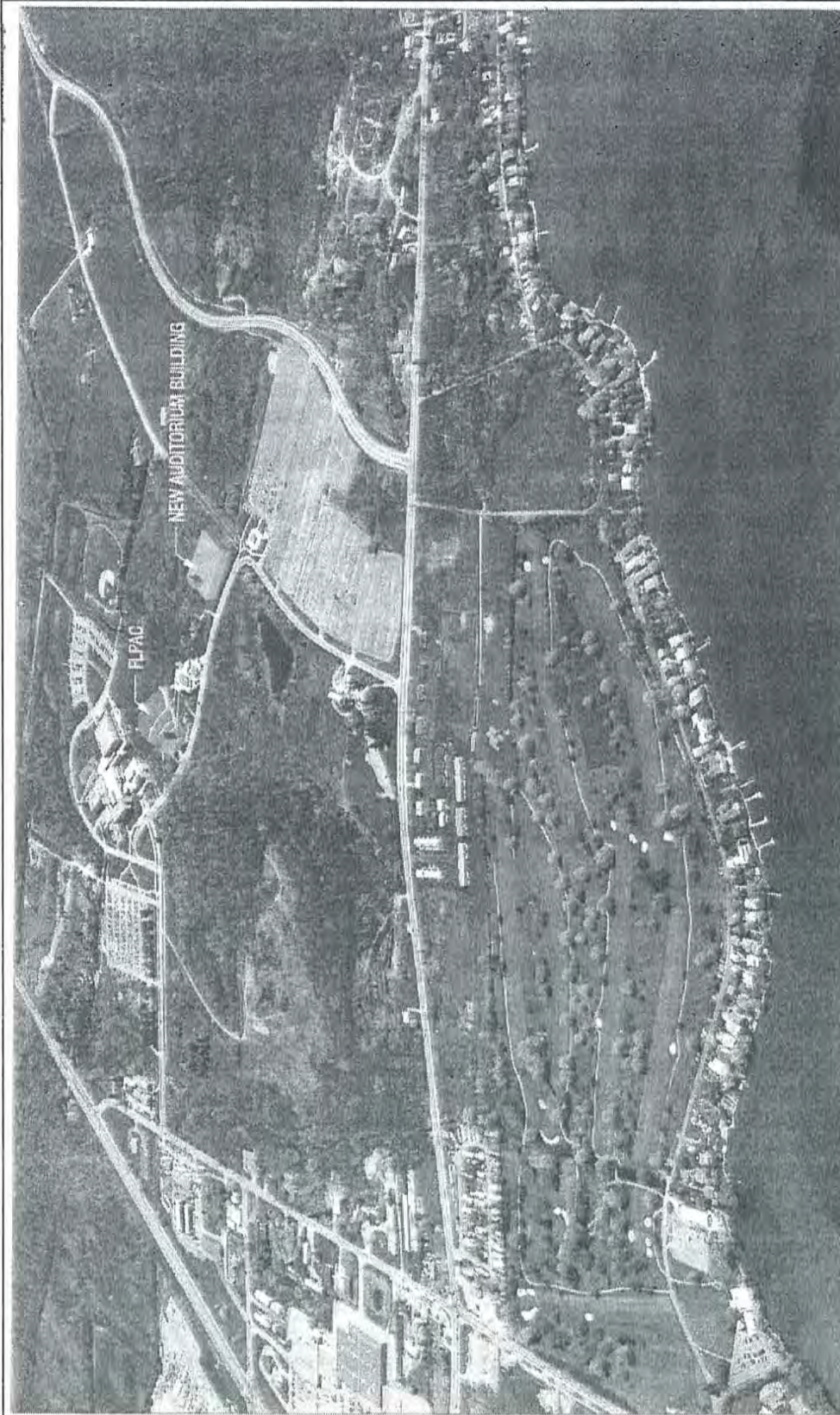
With regards to surface water resource mitigation, the Final Environmental Impact Statement for the Auditorium Building and Finger Lakes Performing Arts Center as prepared by Labella Associates, PC dated May 6, 2005 therefore concluded:

“Ontario County is committed to perform a comprehensive review of existing stormwater flows from the FLCC campus and County Road 18 to wetland CL-13. This will be completed during the design of Phase II (new auditorium building). In the event that prior County projects have increased storm discharge rates over predeveloped rates and negatively impacted private property, Ontario County will design and implement any requisite mitigation measures to reduce the rate of stormwater discharge to pre-developed conditions.

In the case of the drainage study proposed by the County, a predevelopment condition for the property (prior to the construction of current facilities at the college) will be used to establish, through accepted engineering practice, what historic runoff conditions were. This will be compared to current conditions to identify any changes and the need for stormwater management facilities.”

Following up on this determination the Ontario County Board of Supervisors, acting through its Public Works Committee authorized the County Planning Department to develop and solicit Request for Proposals for professional services to evaluate the drainage conditions in the vicinity of the FLCC campus in both the Fall Brook and CL-13 watersheds. On June 10, 2005 the Planning Department issued the Request for Proposals that would ultimately accomplish this study. A copy of that RFP is included in the Appendices of this report.





**FIGURE 9**  
**OBLIQUE AERIAL VIEW OF FLCC AREA**

Auditorium Building and  
Finger Lakes Performing Arts Center  
Environmental Impact Statement  
Project No. 205103

NO SCALE

**ABELLA**  
Associates, P.C.

300 State Street  
Rochester, NY 14614  
585.454.6110

PROJECT:

# **FINGER LAKES COMMUNITY COLLEGE DRAINAGE STUDY**

TITLE:

**ABELLA OBLIQUE DRAWING**

FIGURE:

**1**



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PROJECT ENGINEER:

**SGV**

DRAFTED BY:

**AJM**

SCALE:

**N.T.S.**

DATE:

**JUNE, 2006**

## **II. Background/ History**

A review of historic (1948) imagery shown in Figure 2, shows the upland areas as predominately farm land with the majority of residential development in the area being a single row of structures between the west side of the lake access roads at Poplar Beach and Sandy Cove and the Canandaigua Lake shore. The 1948 image in Figure 2 shows three (3) drainage swales in the vicinity of Poplar Beach and Sandy Cove that provided outlets to the lake for drainage.

As the issue of drainage around the study area is evaluated, consideration has to be given to Canandaigua Lake as the other major source of water that could impact residences in the vicinity. Over the years storm events have resulted in the Lake over topping its banks and flooding lake front properties. Figure 3 depicts the flood zone information in the project vicinity. As the study proceeds it is important to understand the potential for two sources of floodwaters, upland and lake.

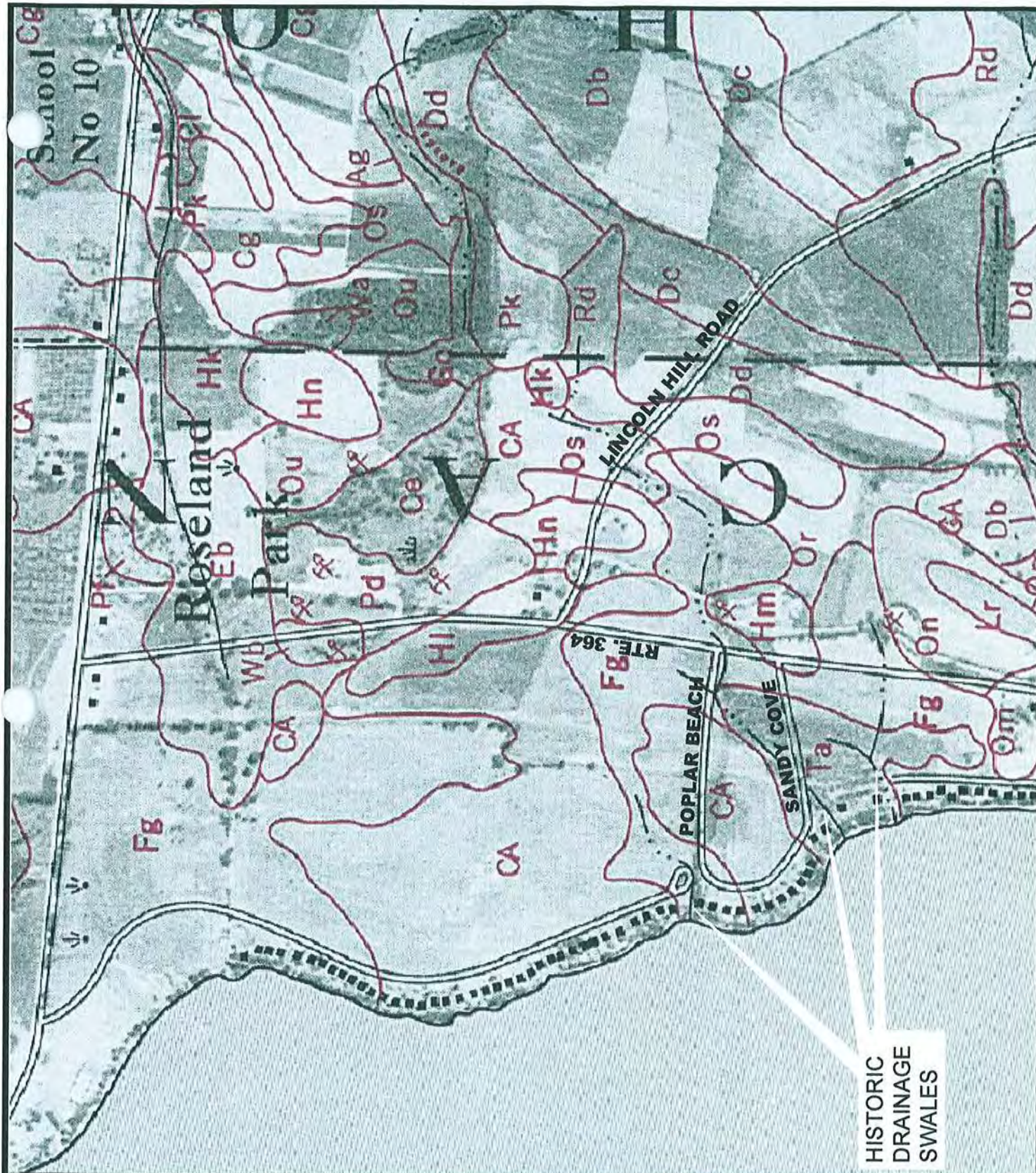
Over the last fifty years the study area, what has now been defined as the Finger Lakes Community College area, has been the site of a number of significant construction projects. To follow is a listing of a number of improvement projects in the area that in some way may have had an impact on the region's drainage:

- Relocation of NYS Rt. 364
- Installation of Sanitary Sewer along the east shore of Canandaigua Lake
- Development of the FLCC Campus
- Development of the Finger Lakes Performing Arts Center
- Expansion of the FLPAC parking lot
- Relocation of Lincoln Hill Rd. (County Rd. 18)
- Extensive private development
- Expansion of existing lakefront residences

A cursory review of the current available information relative to these project would indicate that while adequate consideration may have been given to drainage off their immediate site, little evidence exists of any area wide study having been done that would evaluate the adequacy of the east/west storm water flow across the area to assess continuous flow to the lake.

As development of the lakeshore properties has occurred over the years it is also important to note that all of this property and its access is privately owned. Any drainage facility that had been installed had been done so by the landowners at the time. With regards to the maintenance of any existing drainage facilities, with the exception of Fall Brook that is a natural stream, there are no known rights of access to provide for any "public" maintenance of swales, pipes or outfalls that would provide drainage from upland areas across these lands to the lake.





PROJECT:

# FINGER LAKES COMMUNITY COLLEGE DRAINAGE STUDY

SOILS SURVEY MAP 1948

FIGURE:

2



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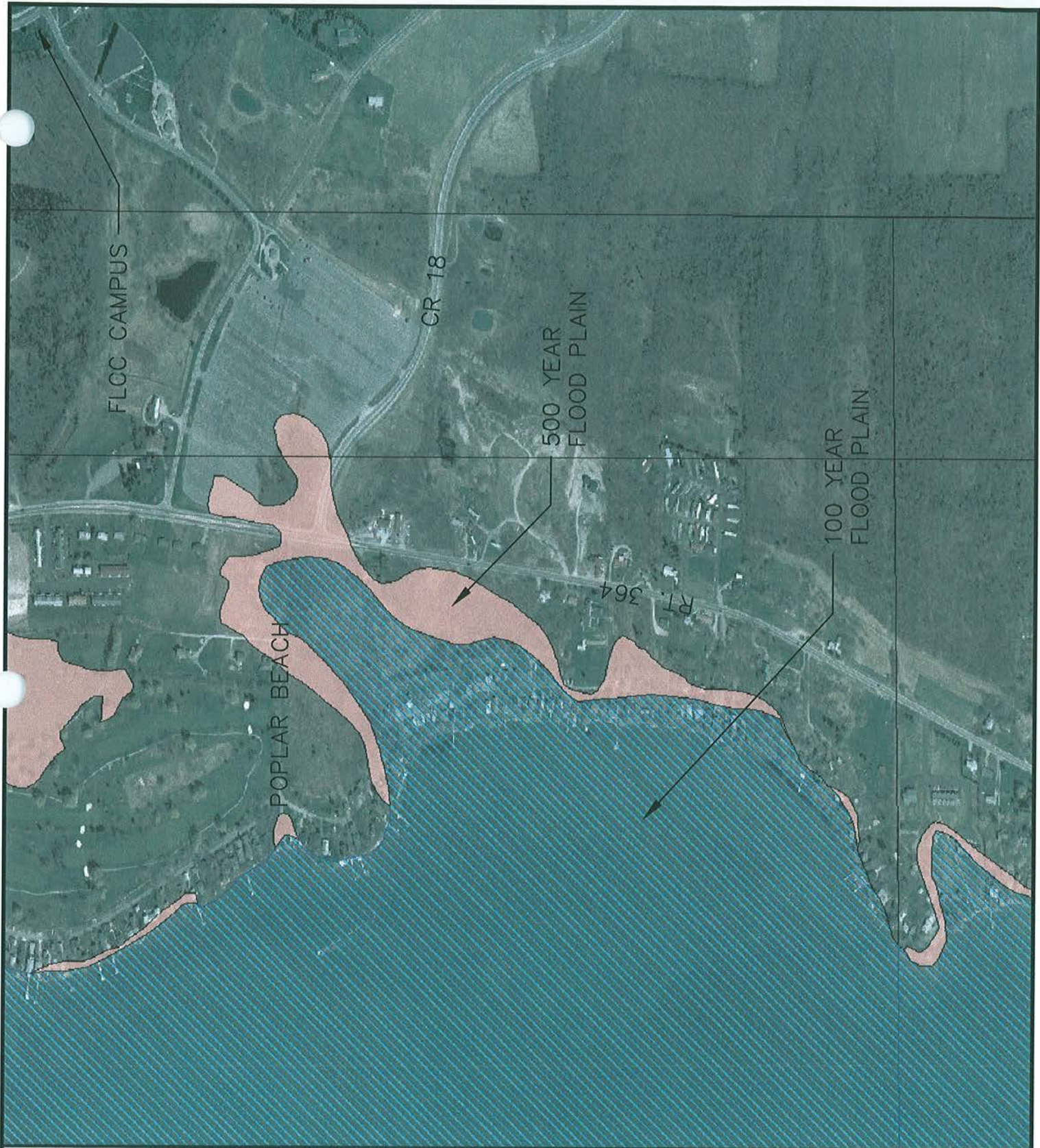
SCALE:

N.T.S.

DATE:

JUNE, 2006





PROJECT:  
**FINGER LAKES COMMUNITY COLLEGE  
 DRAINAGE STUDY**

FILE:  
**FLOODZONE MAP**

FIGURE:  
**3**



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**AJM**

SCALE:  
**N.T.S.**

DATE:  
**JUNE, 2006**



### III. Study Purpose/Objectives

The comments received and concerns expressed during the public review process for additions to the FLCC campus regarding the potential adverse effects of additional runoff from the campus and adjacent County owned property appear to be substantiated by the review of historical data. As they relate to property owner concerns, the two primary objectives of this study are to:

- Evaluate the effects of storm water runoff from upland areas (specifically County and College owned) that contribute to flooding of lakeside properties in and adjacent to the NYSDEC CL-13 wetland area and;
- Evaluate the effects of storm water runoff from upland areas (specifically County and College owned) that contribute to stream bank erosion along Fall Brook as it flows through the Canandaigua Country Club property.

The County's RFP is clear in its intent to address the concerns of property owners in the vicinity of the Finger Lakes Community College Campus. This study's purpose is therefore to:

1. Identify and schematically design requisite storm water management facilities and techniques to meet NYSDEC storm water management regulations for work proposed in both watersheds;
2. Identify and schematically design requisite storm water management facility and techniques to return storm water discharge rates from FLCC into the Fall Brook watershed to predeveloped conditions;
3. Reduce the incidents of flooding to residential properties surrounding CL-13 from overflow of the CL-13 wetland;
4. Develop a schematic or conceptual design of the recommended storm water management facilities, locations size and arrangement for both watersheds, and
5. Provide cost estimates for each proposed storm water facility and/or improvement action and cost estimate for the recommended facilities and/or improvements or actions.

To help achieve the above objectives and as a part of the process of this study the County established a committee to represent the various interest groups concerned with the issues to be evaluated as a part of the study. During the course of the study regular committee meetings were held, as were public information meetings to exchange information with the concerned property owners. The committee was made up of representatives from the following groups:

The Sandy Cove/Sandy Beach/Poplar Beach Homeowners  
Ontario County Soil and Water Conservation District  
Canandaigua Lake Watershed Commission  
Finger Lakes Community College

Ontario County Board of Supervisors  
Ontario County Planning Department  
Ontario County Public Works Department

Larsen Engineers as the consultant charged with responsibility for completion of the study was also a member of this group along with Larsen's wetland subconsultant, Terrestrial Environmental Specialists, Inc. (TES).

## **IV. Study Tasks**

### **A. Define the Watersheds**

To address the concerns of the potential adverse effects of storm water runoff it is important to first understand the origin of the runoff. The nature of the comments received during the FEIS public hearing implied that the FLCC campus was the origin of most, if not all, of the runoff that was the cause of the flooding in the downstream areas as well as a contributor to the stream bank erosion that the Canandaigua Country Club was experiencing along Fall Brook through its property.

Using the data sources provided by Ontario County and additional sources through the NYSGIS Clearing House orthoimagery base maps were prepared for both the Fall Brook watershed and CL-13 watershed areas. With the benefit of the USGS topographic overlay the drainage area maps depicted in Drawing G100 for the Fall Brook watershed and Drawing G101 for the CL-13 watershed were initiated. As the watershed map was to serve as the basis for the storm water model to be developed, before each drainage sub area was finalized both of these watershed maps were reviewed in the field. Each control point (CP) shown relative to its respective sub area was confirmed, as was the accuracy of the topographic division of sub area for general agreement with current field conditions. Each area was also visually surveyed for general conformance with the published land use/soil hydrology group information. This data was significant for use later developing an accurate up to date storm water model for the watersheds.

The complete watershed map of Fall Brook is depicted in Drawing G100. The Fall Brook watershed extends through the Towns of Canandaigua, Hopewell and Gorham and has a total area of 3932 acres. The main FLCC campus including the FLPAC shell is located within the Fall Brook watershed. The total area of the FLCC campus including the FLPAC is 60 acres or 1.53% of the total area of the Fall Brook water shed. It is also important to note that the farthest point in the Fall Brook watershed is 3.2 miles from its discharge to Canandaigua Lake. The FLCC Campus main entrance crossing is 0.32 miles from Canandaigua Lake.

The complete watershed map of CL-13 is presented in Drawing G101. CL-13 will include the site of the proposed Auditorium Building at the Community College as well as the FLPAC's existing parking lot and the Lincoln Hill Inn. CL-13 extends easterly into Hopewell and is bounded by the north side of CR 18 and then includes property on both sides of NYS Rt. 364 from the Poplar Beach to just north of the Sandy Beach access drives. The actual lake front properties are shown to drain directly to the lake for the storm water model's purpose in determining runoff to the control points shown. The CL-13 watershed is 123 acres in area.







Scale: 1" = 100' (Horizontal)  
Scale: 1" = 20' (Vertical)  
Date: 08/18/2023



CANANDAIGUA LAKE

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Plot Date: Aug 09, 2023  
Scale: 1" = 100'  
Sheet: 1 of 1

SHEET NO.  
1 OF 1

DRAWING NO.  
G 101

PROJECT: FINGER LAKES COMMUNITY COLLEGE  
DRAINAGE STUDY

TOWN OF CANANDAIGUA, COUNTY OF ONTARIO, STATE OF NEW YORK

CL-13  
WATERSHED PLAN



PROJECT ENGINEER: S. WOODBRIDGE  
DRAFTED BY: R. WOOD  
CHECKED BY: L. CELESTINO  
SCALE: 1" = 300'  
DATE: SEPT 18, 2023

NO.	REVISIONS	BY	DATE

PROJECT MANAGER

TRM PRINCIPAL

PROJECT NO.: 42-3-5803



## **IV. Study Tasks**

### **B. Development of the Storm Water Models**

In order to accurately predict storm water runoff quantities under all conditions one relies on generally accepted engineering practice and standards used within the industry to reliably forecast such events and assist with the design of drainage facilities to accommodate storm water flows. In accordance with these practices and the County's requirements, computer models were developed for both the Fall Brook and CL-13 water sheds.

The models will be consistent with the USDA's Natural Resource Conservation Service's technical references as the TR-20, Stro-Ind+Trans and Stor-Ind methods were utilized for this analysis. HydroCAD's version 7.10 was the software used in this study.

To assist with the model development and to provide a source of calibration information, stream channel crest gauges were installed at critical locations in each watershed. The location of these crest gauges and their pertinent information is described in Table 1. Stream channel cross-section information was also recorded at each crest gauge location so the flow in the channel could be correlated to the adjacent crest gauge elevation. The intent of the crest gauges was to further correlate flow in each stream channel to rainfall in the watershed as monitored by existing gauges at the City of Canandaigua's Water Treatment Plant for the purpose of calibrating the computer storm water model.

The computer model further requires the assumption of storm conditions. For the propose of this study NRCS Type II conditions or normal conditions were assumed. This is in comparison to NRCS Type I – very dry and NRCS Type III saturated conditions.

During the course of the study, the summer of 2005 produced few significant storm water runoff events. A tabulation of rainfall data reported by the City's water treatment plant is presented in Table 2. Even the devastating hurricane Katrina, which came through the region August 30-31, 2005 and resulted in 2.44" of rainfall in a 24 hour, causing minimal increase in channel flow as shown in Table 1.

In the absence of any significant actual stream flow data derived from the crest gauges, calibration for the storm water model was assisted with comparison of the results to the State DOT drainage report for the most recent replacement of the Fall Brook culvert crossing State Rt. 364. Comparison of the results to the State's model showed projected flows to be within 10%, an acceptable level of accuracy in the absence of actual flow data.

The details of the storm water model iterations are presented in the Appendices. The resulting flows at each designated "Control Point" (CP) as referred to in the watershed maps for Fall Brook and CL-13 depicted in Drawings G100 and G101 respectively are shown in Table 3.

FLCC AREA DRAINAGE STUDY, ONTARIO COUNTY, NY

All gauges are located on upstream side of culvert Installed 8/1/05		Top of Crest Gauge Elev. (ft)	Water Surface, 8/31/05 Storm Elev. (ft)	Invert of Culvert Elev. (ft)	Headwater Depth at Culvert Elev. (ft)
1.	North/South PVC Pipe - Sandy Cove Access Rd.	693.58	690.25	689.09	1.16
2.	24" RCP Crossing Rt. 364 Between Sandy Beach & Sandy Cove	693.19	690.11	689.38	0.73
3.	24" RCP Crossing Rt. 364 Just North of CR 18	693.49	690.74	688.49	2.25
4.	Fall Brook Bridge	694.02	689.85	689.22	0.63
5.	FLCC Entrance Drive Culvert	719.90	716.86	715.69	1.17
6.	Western-most Bridge Crossing Fall Brook @ CCC	690.40	688.15	685.04	3.11
7.	Eastern-most Bridge Crossing Fall Brook @ CCC	691.21	688.09	685.92	2.17



FLCC AREA DRAINAGE STUDY STORM EVENT REPORT FORM  
ONTARIO COUNTY, NY

Date	Time Period of Reading	Rainfall	Crest Gauge Readings						
			1	2	3	4	5	6	7
			reading elev.	reading elev.	reading elev.	reading elev.	reading elev.	reading elev.	reading elev.
8/19/05	8am								
8/20/05	8am	0.64"							
8/21/05	8am	Trace							
8/22/05	8am	0.42"							
8/30/05	8am								
8/31/05	8am	2.44"	40	37	33	50	36.5	27	37.5
9/1/05	8am	0.51"							
9/4/05	8am	Trace							
9/9/05	8am	0.52"							
9/15/05	8am	0.05"							
9/17/05	8am	0.10"							
9/18/05	8am	Trace							

# CL 13 Drainage Study

## Existing System Peak Q Type II NRCS Storm

NRCS Type II Storm Control Point	Return yr							Location
	1 Q cfs	2 Q cfs	5 Q cfs	10 Q cfs	25 Q cfs	50 Q cfs	100 Q cfs	
CL 13- CP 1	1	3	10	17	27	34	40	SA CL 13 (1) to Road Side Ditch to Parking Lot Ditch
CL 13- CP 2	1	3	10	17	26	33	38	Parking Lot Ditch to Wetland Upstream End of Reach CL 13
CL 13- CP 3	41	47	62	73	87	98	106	SA C 13 (5) from Parking Lot to NYS Rte 364
CL 13- CP 4	1	2	4	6	8	10	11	Roadside Ditch Old Lincoln Rd. to Co. Rd. 18
CL 13- CP 5	39	47	69	87	110	128	141	NYS Rte 364 to Entrance Rd. of Problem Area
CL 13- CP 6	29	36	54	70	92	108	121	Problem Area Entrance Rd. to Back Yard in Problem Area
CL 13- CP 7	1	3	11	19	29	37	42	SA C 13 (1.1) to Roadside Ditch to NYS 364
CL 13- CP 8	6	8	15	20	27	32	35	NYS Rte 364 South of Entrance Rd. to Problem Area to Back Yard
CL 13- CP 9	30	37	59	77	102	121	135	Area at End of Reach 6 Canandaigua Lake

# Fall Brook Drainage Study

## Existing System Peak Q Type II NRCS Storm

NRCS Type II Storm Control Point	Return yr							Location
	1 Q cfs	2 Q cfs	5 Q cfs	10 Q cfs	25 Q cfs	50 Q cfs	100 Q cfs	
FB CP 1	12	21	53	82	123	154	178	Co. Rd 18 to Depew Rd.
FB CP 2	14	25	65	105	165	210	247	Depew Rd to Mumby Rd.
FB CP 3	14	25	66	108	170	219	258	Mumby Rd. to NYS Rte 20
FB CP 4	16	30	79	129	206	266	316	NYS Rte 20 to Freshour Rd.
FB CP 5	11	18	42	62	91	113	129	NYS Rte 20 to Confluence with Reach 5/7
FB CP 6	17	30	80	131	208	270	321	Freshour Rd. to Confluence of Reach 5.1/7
FB CP 7	25	47	126	205	324	417	496	Confluence of Reach 5.1 to Smith Rd.
FB CP 8	15	25	58	87	126	154	177	NYS Rte 20 to Smith Rd.
FB CP 9	18	30	69	104	152	187	215	Smith Rd. to Confluence with Reach 8/9
FB CP 10	26	48	129	210	332	428	508	Smith Rd. to Confluence of Reach 9/6.1
FB CP 11	31	55	144	231	363	464	548	Confluence of Reach 8/6.1 to NYS Rte 20
FB CP 12	31	55	144	232	363	465	549	NYS Rte 20 to FLCC Entrance Rd.
FB CP 13	32	57	148	238	372	476	562	FLCC Entrance Rd. to NYS Rte 364
FB CP 14	22	32	58	78	104	122	136	SA FB 16 to NYS Rte 364
FB CP 15	1	3	7	11	17	21	24	FB SA 18 to NYS Rte 364
FB CP 16	14	22	47	70	100	122	139	SA FB 19 to Reach 12
FB CP 17	34	60	153	244	381	487	575	NYS Rte 364 (NYS DOT Q(50) = 470cfs; Q(100) = 520 cfs)
FB CP 18	34	60	153	244	381	487	574	Canandaigua Lake

While its influence cannot be factored into the variables of the computer storm water model, concern for movement of groundwater through the watershed has been raised. In discussions early-on Dr. Bruce Gilman, a long-time faculty member at FLCC, recalled early development of the campus relating subsurface encounters with materials underlain by shale, instances of foundation undermining and the development of sinkholes in the FLPAC parking lot. While groundwater typically parallels the flow of surface water near defined surface water channels, the intent of this exercise was to verify ground water and subsurface conditions at the upstream side of CL-13 in a north/south direction to determine if there was the potential for significant subsurface flow off County property in the absence of a major surface water course.

The County's Highway's Department excavated three test pits along the east side of NYS Rt. 364 at locations shown in Figure 4. Logs of the results of these test pits are presented in the "Watershed Condition Information" section of the Appendices.





PROJECT:

# FINGER LAKES COMMUNITY COLLEGE DRAINAGE STUDY

E:

## TEST PIT LOCATIONS

FIGURE:

4



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PROJECT ENGINEER:

SGV

DRAFTED BY:

AJM

SCALE:

1"=300'

DATE:

JUNE, 2006



#### **IV. Study Tasks**

##### **C. Evaluation of Existing Drainage Conditions Throughout Watershed**

An understanding of the origin of storm water runoff, its quantity and direction are several of the necessary components to the resolution of the storm water flow/drainage related problems that have been the source of complaints from property owners in the study area. In addition, for a drainage system to function properly it is equally important to understand the infrastructure that is in-place and its capabilities to accommodate the flow necessary for it to handle. That evaluation was done as a part of this study.

Using the GIS based mapping provided by the County as the base map, all existing drainage facilities known to exist were located on this map base. Additional record mapping was obtained from the State Department of Transportation to show all facilities in place crossing State Route 364. A field survey was then conducted of the study area to confirm all the information and any additional drainage structure was mapped. All drainage facilities in the study area are then shown on the final map prepared to show all drainage structures, which is included in the "Watershed Condition Information" section of the Appendices.

In addition to locating all drainage infrastructure, its condition was documented so as to determine its current ability to accommodate flow and provide recommendation for its maintenance, repair or replacement. The photo document of this inspection is also provided in the "Watershed Condition Information" section of the Appendices. All photos are keyed to the map included in that same Appendix. All photos were taken during the summer of 2005. During that summer rainfall had been below average yet its noteworthy that most photos show standing water in and around the drainage structures.

##### **D. Update Area Wetland Delineation**

A wetland presence, as with any sensitive environmental concern, always needs to be afforded adequate consideration in any study process. Since the CL-13 wetland is within this study area, it is not only of environmental concern but it plays a premier role in the storm water drainage of this area. Current and accurate wetland delineation is most important to any future project planning as it can have significant impact on project design costs and timelines.

As a consultant to Larsen Engineers, Terrestrial Environmental Specialists, Inc. (TES) was assigned the task of:

- Delineation of NYS CL-13 freshwater wetland and,
- Performing a desktop assessment of all wetlands within the Fall Brook watershed.

Understanding the important role the existence of regulated wetlands will have on this study both the New York State Department of Environmental Conservation, Avon office as well as the Buffalo office of the US Army Corps of Engineers played a key role

throughout this study. Coincident with the kick-off meeting for this project with the County on August 17, 2005, a meeting was held at the FLPAC with Paula Smith, NYSDEC Region 8 Drainage Specialist, Scott Jones, NYSDEC Region 8, Wetland specialist and Jenny Landry, NYSDEC Region 8 Permit office representative. From that meeting two additional criteria for the study were contributed by the NYSDEC:

1. Consideration must be given to maintaining or restoring the quality of the CL-13 wetland as a predominately forested wetland and stem its decline to an emergent marsh wetland;
2. Any activity involving Fall Brook shall support effort to maintain it as a Class B stream as a minimum.

Understanding the DEC's concern with regard to the type of wetland is equally important to any future project as is knowing the extent of the wetland. The TES report included in the Appendices provides information as to the extent and nature of wetlands throughout the study area.

## **V. Summary of Findings**

Information was accumulated from each aspect of this study and then compiled and presented in such a way so that an understanding of how this area developed and how it has or has not been maintained over at least a fifty-year time frame can be understood. This affords the reader a better ability to formulate an understanding as to how the solutions proposed to the drainage problems that have been the source of the complaints relative to flooding and poor drainage have resulted.

As a part of this process the County convened several public information meetings to share the information developed by the consultant and County officials with all the affected property owners and to solicit their input and suggestions of both potential causes and solutions. Most recently the County convened a public information meeting on April 19, 2006. A list of those in attendance at this meeting is included in the Appendices.

That meeting as with this study started with the review of the initial complaint, identified the problem as it affected the various property owners individually and collectively, presented information concerning factors contributing to the problem's development and the magnitude of the problem so that everyone involved understood all the issues involved.

Having evaluated all the data developed as a part of this report the following findings are offered as factors that contribute to the flooding and or erosion conditions that were the source of the original complaints that initiated this study:

1. The Fall Brook and CL-13 watersheds in the vicinity of the Finger Lakes Community College Campus were defined to show that the main FLCC campus including: Parking Lot "A" near the Lakeshore Drive entrance, the Finger Lakes Performing Arts Center shell as well as the undeveloped area to its west which includes the "canoe" pond drain west and north into Fall Brook. The proposed Auditorium building for the FLCC campus as well as the existing FLPAC parking lot and areas north of County Rd. 18 drain into CL-13;
2. Given the relative contribution of runoff (based on 10yr storm) from the FLCC campus (13CFS) in comparison to the total flow in the Fall Brook watershed (244CFS) as shown in Table 3, no storm water quantity management would be recommended for that area. The FLCC campus' location in the watershed, only 0.32 miles from the Fall Brook outlet to the Lake, further substantiates this finding. Standard practice would be to allow the FLCC flow to exit the watershed and not detain it in order to accommodate the flow from the much larger area upstream;

3. The topography across the Canandaigua Country Club property to the Lake is relatively flat as is Fall Brook in this area. At times flow in Fall Brook was observed to be coming in from the Lake. Stream bank erosion is more likely attributable to soil conditions along Fall Brook than erosion caused by scour due to velocity of the stream flow but definitely not solely attributable to the FLCC contribution (13CFS);
4. No current NYSDEC stormwater regulation compliant facility serving the College or other county owned property in the area exists to regulate stormwater discharge to Fall Brook or CL-13;
5. Based on the results of the stormwater model of the CL-13 watershed, runoff from County property that is primarily the FLPAC parking lot stormwater flow currently exceeds its predeveloped state by 47 CFS of runoff, as shown in Table 4.

Table 4 is presented to show the impacts of development on a watershed and allow the comparison of equal storm events. One cannot compare a 5-year storm event to a 10-year storm event because the amount of rainfall is greater in the 10 year versus the 5 year, (5-year 3.2 inches; 10-year 3.7 inches). A hydraulic model was developed based on initial land use and then compared against developed land use. In the CL-13 water shed, the pre-FLCC 10 peak is 30 cfs and the developed FLCC 10-year peak is 77 cfs. It can be seen from this comparison that developing the FLCC area results in an increase of 2.6 times the peak flow from the pre-FLCC area.

To maintain some reasonableness in the design of storm water facilities, engineering design commonly bases decisions on a cost/benefit determination that compares the project's costs to the benefits or in the case of storm water runoff mitigation; the level of protection afforded the design area from protection from flood damage. Typically the following standards are applied (640 acres per square mile):

- Tributary Area 1 sq. mile or less, use the 10-yr. return storm
- Tributary Area 1 sq. mile to less than 4 sq. miles, use the 25-yr. return storm
- Tributary Area 4 sq. miles to less than 20 sq. miles, use the 50-yr. return storm
- Tributary Area 20 sq. miles or greater, use the 100-yr. return storm

Fall Brook Tributary area at the Lake is 6.1 sq miles. Therefore, drainage structures in Fall Brook from FLCC west to the Lake should be based on the 50 yr return storm. Structures in other locations are to be sized according to the individual tributary area they serve.

CL-13 Tributary area at the Lake is 0.2 sq. mile. Therefore, drainage structures installed in CL-13 are based on the 10-year return storm;



## CL 13 Drainage Study

### Existing/Revised System Peak Q Type II NRCS Storm With & Without Detention

NRCS Type II Storm Control Point	Return yr							Location
	1	2	5	10	25	50	100	
CL 13- CP 9	Q cfs 30	Q cfs 37	Q cfs 59	Q cfs 77	Q cfs 102	Q cfs 121	Q cfs 135	Canandaigua Lake Existing Conditions <b>without</b> detention
CL 13- CP 9	9	12	19	30	47	66	80	Canandaigua Lake Pre-FLCC without Detention
CL 13- CP 9	5	8	18	29	50	69	87	Canandaigua Lake FLCC Exist. Conditions with Detention

## Fall Brook Drainage Study

### Existing/Revised System Peak Q Type II NRCS Storm

NRCS Type II Storm Control Point	Return yr							Location
	1	2	5	10	25	50	100	
FB CP 18	Q cfs 34	Q cfs 60	Q cfs 153	Q cfs 244	Q cfs 381	Q cfs 487	Q cfs 574	Canandaigua Lake With Flow from FLCC Existing System
FB CP 18	33	58	149	239	374	479	565	Canandaigua Lake With Out Flow from FLCC Revised System

Cutting off all flow from FLCC to Fall Brook does not make desirable peak flow changes; hence building stormwater quantity ponds will have little or no effect on peak flow in Fall Brook. However construction on water quality ponds is desirable and is recommended.

6. Relative to its ability to drain effectively, the area along the lake shore in the vicinity of the Poplar Beach, Sandy Cove and Sandy Beach access roads has been adversely affected by the development that has occurred there as is evidence by:
  - Comparison of Figures 2 and 5, which show 1948 conditions relative to 2005 conditions respectively. It is noted that the open drainage ways that existed in 1948 have been replaced by piped systems and that development has advanced east of the lake shore road into the wetland area;
  - TES wetland delineation report noted wetland encroachment by yard waste and fill material next to the Canandaigua Lake homes which has reduced flood storage capacity of wetland CL-13;
  - SEQR hearing comments by one long-time resident noted sanitary sewer construction excess fill was used to raise several home sites in the lake shore area;
  - The outlet to one of two remaining area drains could not be located and may be blocked behind a steel shoreline bulkhead;
  - Photos depicting the current conditions of drainage facilities show general lack of maintenance although residents have indicated that at least one of the pipes to the lake has been cleaned regularly;
7. The smaller diameter (15" and less) drainage structures throughout the study area show a general lack of maintenance, which could impede effective drainage through out the region;
8. Review of the soils data collected from the test pit reports, to the depths that County equipment was capable of excavating, indicate low permeability soils (clay) in the vicinity of CL-13 indicating little potential for substantial subsurface movement of groundwater from upland areas off County owned property into CL-13.





PROJECT:

# FINGER LAKES COMMUNITY COLLEGE DRAINAGE STUDY

2005 AERIAL IMAGERY  
SHOWING STRUCTURES AND FILL

FIGURE:

5



## LARSEN ENGINEERS

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(585)272-7310 FAX (585)272-0159  
www.larsen-engineers.com

PROJECT ENGINEER:

SGV

DRAFTED BY:

AJM

SCALE:

1"=250'

DATE:

JUNE, 2006



## **VI. Responsibilities**

The purpose of the April 19, 2006 public information meeting was to review and discuss the findings of the study with all interested parties. The County through direct mail advised all potentially affected property owners of the meeting. In addition to the affected property owners all study committee members were notified, as were the Supervisors of the Towns of Canandaigua and Hopewell. A list of all those in attendance is included in the Appendices. It was also the intent of the meeting to attempt to reach a consensus and assign responsibilities for future actions as the County wishes to move forward to address the concerns.

As a result of the discussion that took place and the presentation of the findings consensus appeared to be reached with regards to an overall conceptual approach to resolution of the lake front flooding issue: reduce the flow of upland storm water runoff and increase its ability to outlet to the lake. In that regard the following responsibilities were assigned:

- Ontario County the Finger Lakes Community College should return the rate of discharged from FLCC campus into CL-13 wetland to its pre development rate;
- Sandy Beach/Poplar Cove area landowners cooperate to accommodate historic drainage capacity to Canandaigua Lake from CL-13 wetland.

In the estimation of one resident of the lakeshore the flooding that has occurred directly impacts approximately 12 homes. In referring to the CL-13 Watershed Plan in Section IV-A of this report, these 12 properties are reported to be in the more northern portion of the drainage sub area CL13-8. Others at the meeting who own property at the more southern end of the study area, closer to Sandy Beach, opposite CL13CP9 and southward, indicated that the flooding does not impact them at all.

Subsequent to the public meeting, the County has been contacted by property owners whose property lies on the east side of State Rt. 364 adjacent to the southern portion of CL-13 opposite CL13CP8. It is the contention of these owners that drainage from their property into CL-13 has significantly slowed in recent years. While the lakefront property owners in this area may not be experiencing flooding, the property owners along NYS Rt. 364 are.

## VII. Recommendations

During the course of the study most of the interest and concern relative to the study's outcome and alternatives relative to CL-13 runoff discharge to the Lake came from those property owner's around the juncture of Sandy Cove and Poplar Beach, the area of most severe flooding. A majority wetland property owner and one other property owner whose land was the site of a proposed outlet to the Lake in the CL-13 watershed to the south also consistently expressed similar concern. As it related to impact on their property, it was primarily these landowners that gave input as to any alternative proposed to be considered to achieve the study's objectives. Although contacted directly and informed of all the study committee activities there was no active participation in the study on the part of the Canandaigua County Club relative to their property in the Fall Brook watershed.

Because there has not been any stormwater management facility designed to address water quality or other current NYSDEC required issues relative to stormwater management on County owned property in the study area, all facilities proposed will be intended to comply with current NYSDEC Phase II sizing criteria such as: Water Quality (WQ<sub>v</sub>); Channel Protection (Cp<sub>v</sub>); Overbank Flood (Q<sub>p</sub>); Extreme Storm (Q<sub>f</sub>) requirements unless specifically warranted.

With the primary focus of the study's objectives now summarized into two primary areas relative to CL-13:

- Reduction of flow off of County property
- Improvement of flow out of CL-13 to the Lake

Various alternative methods and means were considered.

### Alternatives Considered

Alternatives focused on various ways to accomplish the study objectives. With input from the affected property owners the following alternatives were considered:

- A. Construct a storm water management facility on County owned property to mitigate the effects of the FLCC/FLPAC development on downstream properties.**

To effectively collect runoff from the site the facility should be located on the current drainage course or downstream of it so as to allow flow into and out of the facility by gravity. Initially an area of County property south of CR-18 was considered so as to avoid disturbance of Area C of wetland CL-13. This alternative was found to be unacceptable, as it does not offer sufficient area for the size of facility proposed on land owned by the County. A major sanitary sewer that further reduces the amount of area available for stormwater storage also traverses the property.

A second site was considered on the north side of CR-18 adjacent to the existing FLPAC parking lot. Off site wetland mitigation required as a result of the disturbance the wetland in this area can be minimized by the development of a combined pond/wetland stormwater management facility and the possibility of lowering the receiving culvert crossing Rt. 364 this is the recommended alternative to address the upland runoff concerns in the CL-13 watershed.

**B. Provide sufficient outlets to the Lake to maintain CL-13 at NYSDEC required levels and minimize flooding of lakefront properties.**

Stormwater flow data summarized in Table 4 in Section V indicates that a flow of 29 CFS will be discharged off of County Property after the construction of the stormwater management facility proposed in Alternate A. This will restore flows in CL-13 to Pre FLCC levels providing sufficient water for CL-13 wetland maintenance with proper outlet control. In considering the condition of current outlets to the Lake in order to prevent flooding new, properly designed outlets, must be constructed.

Alternatives for improvement of outlets to the lake included:

open                      Collection of runoff at a central location and pumping north to the existing  
swale at the end of Poplar Beach to discharge to the Lake;

Piping from one or more points along historic drainage ways into one single piped discharge at Sandy Cove to the Lake;

Interception of flow at Rt. 364 and piping it to the existing open swale outlet at Poplar Beach.

Provision of multiple gravity outlets to the Lake at locations in line with historic drainage ways.

The first three alternatives had been considered and evaluated but were not preferred for one or more of the following reasons:

One to two points of discharge would concentrate a significant volume of flow (up to 29 CFS) at a point discharge and cause disturbance in the Lake;

The fewer points of discharge to the Lake the more susceptible the system is to failure;

The fewer points of discharge the larger each individual pipe has to be to accommodate the flow and the more disturbance caused by its installation;

Storm water pump station not feasible in this application;



Piping between drainage way causes significant wetland disturbance;

Intercepting the runoff at Rt. 364 would:

Divert required flow to CL-13

Require deep large excavation as upwards of a 30-inch pipe against the grade on Poplar Beach would be necessary to reach the existing open swale at the west end of Poplar Beach.

As a part of this study and at the request of the County an additional analysis relative to provision of outlets to the Lake was done of an 8-acre drainage area in Sandy Beach at the southern end of subarea CL13-8 as depicted on the CL-13 Watershed Plan in Section IV of this study. This was done to determine if the existing pipe that crosses between the Lucey and Welch properties could be able to handle runoff from this area if it were to be isolated from the rest of the watershed. The result of the analysis indicated that a 15-inch pipe at this location might be adequate. The condition, size and grade of the existing pipe at this location from its inlet to its outlet must be verified before this determination can be made.

**C. Mitigate any adverse effects of storm water runoff on Fall Brook from County and College property in the FLCC area.**

Regarding the Fall Brook watershed the primary concern expressed by property owners downstream of FLCC related to the general erosion of the banks along Fall Brook as it meanders through the Canandaigua County Club.

As was noted in Section V- Summary of Findings, the FLCC campus accounts for 5 % (13CFS) of the total flow in the Fall Brook watershed. It has also been noted that there is very little elevation difference between the levels of Fall Brook as it flows across Country Club property. On occasion flow had been observed coming in from the lake. Considering Fall Brook stream flow velocities attributable to FLCC along with the soil types that predominate along Fall Brook through this area and the angle of exposed soil face it would appear that any erosion that has occurred has is more attributable to the soil conditions than the stream conditions. The recommended alternative to address this concern is:

Canandaigua Country Club owners should implement measures to minimize the adverse effects of stream bank erosion along Fall Brook as it crosses their property.

Other issues within the Fall Brook watershed relate to the compliance with NYSDEC stormwater regulations for runoff from the FLCC campus. As defined by the watershed map in Section IV, this includes the FLCC Parking Lot "A", the FLCC main campus and the FLPAC shell structure. Parking Lot "A" discharges north into Fall Brook at the main entrance to the campus on Lakeshore Drive. The main campus and the FLPAC shell

discharge to Fall Brook to the west and through the “canoe” pond and the adjacent wood lot. As

As discussed previously given the size of the FLCC campus in comparison to the overall Fall Brook watershed and its location in close proximity to Fall Brook’s ultimate outlet to the Lake, compliance with NYSDEC requirements will exclude detention for quantity management. In order address the remaining requirements the following alternatives were considered:

- Installation of porous pavement in place of existing asphalt in Parking Lot “A” with ground infiltration;

- Installation of pretreating catch basins along western edge of Parking Lot “A” with piped discharge to Fall Brook;

- Installation of an infiltration swale along the western edge of Parking Lot “A” with piped discharge to Fall Brook;

- Construction of a new stormwater management facility to serve the FLCC campus and the FLPAC shell by providing 24 hr detention of the post developed 1-year, 24-hour storm event ( $C_p$ );

- Retrofit of the existing “canoe” pond west of the FLPAC shell to provide compliance to the FLCC campus and FLPAC shell for the post developed 1-year, 24-hour storm event ( $C_p$ );

## **Recommendations Proposed**

In order to achieve the objectives of this study and to follow thorough on the responsibilities assigned at the April 19, 2006 public information meeting the following recommendations are proposed as a result of this study:

- 1. That Ontario County design, construct and maintain a NYSDEC Phase II regulation compliant storm water management facility on its property downstream of the FLCC/FLPAC parking lot so as to mitigate the adverse effects of excess storm water runoff from that site;**

Drawing C-100 depicts the location of the proposed stormwater management facility in the undeveloped corner north of CR18. To comply with NYSDEC Phase II stormwater management requirements and in consideration that DEC wetland exists in this area Drawing C-101 proposes two design alternatives. These alternatives or combinations of the two may be considered to enhance the quality of the wetlands in the area and reduce the area of required mitigation. The pond proposed has a water volume of 4.1 acre-feet at the permanent pool water surface.

This recommendation as well as its cost estimate also anticipates up to a 3:1 mitigation ratio to offset the loss of wetland and proposes to accomplish this wetland mitigation on

County property on the west side of Rt. 364 adjacent to CL-13 as shown on Drawing C-100. The estimate for this alternative presented in Section VIII of this study provides an additional option that may further reduce the amount of wetland disturbance. The estimate provides for the lowering of the culvert crossing NYS Rt. 364 at Poplar Beach. This would minimize the elevation of the embankment of the pond and should be considered at the design phase of this project.

**2. That homeowners along the shore of Canandaigua that have been adversely impacted by upland flooding design, construct and maintain outlets to Canandaigua Lake to allow the discharge at the combined rate of 29 CFS.**

In the absence of any public district to assume responsibility for these structures it was agreed that the property owners that were adversely impacted by the upland flow are to be responsible for the outlets to the Lake. The volume of flow specified here (29CFS) is the PreFLCC flow rate discharged to CL-13 that must be regulated through to the Lake in order to maintain the NYSDEC desired forested wetland characteristics of CL-13.

The recommendation is for three outlets to the Lake with locations as close to those of historic drainage ways as shown on Drawing C-100. Three outlets as opposed to one or two are proposed mainly to intercept all established drainage patterns without having to regrade within the wetland. In addition multiple outlets will distribute the 29CFS so as to not cause significant disturbance in the Lake at any one point and to better assure the availability of a reliable discharge point. Drawing C-102 shows a detail of a proposed outlet structure that provides the following: regulation of the upland water level through gated multiple drawoff points; an open top grated emergency inlet and a low cover, high volume oval discharge. An estimate of cost for the installation of up to three of these outlets by public contract is presented in Section VIII of this study.

**3. That Ontario County design, construct and maintain a NYSDEC Phase II regulation compliant storm water management facilities on its property adjacent to Fall Brook so as to mitigate any adverse effects of storm water runoff from that site in the absence of such a facilities;**

The recommended alternative to achieve this objective consists of constructing stormwater management facilities to mitigate the effects of runoff from two separate areas of the FLCC campus.

As Parking Lot "A", adjacent to the main entrance to the campus is the only portion of the campus that flows directly north into Fall Brook. To mitigate any potential adverse effects that this facility may have on water quality the only feasible alternative considered that could achieve compliance is the construction of an infiltration swale along the downhill western edge of the parking lot. This recommendation involves the construction of approximately 400 LF of infiltration trench, a manhole and a piped discharge to Fall Brook. The schematic location of the infiltration swale to serve Parking Lot "A" is shown in Drawing C-103. A proposed detail for the construction of a DEC compliant trench is presented in the following detail. The estimate of cost for the Fall

Brook Watershed-FLCC campus improvements presented in Section VIII of this study includes the proposed improvements to Parking Lot "A".

Stormwater runoff from the main FLCC campus as well as the FLPAC shell structure currently discharges through existing infrastructure to the west of the campus into the wood lot area which includes the "canoc" pond. To mitigate any potential impact of runoff from College/County property in this area it is recommended to improve the existing pond rather than create the required approximately 3 acre-feet of storage needed to address NYSDEC stormwater channel protection ( $C_p$ ) requirements in new area of this established wood lot. Expanding and increasing the height of the berm around the existing pond to an elevation of 706' can provide this volume of storage. This will allow the pond to detain the 1yr  $C_p$  for 20 hrs. A schematic representation of this recommendation is depicted in Drawing C-103. Other improvements will be required along the route of the existing outlet to Fall Brook to assure that the discharge follows the course depicted in Drawing C-103. This is necessary to achieve compliance with DEC water quality standards.

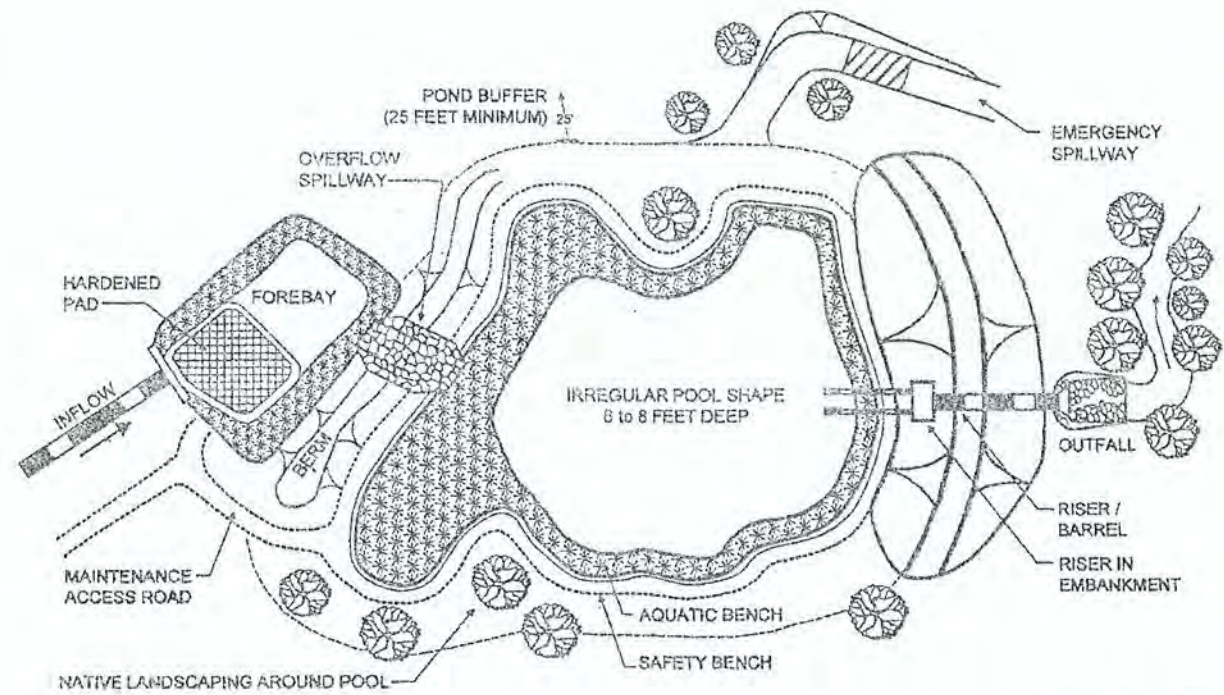
The estimate of cost to construct these improvements to mitigate the FLCC main campus and FLPAC shell stormwater runoff as described above is presented in Section VIII of this study and is included in the Fall Brook Watershed estimate.



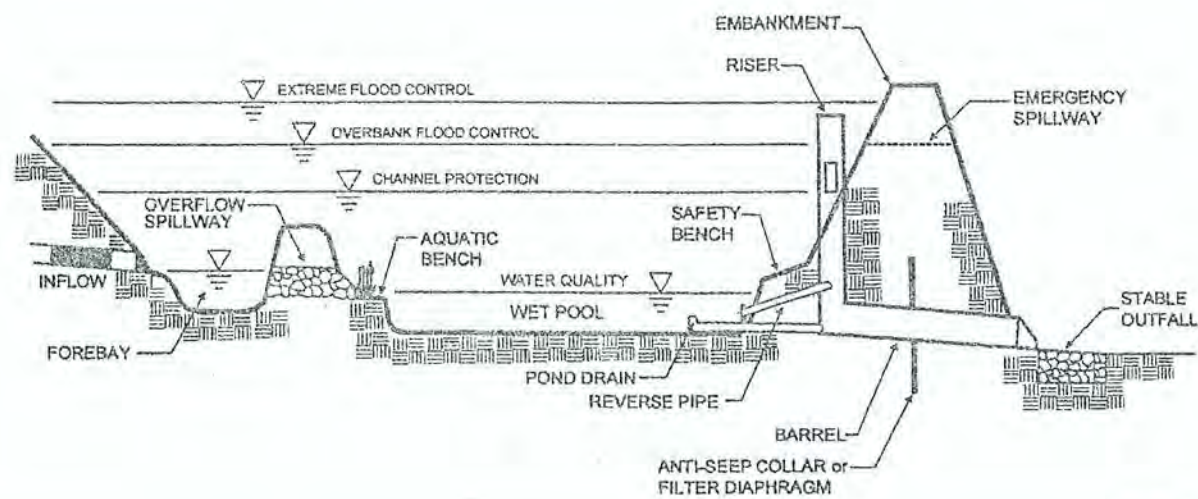




# EXAMPLE WET POND STORMWATER MANAGEMENT SYSTEM

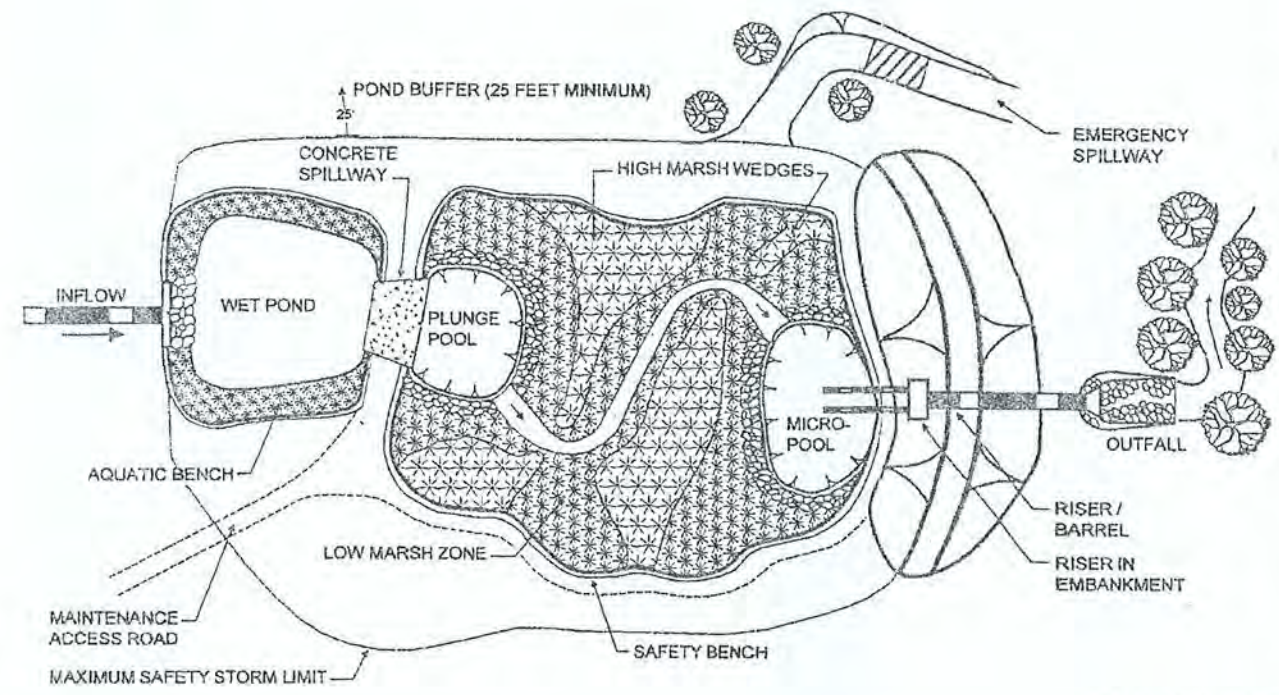


PLAN VIEW

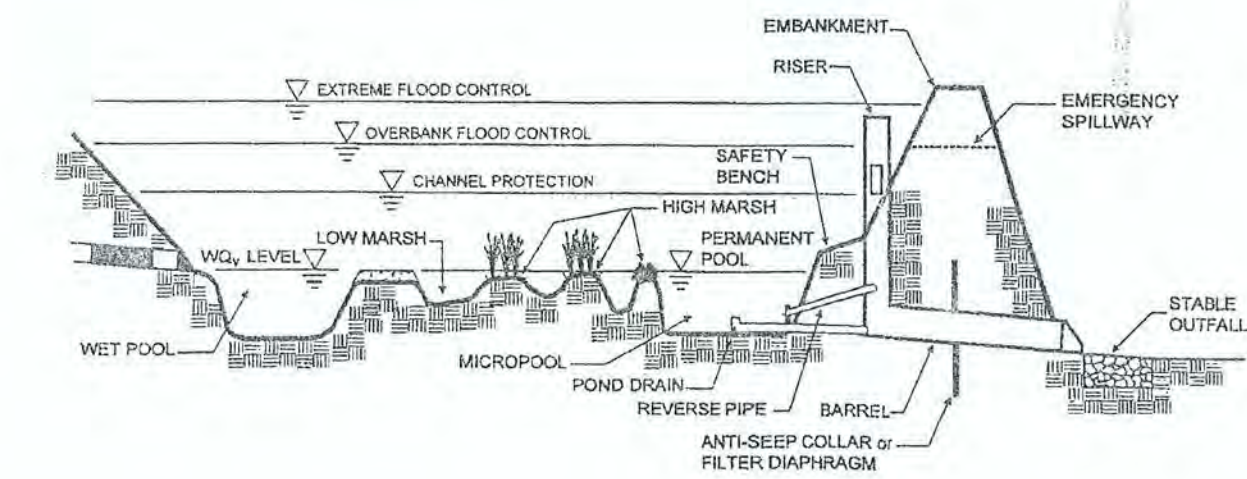


PROFILE

# EXAMPLE POND/WETLAND STORMWATER MANAGEMENT SYSTEM



PLAN VIEW



PROFILE

NO ALTERATION PERMITTED HEREIN EXCEPT AS PROVIDED UNDER SECTION 2209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW	
BY DATE	
REVISIONS	
NO	
<p>PROJECT ENGINEER S. VANDERBROOK</p> <p>DRAWN BY A. MITTICA</p> <p>CHECKED BY S. VANDERBROOK</p> <p>SCALE N.T.S.</p> <p>DATE JUNE, 2006</p>	
<p><b>LARSEN ENGINEERS</b></p> <p>700 WEST MOUNTAIN PARK, ROCHESTER, NEW YORK 14624-2579 (716) 442-7272 FAX (716) 442-7418 www.larsen-engineers.com</p>	
<p>PROJECT: FINGER LAKES COMMUNITY COLLEGE DRAINAGE STUDY</p> <p>TOWN OF CANTON, COUNTY OF ORTMOND, STATE OF NEW YORK</p> <p>SCHEMATIC DESIGN POND AND WETLAND DETAILS</p>	
PROJECT NO.	42-3-5863

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Plot Date: Aug 06, 2006  
Dwg File: pond-wetland.dwg  
User: SVP  
Zap Doc

SHEET NO.  
2 OF 5

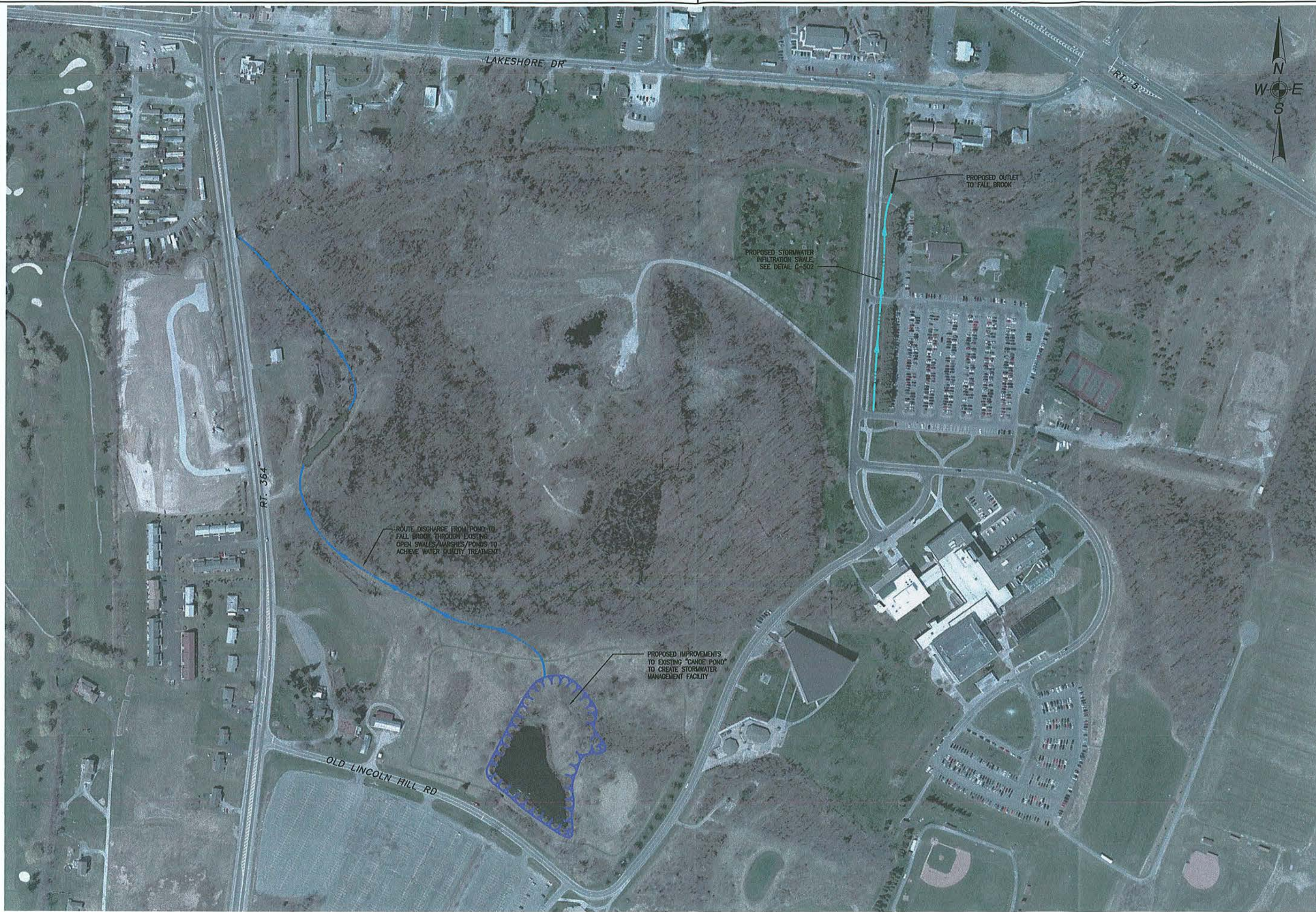
DRAWING NO.  
C-101







Cadd File: H:\VINTAGE COUNTY\VLC AREA DRAINAGE STUDY\DWG\PLANS\42-3-101.DWG  
Plot Date: Aug 06, 2006



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Plot Date: Aug 06, 2006  
Cadd File: 42-3-101.DWG  
Scale: 1" = 150'  
2D Date:

SHEET NO.  
4 OF 5

DRAWING NO.  
C-103

PROJECT: FINGER LAKES COMMUNITY COLLEGE  
DRAINAGE STUDY  
TOWN OF CANANDAIGUA, COUNTY OF ONTARIO, STATE OF NEW YORK  
TITLE: RECOMMENDATIONS WITH  
SCHEMATIC DESIGN  
ALTERNATIVES  
PROJECT NO.: 42-3-5863



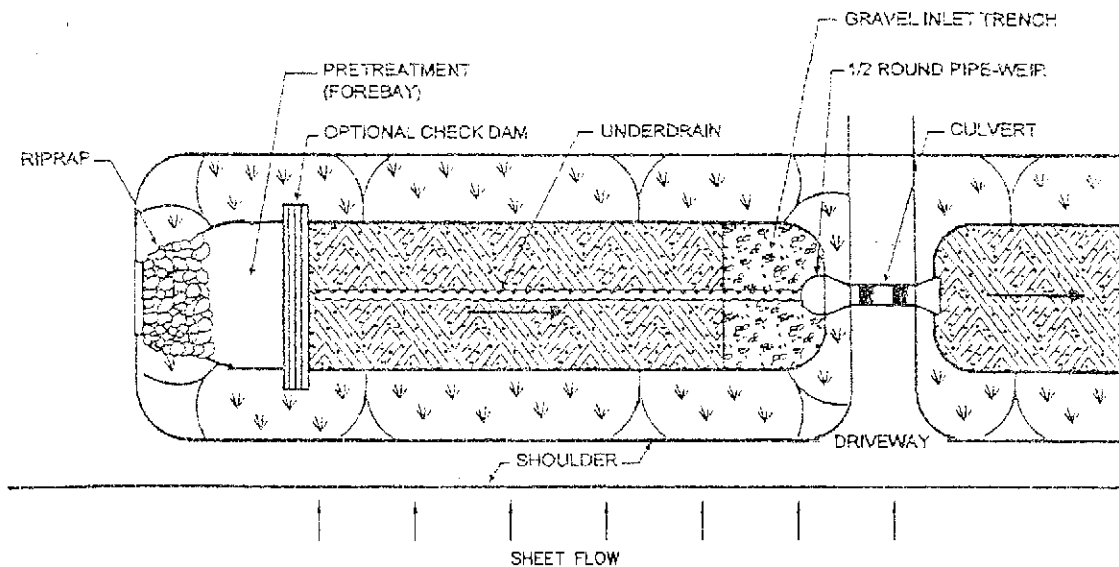
PROJECT ENGINEER:  
S. VANDERBROOK  
DRAFTED BY:  
A. MITTIGA  
CHECKED BY:  
S. VANDERBROOK  
SCALE:  
1" = 150'  
DATE:  
JUNE, 2006

PROJECT MANAGER:  
FINN PRINCIPAL

NO.	REVISIONS	BY	DATE

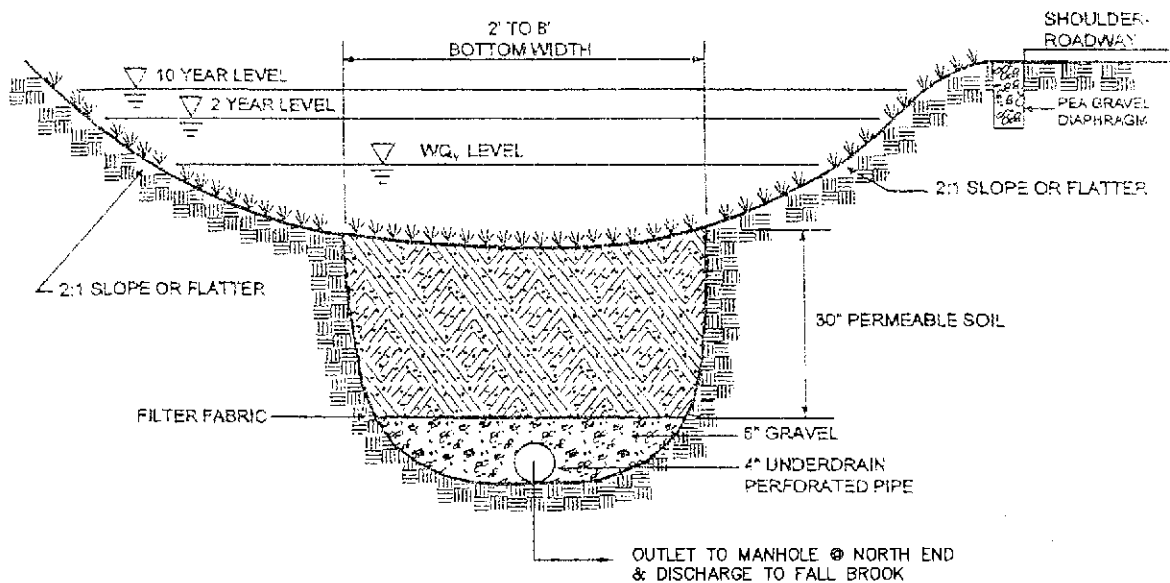
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.





PARKING LOT "A" PAVED AREA

PLAN VIEW

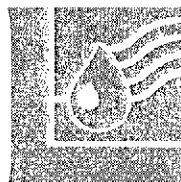


SECTION

PROJECT: **FINGER LAKES COMMUNITY COLLEGE  
DRAINAGE STUDY**  
TOWN OF CANANDAIGUA, COUNTY OF ONTARIO, STATE OF NEW YORK

LE:

**PARKING LOT "A" INFILTRATION SWALE  
DETAILS**



**LARSEN  
ENGINEERS**

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PROJECT ENGINEER:  
S.G.V.

DRAFTED BY:  
M.D.N.

CHECKED BY:  
A.J.M.

SCALE:  
N.T.S.

DATE:  
AUGUST, 2006

VIII. Preliminary Cost Estimates

Preliminary Project Cost Estimate  
6/26/2006  
Fall Brook Watershed - Water Quality Compliance

Item No.	Item	Quantity	Unit	Unit Price (\$)	Estimated Cost (\$)
<b>Existing Pond Improvements for Campus Runoff and Parking Lot "A" Improvements (Exclusive to FLCC Campus to Address Existing Runoff Water Quality Issues)</b>					
1	Sediment Removal (assuming 2')	3,400	CY	25.00	85,000.00
2	Clear & Grub	1	LS	2,000.00	2,000.00
3	Excavation (Embankment Keyway & Pond)	23,000	CY	8.00	184,000.00
4	Embankment	27,000	CY	15.00	405,000.00
5	Jute Mesh	550	SY	2.50	1,375.00
6	Outlet Structure	1	EA	3,000.00	3,000.00
7	HDPE Piping	200	LF	16.00	3,200.00
8	Access Roadways (1-100'x10'x1' #2 crusher run)	37	CY	30.00	1,110.00
9	Manholes	1	EA	3,000.00	3,000.00
10	Pavement Restoration	600	SF	7.00	4,200.00
11	Top Soil (4")	900	CY	25.00	22,500.00
12	Hydroseeding	1	LS	3,000.00	3,000.00
<b>Construction Cost Subtotal:</b>					<b>717,385.00</b>
<b>10% Contingency:</b>					<b>71,738.50</b>
<b>Total Estimated Construction Cost:</b>					<b>789,123.50</b>
<b>Engineering (including Geotech, Survey, Design and Construction Administration and Observation) 25%:</b>					<b>197,280.88</b>
<b>TOTAL ESTIMATED PROJECT COST:</b>					<b>\$986,404.38</b>



# VIII. Preliminary Cost Estimates

## Preliminary Project Cost Estimate

6/26/2006

### CL-13 Stormwater Management Facility to Mitigate Development Effects - FLCC Auditorium and FLPAC Parking Lot

Item No.	Item	Quantity	Unit	Unit Price (\$)	Estimated Cost (\$)
1	Clear & Grub	1	LS	6,000.00	6,000.00
2	Excavation & Disposal	13,800	CY	12.00	165,600.00
3	Jute Mesh	175	SY	2.50	437.50
4	Outlet Structure	1	EA	3,000.00	3,000.00
5	HDPE Piping	200	LF	16.00	3,200.00
6	Access Roadways (1-100'x10'x1' #2 crusher run)	37	CY	30.00	1,110.00
7	Top Soil (4")	150	CY	25.00	3,750.00
8	Hydroseeding	1	LS	2,000.00	2,000.00
9	Wetland Mitigation (0.7 Acres)	1	LS	90,000.00	90,000.00
10	Lower Rt. 364 Culvert	1	LS	35,000.00	35,000.00
Construction Cost Subtotal:					310,097.50
10% Contingency:					31,009.75
Total Estimated Construction Cost:					341,107.25
Engineering (including Geotech, Survey, Design and Construction Administration and Observation) 25%:					85,276.81
TOTAL ESTIMATED PROJECT COST:					<u>\$426,384.06</u>

# VIII. Preliminary Cost Estimates

## Preliminary Project Cost Estimate 6/26/2006 CL-13 Flow Control and New Outfalls to Lake

Item No.	Item	Quantity	Unit	Unit Price (\$)	Estimated Cost (\$)
1	Clear & Grub	1	LS	3,000.00	3,000.00
2	Excavation & Disposal	750	CY	15.00	11,250.00
3	Outlet Structures	3	EA	5,000.00	15,000.00
4	RCP Piping	600	LF	130.00	78,000.00
5	Corrugated PE Piping	150	LF	16.00	2,400.00
6	Lake Outfalls	3	EA	2,000.00	6,000.00
7	Manholes	3	EA	3,000.00	9,000.00
8	Directional Drilling Allowance (100LF @ \$250/LF) To Accommodate Developed Lake Shore	1	LS	25,000.00	25,000.00
9	Access Roadways (3-100'x10'x1' #2 crusher run)	111	CY	30.00	3,330.00
10	Top Soil (4")	50	CY	25.00	1,250.00
11	Hydroseeding	1	LS	1,000.00	1,000.00
Construction Cost Subtotal:					155,230.00
10% Contingency:					15,523.00
Total Estimated Construction Cost:					170,753.00
Engineering (including Geotech, Survey, Design and Construction Administration and Observation) 25%:					42,688.25
District Formation Costs (including Legal, Survey, Easements, Bonding and Administration) 20%:					34,150.60
TOTAL ESTIMATED PROJECT COST:					<u>\$247,591.85</u>

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, New York 14424

## **DRAINAGE ADVISORY COMMITTEE**

*Established October 16, 2017*

**TUESDAY, JUNE 26, 2018, 11:00 A.M.**

### **MINUTES—APPROVED**

---

<b>Meeting Called by:</b>	Charles Oyler, <i>Chairperson</i>
<b>Committee Members Present:</b>	Richard Krebs Kathy Page
<b>Town Representatives:</b>	James Fletcher, Town Highway Superintendent Greg Hotaling, MRB Group, D.P.C. Chris Jensen, Town Code Enforcement Officer Kevin Olvany, Canandaigua Lake Watershed Council
<b>Guests:</b>	Linda Dworaczyk, Town Board Member, 4940 Hillcrest Drive Gary Humes, 4960 Hillcrest Drive

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#### **1. CALL TO ORDER BY THE CHAIR**

Mr. Oyler called the meeting to order at 11:00 a.m.

#### **2. APPROVAL OF MINUTES OF JUNE 12, 2018**

The minutes of the June 12, 2018, meeting were approved as submitted. The minutes will be posted upon the Drainage Advisory Committee web page and will be distributed to the Town Board members and Town staff via e-mail.

#### **3. HILLCREST DRIVE DRAINAGE**

*Attending:* Linda Dworaczyk, 4940 Hillcrest Drive; and Gary Humes, 4960 Hillcrest Drive.

Mr. Humes: Reported that the PDF file of the updated plan of Hillcrest Drive Drainage Improvements, which was presented by MRB Group at the previous meeting, has been sent via e-mail to Hillcrest Drive residents. To date, no comments have been received.

Mr. Humes: Said that a Special Meeting of the Hillcrest Drive Homeowners' Association will be held on Wednesday, July 11, 2018, at 6:00 p.m. to review the plan and determine the Association's opinion. He requested that a Town representative attend the meeting to answer technical questions. Mr. Humes said that this Special Meeting may be cancelled if residents are not interested in attending.

Mr. Humes: Said that the plan would be formally presented to the Homeowners' Association for its approval at the Annual Meeting on Saturday, July 28, 2018.

Ms. Dworaczyk: Said that it will be important to receive the support of Keith Cutri (4963 Hillcrest Drive) for the drainage mitigation plan. She said that the Town and the Drainage Advisory Committee have been working in good faith to resolve the Hillcrest Drive drainage issues which Mr. Cutri brought to the Town's attention.

Mr. Humes: Said that Greg Novak (4964 Hillcrest Drive)—who has expressed his willingness to provide an easement upon his property for drainage work—has indicated that he would not wish to disrupt neighbor relationships if Mr. Cutri does not support the drainage mitigation plan.

Mr. Humes: Said that he will discuss the drainage mitigation plan with Mr. Cutri prior to the Special Meeting of the Homeowners' Association on July 11th.

Ms. Dworaczyk: Said that the project would not go forward if Mr. Cutri is against it.

Mr. Jensen: Said that the drainage mitigation plan would channel additional stormwater runoff into the pond on Mr. Cutri's property.

Mr. Oyler: Said that the Committee will await the results of Mr. Humes's discussions with Mr. Cutri and the Homeowners' Association reaction to the plan. He said that the Committee would recommend the implementation of the project to the Town Board if Mr. Cutri and the Homeowners' Association are supportive.

#### **4. TOWN OPEN HOUSE AND DISPLAYS**

Ms. Page and Mr. Krebs: Staffed the Drainage Advisory Committee table at the Town Open House on June 16, 2018. Ms. Page reported that 12 residents completed forms to report drainage issues on their properties. The forms were given to Chris Jensen for inclusion on the Committee's spreadsheet. Ms. Page said that a resident of the Fox Ridge Subdivision asked about methods to keep algae out of the stormwater retention pond.



## **5. CONSOLIDATION OF TOWN DRAINAGE DISTRICTS**

Mr. Fletcher: Suggested that the existing drainage districts in the Town be consolidated based upon watershed boundaries to provide a mechanism to enable the Town to assist residents with drainage issues on their properties.

Mr. Oyler: Suggested the possible future creation of a Stormwater Utility to manage the stormwater system and provide a mechanism to raise funds for drainage projects without creating an additional expense upon the Town's General Fund.

Mr. Hotaling: The consolidation of the Town's existing drainage districts could be accomplished in 60 days depending upon the support of the Town Board and residents.

Mr. Jensen: Said that residents who had not been previously assessed for drainage projects in the past would be assessed if a town-wide drainage district were to be established.

Mr. Olvany: Said that the responsibilities of the Town must be established if the drainage districts are consolidated or if a town-wide drainage district is formed. He asked if the town-wide drainage district would have the authority over private land for access for drainage projects.

Mr. Hotaling: Suggested that the Committee take the first step by recommending to the Town Board the consolidation of the existing drainage districts. He said that subsequent steps could include the extension of the consolidated district into other areas of the Town.

Mr. Hotaling: Noted that the Town of Pittsford recently consolidated individual drainage districts and transferred the funding of drainage projects from the individual districts into the Town's "A" line General Fund budget.

Ms. Dworaczyk: Said that the Town should keep the overarching vision in mind and should work toward a recommendation to the Town Board to consolidate the existing districts and bring additional properties into the consolidated district. She said that a program should be prepared to explain and pro's and con's of the proposal and how the Town and the individual property owners would benefit from it.

Mr. Olvany: Noted that there could be push-back from residents who have never before paid drainage-district assessments. He said that the Committee and the Town Board should be ready for these types of comments.

Mr. Fletcher: Said that a consolidation of the existing drainage districts would reduce the costs of the administration of the current individual districts and would provide a pool to fund drainage projects improvements throughout the Town.

Mr. Oyler: Expressed the consensus of the Committee that the consolidation of the existing Special Drainage Districts would make administering these districts more cost effective and would create a single funding source for projects within the districts. As the

boundaries expand, additional opportunities for funding and a standard for maintaining the stormwater infrastructure would be established.

Mr. Oyler: Said that this process could evolve over the years to create one town-wide district (or authority) which would manage the stormwater system along with the establishment of a funding source to maintain and expand the system. Mr. Oyler said that much thought has to be given by all parties involved to determine the structure, scope of involvement, and funding of a town-wide district. He said that a Committee recommendation to the existing districts would provide the Town with a foundation upon which to build.

*Note:* Following the meeting, Mr. Oyler received a response from Town Manager Doug Finch regarding the Committee's recommendation. Mr. Finch requested that Town Attorney Christian Nadler begin the process of preparing a proposal to the Town Board in time for the Town Board meeting in either July or August, and the details for setting a public hearing.

Mr. Finch indicated that the proposal will include the consolidation of the following non-contiguous drainage districts:

SD 241A	Lakewood Meadows Drainage District
SD 243	Ashton Drainage District
SD 244	Fox Ridge Drainage District
SD 245	Landings Drainage District
SD 246	Old Brookside Drainage District
SD 247	Lakeside Estates Drainage District
SD 248	Waterford Point Drainage District
SD 249	Stablegate Drainage District

Additionally, the Town operates SD 241 (Route 332) Drainage District which is not being proposed to be consolidated with the districts listed above.

These districts are all Special Assessment Districts that are levied when expenditures are proposed currently through the Town budget process. Each district has a unit assessment charge and total valuation. None of the special drainage districts carry debt. However, all of the drainage districts currently have fund balances ranging in amounts.

## **6. UPDATE ON FINGER LAKES COMMUNITY COLLEGE PROJECT**

Mr. Olvany: Reported that the Finger Lakes Community College (FLCC) project is moving forward. He also reported that representatives of Ontario County and the Town of Canandaigua met with Leo Murphy (3458 Sandy Cove) and his attorney at which they discussed the drainage issues on Mr. Murphy's property and at adjacent properties. Mr. Olvany said that the "Finger Lakes Community College Area Storm Water Management Study," prepared for Ontario County by Larsen Engineers of Rochester, N.Y., in August

2006, was discussed. Mr. Olvany said that it was suggested that the landowners look to install an additional outlet point to the lake. He said that they also discussed the Town of Canandaigua, the Town of Hopewell and the County working cooperatively on the larger FLCC project to help reduce the peak and total flows.

**7. DRAINAGE ISSUES: LAURA LANE**

Mr. Oyler: Reported on the site visit to the home of John and Joanne Ryan (5140 Laura Lane) on June 25, 2018. He said that it appears that a drainage ditch to the rear of Mr. Ryan's home, and of other homes, has filled in and is nearly the same level as a portion of the Ryan's backyard. The existing stream, which is on City of Canandaigua and Town of Canandaigua property, was reviewed on the map.

Mr. Jensen: Noted that drainage improvement projects in this area would require access to private property, property owned by Rochester Gas and Electric, and the blueline stream as delineated by the New York State Department of Environmental Conservation.

Mr. Oyler: Said that Mr. and Mrs. Ryan will attend the next meeting of the Committee on July 10, 2018, to further discuss the drainage issues in their backyard. Mr. Oyler said that it seems that only Mr. Ryan is experiencing a drainage issue at this time since he has one of the few properties which is mowed and maintained back to the watercourse.

**8. REPLACEMENT OF CULVERTS ON COUNTY ROAD 16**

Mr. Oyler: Said that he will contact Tim McElligott, P.E., of the Ontario County Department of Public Works, to provide the Committee with an update on the status of culvert replacements and improvements on County Road 16.

**9. SPREADSHEET OF DRAINAGE ISSUE LOCATIONS AND PROJECT STATUS**

Mr. Oyler: Reported that he has been reviewing the current list of drainage locations and the status of projects.

**10. NEXT STEPS**

- a. Continued discussion: Drainage issues at 5140 Laura Lane
- b. Consolidated Town-wide Drainage District with the Town Manager and possibly Town Attorney Christian Nadler.

## 11. NEXT MEETINGS AND ADJOURNMENT

The next meeting of the committee will be:

*Tuesday, July 10, 2018                      11:00 a.m.      Canandaigua Town Hall*

Subsequent meetings will be:

Tuesday, August 14, 2018	11:00 a.m.	Canandaigua Town Hall
*Wednesday, September 12, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, September 25, 2018	11:00 a.m.	Canandaigua Town Hall

*\*Tentative rescheduled date due to Patriot Day on September 11th.*

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

\_\_\_\_\_  
John M. Robortella



**E-mail distribution:**

Krebs, Richard  
Oyler, Charles  
Page, Kathy

**cc. to:**

Bloom, Tina  
Brabant, Lance  
Chrisman, Jean  
Cooper, Eric  
Davis, Gary  
Dworaczyk, Linda  
Fennelly, Terry  
Finch, Doug  
Fletcher, Jim  
Hotaling, Greg  
Jensen, Chris  
Marthaller, Joyce  
McCumiskey, Kaitlynn  
Olvany, Kevin  
Reynolds, Kevin  
Reynolds, Sarah  
Rowlinson, Michelle  
Schwartz, Tom  
Westbrook, Greg

# ATTACHMENT 3

## Town Manager

---

**From:** Krause, Mary A [Mary.Krause@co.ontario.ny.us]  
**Sent:** Thursday, June 14, 2018 1:49 PM  
**To:** Town Manager  
**Cc:** 'Gregory Westbrook'  
**Subject:** RE: court security

Doug - thanks for the email I did look into this and needed to email you back. Just coming off committee meeting days. Sorry for the wait.

I am told that both the not to exceed \$38 an hour and the not to exceed \$10,920 were in both the 2016 and 2017 agreements as well. You pay \$31.75 an hour when a part-time employee provides the service as has been occurring. If a part-timer is not available and a full-time employee is ever assigned under the contract you will get charged the \$38 an hour although that is a blended rate and not our actual full-time costs which exceed \$41 an hour. At any rate - you have the cap of \$10,920 no matter who is assigned.

Hope that helps explain it. Let me know if you have further questions before your meeting on Monday.

Mary

Mary A. Krause  
County Administrator  
Ontario County Municipal Building  
20 Ontario Street  
Canandaigua, NY 14424  
P: 585-396-4400

### Ontario County Vision Statement

A vibrant community where every citizen has the opportunity to be healthy, safe and successful

-----Original Message-----

**From:** Town Manager [<mailto:dfinch@townofcanandaigua.org>]  
**Sent:** Thursday, June 14, 2018 1:21 PM  
**To:** Krause, Mary A  
**Cc:** 'Gregory Westbrook'  
**Subject:** FW: court security

Mary,

Sorry to bother you again about this, but our meeting is on Monday. Did you get a chance to look into this more?

Doug Finch, Town Manager  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424  
P: (585)394-1120 x2234  
F: (585)394-9476

-----Original Message-----

From: Town Manager [<mailto:dfinch@townofcanandaigua.org>]  
Sent: Wednesday, June 06, 2018 1:17 PM  
To: 'Krause, Mary A'  
Cc: 'Gregory Westbrook'  
Subject: RE: court security

Thank you

Doug Finch, Town Manager  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424  
P: (585)394-1120 x2234  
F: (585)394-9476

-----Original Message-----

From: Krause, Mary A [<mailto:Mary.Krause@co.ontario.ny.us>]  
Sent: Wednesday, June 06, 2018 1:07 PM  
To: Town Manager  
Cc: Gregory Westbrook  
Subject: Re: court security

Doug - I will look into it and get back to you tomorrow.

Mary

Mary A. Krause  
County Administrator  
Ontario County Municipal Building  
20 Ontario Street  
Canandaigua, NY 14424  
P: 585- 396-4400

Sent from my iPhone

> On Jun 6, 2018, at 10:42 AM, Town Manager  
> <[dfinch@townofcanandaigua.org](mailto:dfinch@townofcanandaigua.org)>  
wrote:  
>  
> Mary,  
>  
> We received in the mail from Finance the attached proposed agreement  
asking the Town Supervisor to sign. In preparing for our upcoming Town Board meeting and  
writing the resolution to authorize him to sign I have additional questions.  
>  
> In 2017 our court security costs were based on an hourly rate of  
> \$31.75,  
and this proposal calls for a nearly 20% increase to \$38.00 per hour. Why such a big jump?  
>  
> Additionally, this agreement calls for a cost not to exceed \$10,920.00  
which is much higher than previous years. Why such an increase?  
>  
> Our costs by year:



>  
> 2017 - \$8,948.62  
> 2016 - \$6,941.27  
> 2015 - \$4,543.80  
> 2014 - \$652.40  
>  
>  
>  
> Doug Finch, Town Manager  
> Town of Canandaigua  
> 5440 Route 5 & 20 West  
> Canandaigua, NY 14424  
> P: (585)394-1120 x2234  
> F: (585)394-9476  
>  
> <court security agreement.pdf>

"This message may contain confidential, sensitive and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

## INTERMUNICIPAL AGREEMENT

For Court Security Services

**THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 by and between:**

**COUNTY OF ONTARIO**, a municipal corporation of the State of New York, having an office and place of business at 20 Ontario Street, Canandaigua, New York 14424, acting by and through its Office of Sheriff, (hereinafter referred to as "the County")

And

**TOWN OF CANANDAIGUA**, a municipal corporation of the State of New York, having an office and place of business at 5440 Routes 5 & 20 West, Canandaigua, New York 14424, (hereinafter referred to as "the Town" )

WHEREAS, the Town has identified the need for additional court security in the operation of its Town Court and, therefore desires to obtain said services from the County; and

WHEREAS, the County desires to provide such services for the compensation and on the terms herein provided.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, and pursuant to General Municipal Law Section 119-o, the parties agree as follows:

FIRST: the County shall furnish to Town the services of a part-time deputy(s) for time required, not to exceed 11 hours per week (two deputies during District Attorney Court sessions, and one deputy during non-District Attorney Court sessions), to function as court security for the Canandaigua Town Court located at 5440 Routes 5 & 20 West, Canandaigua, New York 14424.

SECOND: For the services rendered pursuant to Paragraph FIRST, the Town shall pay the County the hourly cost of wages and benefits for the actual part-time deputy(s) assigned to court security for every hour spent by the deputy for court security during the term of this contract, including travel time to and from the court, not to exceed \$38.00 per hour or a total not to exceed ~~\$10,920~~ \$8,000 during the term of this Agreement.

THIRD: The term of this Agreement shall be January 1, 2018 until December 31, 2018.

FOURTH: Any deputy assigned to the Town for court security pursuant to this agreement shall remain an employee of Ontario County, and shall not be an employee of the Town. The Town and the County acknowledge that the Deputy shall remain responsive to the chain of command of the Ontario County Sheriff, who shall retain all authority over and accountability for the personnel assigned under this Agreement, including but not limited to, hiring, training, assignment, discipline and dismissal.

The County shall maintain a detailed daily log relative to the services rendered for which compensation is to be paid by the Town pursuant to the terms of this Agreement , which shall include, but not be limited to, the following: (1) Date (2) Names of Deputy rendering Service (3) Nature of service rendered (4) Required time expended.

FIFTH: Either party, upon thirty (30) days notice to the other, may terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the County shall be compensated for and the Town shall be liable only for payment of services already rendered under this Agreement prior to the effective date of termination.

SIXTH: All original records compiled by the County in completing the work described in this Agreement, including but not limited to written reports, studies, drawings, negatives of photographs, graphs, computer printouts, charts, and all similar recorded data, shall become and remain the property of the County. The County shall supply copies of such records to the Town upon request.

SEVENTH: The Town agrees to the fullest extent of the law:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Town shall indemnify and hold harmless the County, its officers, employees and agents of the County, from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Town or third parties under the direction or control of the Town; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions referred to in paragraph (a) and to bear all other costs and expenses related thereto. This duty to defend shall be triggered immediately upon notice to the Town by the County of the County's receipt of a Notice of Claim, service of process or other demand or claim.

The County agrees to the fullest extent of the law:

(c) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the Town, the County shall indemnify and hold harmless the Town, its officers, employees and agents of the Town, from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the County or third parties under the direction or control of the County; and

(d) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions referred to in paragraph (a) and to bear all other costs and expenses related thereto. This duty to defend shall be triggered immediately upon notice to the County by the Town of the Town's receipt of a Notice of Claim, service of process or other demand or claim.

EIGHTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered mail (postage pre-paid), or hand delivered with receipt of said papers acknowledged in writing, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the Town

Town of Canandaigua  
5440 Routes 5 & 20 West

Canandaigua, NY 14424

To the County:

Ontario County Sheriffs Office  
74 Ontario Street  
Canandaigua NY 14424

NINTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writing. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

TENTH: The defense and indemnification obligations provided herein shall survive the expiration or termination of this Agreement, whether occasioned by this Agreement's expiration or earlier termination.

ELEVENTH: This Agreement does not create a "special relationship." Specifically, this Agreement is not:

- a. an assumption by the County of an affirmative duty to act on behalf of a party who was injured;
- b. knowledge on the part of the County' s agents that inaction could lead to harm;
- c. some form of direct contact between the County's agents and the injured party; and
- d. evidence of a party' s justifiable reliance on the County' s affirmative undertaking.

TWELFTH: This Agreement shall not be enforceable until signed by all parties and approved by the County Board of Supervisors.

THIRTEENTH: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

IN WITNESS WHEREOF The Town of Canandaigua and the County of Ontario have executed this Agreement in triplicate.

Date: \_\_\_\_\_, 20\_\_

TOWN OF CANANDAIGUA

By \_\_\_\_\_  
Greg Westbrook, Town Supervisor

Date: \_\_\_\_\_, 20\_\_

COUNTY OF ONTARIO

By : \_\_\_\_\_  
Mary A. Krause, Ontario County Administrator



AUTHORIZED BY, the Board of Supervisors of the County of Ontario on the \_ \_ \_ day of  
\_\_\_\_\_ 20\_\_ pursuant to Resolution No \_\_\_\_\_-20\_\_ \_

Approved as to form and manner of execution:

\_\_\_\_\_  
Ontario County Attorney

## MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK )

:ss.:

COUNTY OF ONTARIO )

On the \_ day of \_ \_ \_ \_ \_ , in the year 20\_ before me personally appeared MARY A. KRAUSE , known to me to be the person who executed the within instrument, who being duly sworn by me did depose and say that he resides at \_ \_ \_ \_ \_ in the Town of \_ \_ \_ \_ \_ , County of \_ \_ \_ \_ \_ , State of NEW YORK; that he is the County Administrator of ONTARIO COUNTY, the Municipality described in said instrument; that, by authority of the Legislative Body of said Municipality, he is authorized to execute the foregoing instrument on behalf of the Municipality for the purposes set forth therein ; and that, pursuant to that authority, he executed the foregoing instrument in the name of and on behalf of said Municipality, as the act and deed of said Municipality.

---

Notary Public

## MUNICIPAL ACKNOWLEDGMENT

STATE OF )  
 )  
:SS.:  
COUNTY OF )

On the \_ day of \_ \_ \_ \_ \_ , in the year 20\_ before me personally appeared GREG WESTBROOK , known to me to be the person who executed the within instrument , who being duly sworn by me did depose and say that she resides at \_ \_ \_ \_ \_ in the Town of \_ \_ \_ \_ \_ , County of \_ \_ \_ \_ \_ , State of NEW YORK; that he is the Town Supervisor of the Town of Canandaigua, the Municipality described in said instrument; that, by authority of the Legislative Body of said Municipality, he is authorized to execute the foregoing instrument on behalf of the Municipality for the purposes set forth therein ; and that, pursuant to that authority, he executed the foregoing instrument in the name of and on behalf of said Municipality , as the act and deed of said Municipality.

---

Notary Public

# ATTACHMENT 4



TOWN OF CANANDAIGUA

LOCAL LAW # \_\_\_\_ OF 2018

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**ATTACHMENT “A”**

**SECTION ONE.** Town of Canandaigua Town Code § 220-9(W) shall be replaced in its entirety with the following:

**§220-9(W). Swimming Pools.**

**(1) General Requirements.**

**(a)** Permit applications for swimming pools shall include a site drawing showing:

[1] All existing and proposed structures, including the swimming pool dimensions and depths.

[2] The distance of the swimming pool and other proposed structures from all boundary lines.

[3] The location of any on-site wastewater treatment system, if applicable.

[4] The location of any well, if applicable.

[5] Proposed lighting.

[6] Easements and any other additional information as may be required by the Town to demonstrate compliance with Town Code and other applicable laws.

**(b)** All swimming pools and their components shall comply with the requirements of the New York State Uniform Fire Prevention and Building Code.

**(c)** Swimming pools shall be sited in compliance with the National Electric Code and the electric service provider for the site.

**(d)** No swimming pool or discharge water shall drain upon the lands of adjoining properties.

**(e)** Filter pumps and other mechanical devices used in connection with any swimming pool shall be located in order not to interfere with the health, safety, and enjoyment of adjoining properties.

- (f) If the use of any private swimming pool shall be abandoned or permanently discontinued, the owner shall see that the excavated depression shall be filled in and that no potential hazard exists.

**(2) Dimensional Requirements.**

- (a) Swimming pools shall only be located in the rear and/or side yard of a lot.
- (b) No swimming pool and associated decks, patios, or accessories shall be constructed or erected closer than the minimum setbacks for accessory structures in the applicable zoning district.
- (c) Any structures or devices connected with the installation, maintenance, or operation of a swimming pool, including but not limited to concrete or wood patio areas, pump and filter enclosures, bathhouses and cabanas, shall also comply with the minimum setbacks for accessory structures in the applicable zoning district.

**SECTION TWO. Partial Invalidity.** If any provision of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

**SECTION THREE. Effective Date.** This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

# DRAFT:

## SWIMMING POOL SIZE REVISION

LAST REVISED ~~7/9/2018~~~~4/4/2018~~~~4/3/2018~~~~2/26/2018~~

220-9 W. Swimming pools.

### (1) General requirements.

(a) Permit applications for swimming pools shall include a site drawing showing:

[1] All existing and proposed structures, including the swimming pool dimensions and depths.

[2] The distance of the swimming pool and other proposed structures from all boundary lines.

[3] The location of the on-site wastewater treatment system, if applicable.

[4] The well location, if applicable.

[5] Proposed lighting.

[6] Easements and any other additional information as may be required by the Town to demonstrate compliance with Town Code and other applicable laws.

(b) All swimming pools and their components shall comply with the requirements of the New York State Uniform Fire Prevention and Building Code.[3] [3] Editor's Note: See Executive Law § 370 et seq.

(c) Swimming pools shall be sited in compliance with the National Electrical Code and the electric service provider for the site.

(d) No swimming pool or discharge water shall drain upon the lands of the adjoining premises.

(e) Filter pumps and other mechanical devices used in connection with any swimming pool shall be located in order not to interfere with the health, safety and enjoyment of the adjoining premises.

(f) If the use of any private swimming pool shall be abandoned or permanently discontinued, the owner shall see that the excavated depression shall be filled in and that no potential hazard exists.

### (2) Dimensional requirements.

~~(a) In any residential zone, no outdoor pool shall exceed 40 feet in length and 20 feet in width, or 30 feet in diameter in the case of a round or curved pool, nor shall the total perimeter of any pool shall not exceed 125 feet.~~

~~(b)~~ Swimming pools shall only be located in the rear and/or side yard of a lot.

(~~eb~~) No swimming pool and associated decks, patios or accessories shall be constructed or erected closer than ~~15 feet to the rear or side lot line~~the setbacks for accessory structure of the zoning district.

\_(~~ec~~) Any structures or devices connected with the installation, maintenance or operation of a swimming pool, including but not limited to concrete or wood patio areas, pump and filter enclosures, bathhouses and cabanas, shall also comply with the setback requirements of this section.



# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Local Law Clarifying the limitations on size of a swimming pool.			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: The purpose of this local law is to amend Town Code Chapter 220-9W to clarify the limitations on size of a swimming pool.			
Name of Applicant or Sponsor: Town of Canandaigua		Telephone: 585-394-1120	
		E-Mail: ecooper@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>  <input type="checkbox"/>
			<b>YES</b>  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>  <input type="checkbox"/>
			<b>YES</b>  <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor name: <u>Doug Finch, Town Manager</u> Date: <u>May 21, 2018</u> Signature: _____		

Project: SWIMMING POOLS

Date: 6/18/2018

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## Short Environmental Assessment Form

### Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town Board, Town of Canandaigua _____ Name of Lead Agency Doug Finch _____ Print or Type Name of Responsible Officer in Lead Agency	JUNE 18, 2018 _____ Date Town Manager _____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

# ATTACHMENT 5

Local Law No \_\_\_\_\_ of the year 2018

Town of Canandaigua, County of Ontario

**A local law to override the tax levy limit established in General Municipal Law 3-c**

**Be it enacted by the Town Board of the Town of Canandaigua as follows:**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canandaigua pursuant to General Municipal Law § 3-c, and to allow the Town of Canandaigua to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Canandaigua, County of Ontario is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

# ATTACHMENT 6



## Town Manager

---

**From:** Tina DeNigro [tdenigro@efprsolutions.com]  
**Sent:** Friday, June 08, 2018 12:23 PM  
**To:** 'Doug Finch'  
**Cc:** Robert Fox  
**Subject:** Justice Court Review  
**Attachments:** Justice Prull December 2017.pdf; 2017 Town Justice Memo to Town Board w Checklists.pdf; Justice Jones December 2017.pdf

Doug,

Attached is the Justice Court review. In addition to the memo and checklists are December bank reconciliations for each Justices Bail and Regular accounts. The bank reconciliations show the discrepancies noted in the memo.

Please read the prepared memo and let us know if you have any questions.

Thanks,  
Tina



280 Kenneth Drive, Suite 100  
Rochester, NY 14623

Tina DeNigro, SHRM CP, Certified Quickbooks  
Manager  
EFPR Solutions, LLC  
T (585) 295-0514

[tdenigro@efprsolutions.com](mailto:tdenigro@efprsolutions.com)  
[www.efprsolutions.com](http://www.efprsolutions.com)



## CLIENT MEMO

To: Town Board Date: June 8, 2018

Client: Town of Canandaigua

From: P. Robert Fox & Shelby Bennett

Subject Annual Checklist of Justice Court Records

We completed the Annual Checklist for Review of the Justice Court Records (see attached).

We completed our determination for procedures followed by the Justice Courts to see if they are consistent with general recordkeeping requirements for Town Justice Courts in Appendix F of the Fiscal Oversight Responsibilities of the Governing Board issued by the Office of the State Comptroller.

- Deposits and disbursements appeared to be timely and dockets and case files appeared to be recorded properly on SEI. Our engagement does not include completion of the checklist on “Reporting to the Department of Motor Vehicles TSLED Program.”
- We summarized the check registers for both Justices and determined that all transactions were properly recorded.
- There were no formal bank reconciliations completed for us to review. We prepared our own workpapers to determine that the bank activity reconciled cash to fines and bails owed at the end of the year. We provided the two new clerks with standard bank reconciliation forms and reviewed Bail Activity Reports to determine if the bank accounts reconciled with the Fine and Bail Accounts for both Justices.
- The Fine account for Justice Prull was short by \$86.00 and the Fine account for Justice Jones was short by \$315.00.
- Bail account balances for Justice Prull agreed to the bank balance. Bail account balances for Justice Jones did not agree to the bank balance. Justice Jones balances could agree if check #1524 for \$7.50 is voided, the \$730.00 deposit on 9/13/17 is identified, and SEI reports are adjusted to record all transactions.
- Combined fines at 12/31/17 were \$12,957.00 and combined bail was \$20,897.00.

- New York State reported Canandaigua collected \$31,998.50 with Justice Prull collecting \$115,663.00 and Justice Jones collecting \$116,335.50.
- \$122,890.33 collected was for Fines and Forfeited bail, \$17,047.17 was for civil fees, and \$92,061.00 was for the mandatory surcharges.
- \$139,894.33 was paid to New York State, \$17,123.39 was paid to Ontario County, and \$74,980.78 was paid to the Town.
- We agreed transfers to the Town and disbursements to New York State recorded on Town books to New York State reports.

# Appendix 10 – Annual Checklist for Review of Justice Court Records

**Name of Municipality:**

Town of Canandaigua

**Month Reviewed:**

1/1/2017

**Through**

12/31/2017

**Name of Justice:**

Justice Walter W. Jones, Jr.

**Review Performed By:**

P. Robert Fox

Shelby Bennett

**Date**

6/8/2018

6/8/2018



# Annual Checklist for Review of Justice Court Records

	Yes	No
<b><u>Cash Receipts Book</u></b> SEI		
▶ Are pre-numbered receipt forms issued for all collections?	X	○
▶ Are duplicate receipts kept for court records?	X	○
▶ Are receipts recorded up-to-date?	X	○
▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	X	○
▶ Are deposits identified?	X	○
▶ Are duplicate deposit slips kept for court records?	X	○
▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)? 2 times per week	X	○
▶ Are deposits recorded up-to-date?	X	○
▶ Is the receipt book totaled and summarized at the end of each month? <i>Last Month Totaled and Summarized</i> <u>December</u>	X	○
<b><u>Cash Disbursements Book</u></b>		
▶ Are pre-numbered checks used for all disbursements other than petty cash?	X	○
▶ Are all checks signed by the Justice?	X	○
▶ Are canceled checks (or check images) returned with bank statements and kept for court records?	X	○
▶ Are checks recorded up-to-date?	X	○
<i>Last recorded check:</i> # <u>1270</u> Date <u>12/7/17</u> Amount <u>\$7,485.00</u>		
<b><u>Bank Reconciliations</u></b>		
▶ Are bank accounts reconciled promptly after bank statements are received?	○	X
<i>Last Bank Reconciliation for Each Bank Account:</i> Date Performed _____ Month Ending _____		
<b><u>Additional Supporting Records</u></b>		
▶ Is a list of bail maintained?    SEI	X	○
▶ Is a record of uncollected installment payments maintained?    N/A	○	○

# Annual Checklist for Review of Justice Court Records

	Yes	No
<b><u>Dockets and Case Files</u></b>		
▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? SEI & manual document	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. SEI	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Do dockets for disposed cases appear to be complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Do dockets for disposed cases agree with amounts reported?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Cash Book Reconciliation** (CHECK REGISTER)

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
| ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month?     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▶ Does the cash book total agree with the bank reconciliation and supporting information? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

*Last Cash Reconciliation:*

*Date Performed* \_\_\_\_\_ *Month Ending* \_\_\_\_\_

## **Reports to the Division of Criminal Justice Services**

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| ▶ Are reports made timely to the Division of Criminal Justice Services?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▶ Has the court received any notices regarding late reporting?<br>If yes, why were the reports late and what corrective actions were taken? _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## **Reports to the Justice Court Fund**

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| ▶ Are reports made timely to the Justice Court Fund?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▶ Do reported amounts agree with docket dispositions and case files?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▶ Do reported amounts agree with cash receipt and disbursement books?<br>Last report submitted: Month Ending _____ Date _____ Amount _____        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▶ Has the court received any notices regarding late reporting?<br>If yes, why were the reports late and what corrective actions were taken? _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- Has the court received any notices regarding pending cases? ☐ ☐  
If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- Are reports from TSLED to the court maintained and utilized? ☐ ☐  
*Last TSLED Report Available: Date* \_\_\_\_\_

**Note:** Courts can access reports on-line from TSLED at any time.

- How many cases are shown as pending in the last TSLED report? \_\_\_\_\_ ☐ ☐  
► Does the cash book total agree with the bank reconciliation and supporting information? ☐ ☐  
    • Is the number of pending cases reasonable? ☐ ☐  
    • How many cases are shown as pending for more than 90 days? \_\_\_\_\_  
    • What actions have been taken to dispose of these cases? ☐ ☐

## Overall Evaluation

\_\_\_\_\_ Court Clerk reviews transactions thoroughly, but formal bank reconciliations were not  
\_\_\_\_\_ prepared. SEI Bail Activity Reports omitted a couple of transactions, but overall bail  
\_\_\_\_\_ balances could be reconciled.  
\_\_\_\_\_  
\_\_\_\_\_

# Appendix 10 – Annual Checklist for Review of Justice Court Records

**Name of Municipality:**

Town of Canandaigua

**Month Reviewed:**

1/1/2017

**Through**

12/31/2017

**Name of Justice:**

Justice David W. Prull

**Review Performed By:**

P. Robert Fox

Shelby Bennett

**Date**

6/8/2018

6/8/2018



# Annual Checklist for Review of Justice Court Records

	Yes	No
<b><u>Cash Receipts Book</u></b> SEI		
▶ Are pre-numbered receipt forms issued for all collections?	X	○
▶ Are duplicate receipts kept for court records?	X	○
▶ Are receipts recorded up-to-date?	X	○
▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	X	○
▶ Are deposits identified?	X	○
▶ Are duplicate deposit slips kept for court records?	X	○
▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)? 2 times per week	X	○
▶ Are deposits recorded up-to-date?	X	○
▶ Is the receipt book totaled and summarized at the end of each month? <i>Last Month Totaled and Summarized</i> <u>December</u>	X	○
<b><u>Cash Disbursements Book</u></b>		
▶ Are pre-numbered checks used for all disbursements other than petty cash?	X	○
▶ Are all checks signed by the Justice?	X	○
▶ Are canceled checks (or check images) returned with bank statements and kept for court records?	X	○
▶ Are checks recorded up-to-date?	X	○
<i>Last recorded check:</i> # <u>602</u> Date <u>12/5/17</u> Amount <u>\$7,849.00</u>		
<b><u>Bank Reconciliations</u></b>		
▶ Are bank accounts reconciled promptly after bank statements are received?	○	X
<i>Last Bank Reconciliation for Each Bank Account:</i> Date Performed _____ Month Ending _____		
<b><u>Additional Supporting Records</u></b>		
▶ Is a list of bail maintained?      SEI	X	○
▶ Is a record of uncollected installment payments maintained?      N/A	○	○

# Annual Checklist for Review of Justice Court Records

Yes No

## Dockets and Case Files

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? SEI & manual document ☒ ☐
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. SEI ☒ ☐
- ▶ Do dockets for disposed cases appear to be complete? ☒ ☐
- ▶ Do dockets for disposed cases agree with amounts reported? ☒ ☐

## Cash Book Reconciliation (CHECK REGISTER)

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month? ☐ ☒
- ▶ Does the cash book total agree with the bank reconciliation and supporting information? ☐ ☒

*Last Cash Reconciliation:*

*Date Performed* \_\_\_\_\_ *Month Ending* \_\_\_\_\_

## Reports to the Division of Criminal Justice Services

- ▶ Are reports made timely to the Division of Criminal Justice Services? ☒ ☐
- ▶ Has the court received any notices regarding late reporting? ☒ ☐  
If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

## Reports to the Justice Court Fund

- ▶ Are reports made timely to the Justice Court Fund? ☒ ☐
- ▶ Do reported amounts agree with docket dispositions and case files? ☒ ☐
- ▶ Do reported amounts agree with cash receipt and disbursement books? ☒ ☐  
Last report submitted: Month Ending \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_
- ▶ Has the court received any notices regarding late reporting? ☒ ☐  
If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- Has the court received any notices regarding pending cases? ☐ ☐
- If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- Are reports from TSLED to the court maintained and utilized? ☐ ☐
- Last TSLED Report Available: Date* \_\_\_\_\_

**Note:** Courts can access reports on-line from TSLED at any time.

- How many cases are shown as pending in the last TSLED report? \_\_\_\_\_ ☐ ☐
- Does the cash book total agree with the bank reconciliation and supporting information? ☐ ☐
- Is the number of pending cases reasonable? ☐ ☐
  - How many cases are shown as pending for more than 90 days? \_\_\_\_\_
  - What actions have been taken to dispose of these cases? ☐ ☐

## Overall Evaluation

\_\_\_\_\_ Court Clerk reviews transactions thoroughly, but formal bank reconciliations were not prepared.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF CANANDAIGUA  
JUSTICE WALTER JONES  
BANK RECONCILIATION - REGULAR ACCOUNT  
MONTH ENDED DECEMBER 31, 2017**

	<u>AMOUNT</u>
<b>BANK BALANCE - END OF MONTH (From Bank Statement)</b>	<b>7,380.30</b>
<b>ADD: DEPOSITS IN TRANSIT</b>	
<u>DATE</u> <u>REC. #</u> <u>DATE CLEARED</u> <u>AMOUNT</u>	
7/31/2017           Bank Service Charge	59.85
12/27/2017           Bank Service Charge	59.85

TOTAL DEPOSITS IN TRANSIT	<hr/>	<b>119.70</b>
---------------------------	-------	---------------

**DEDUCT: OUTSTANDING CHECKS**

<u>DATE</u>	<u>CK. #</u>	<u>NAME</u>	<u>AMOUNT</u>
-------------	--------------	-------------	---------------

TOTAL OUTSTANDING CHECKS	<hr/>	<b>-</b>
--------------------------	-------	----------

<b>BALANCE PER CHECKBOOK</b>	<hr/>	<b>7,500.00</b>
------------------------------	-------	-----------------

	<u>AMOUNT</u>
<b>BALANCE ON SEI REPORT</b>	
FINES & FORFEITED BAIL	4,704.00
CIVIL FEES	70.00
SURCHARGE	3,041.00
OTHER	-
	<b>7,815.00</b>

<b>DIFFERENCE</b>	<hr/>	<b>(315.00)</b>
-------------------	-------	-----------------

**EXPLANATION OF DIFFERENCE**

<hr/>
<hr/>
<hr/>
<hr/>
<hr/>



**TOWN OF CANANDAIGUA  
JUSTICE WALTER JONES  
BANK RECONCILIATION - BOND ACCOUNT  
MONTH ENDED 12/31/17**

	<u>AMOUNT</u>
<b>BANK BALANCE - END OF MONTH (From Bank Statement)</b>	19,327.00

**ADD: DEPOSITS IN TRANSIT**

<u>DATE</u>	<u>REC. #</u>	<u>DATE CLEARED</u>	<u>AMOUNT</u>
-------------	---------------	---------------------	---------------

TOTAL DEPOSITS IN TRANSIT

-

**DEDUCT: OUTSTANDING CHECKS**

<u>DATE</u>	<u>CK. #</u>	<u>NAME</u>	<u>AMOUNT</u>
4/14/2017	1494	Eric Nelson	97.00
8/4/2017	1524	Jones /Dufresne Poundage	7.50

TOTAL OUTSTANDING CHECKS

(104.50)

**BALANCE PER CHECKBOOK**

19,222.50

**BALANCE ON SEI REPORT**

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
7/31/2015	Tolete	6,000.00
1/15/2016	White	400.00
8/26/2016	Krager	250.00
3/24/2017	Whitfield	250.00
6/16/2017	Vangrol	5,000.00
7/21/2017	Sobel	500.00
8/30/2017	Bidwell	5,500.00
9/13/2017	Bostick	100.00
9/13/2017	Unidentified	730.00
12/4/2017	Cragle	500.00
		19,230.00

**DIFFERENCE**

(7.50)

**EXPLANATION OF DIFFERENCE**

**TOWN OF CANANDAIGUA  
JUSTICE DAVID PRULL  
BANK RECONCILIATION - REGULAR ACCOUNT  
MONTH ENDED 12/31/17**

	<u>AMOUNT</u>
<b>BANK BALANCE - END OF MONTH (From Bank Statement)</b>	4,397.15

**ADD: DEPOSITS IN TRANSIT**

<u>DATE</u>	<u>REC. #</u>		<u>AMOUNT</u>
7/31/2017		Check Charge	59.85
12/29/2017	PF05218	E-Pay Cleared 1/2/18	70.00
12/27/2017	PF05215	E-Pay Cleared 1/2/18	243.00
12/27/2017	PF05216	E-Pay Cleared 1/2/18	93.00
12/28/2017	PF05217	E-Pay Cleared 1/2/18	193.00
<b>TOTAL DEPOSITS IN TRANSIT</b>			658.85

**DEDUCT: OUTSTANDING CHECKS**

<u>DATE</u>	<u>CK. #</u>	<u>NAME</u>	<u>AMOUNT</u>
<b>TOTAL OUTSTANDING CHECKS</b>			-

<b>BALANCE PER CHECKBOOK</b>	5,056.00
------------------------------	----------

<b>BALANCE ON SEI REPORT</b>	<u>AMOUNT</u>
FINES & FORFEITED BAIL	2,603.00
CIVIL FEES	242.00
SURCHARGE	2,297.00
OTHER	-
	5,142.00

<b>DIFFERENCE</b>	(86.00)
-------------------	---------

**EXPLANATION OF DIFFERENCE**


TOWN OF CANANDAIGUA  
JUSTICE DAVID PRULL  
BANK RECONCILIATION - BOND ACCOUNT  
MONTH ENDED 12/31/17

	<u>AMOUNT</u>
BANK BALANCE - END OF MONTH (From Bank Statement)	1,050.00

ADD: DEPOSITS IN TRANSIT

DATE

AMOUNT

TOTAL DEPOSITS IN TRANSIT

-

DEDUCT: OUTSTANDING CHECKS

DATE      CK. #

AMOUNT

TOTAL OUTSTANDING CHECKS

-

BALANCE PER CHECKBOOK

1,050.00

BALANCE ON SEI REPORT

DATE

NAME

AMOUNT

5/26/2017

Lofton

50.00

6/23/2017

Luckenbach

750.00

9/6/2017

Bevere

250.00

1,050.00

DIFFERENCE

-

EXPLANATION OF DIFFERENCE

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# ATTACHMENT 7

## Town of Canandaigua 2018 Procurement Policy

The Procurement Policy previously adopted by the Town Board on June 28, 2010 is hereby adopted by the Town Board for the year 2018, and further amended May 21, 2018 [and July 16, 2018](#). This policy must be strictly adhered to by all Department Heads and Town staff empowered with the authority to make purchases on behalf of the Town.

### Town of Canandaigua Procurement Policy

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, §103. Supervisor, Town Manager, Highway Superintendent, Town Clerk, Director of Development, Assessor, Director of Parks and Recreation, Town Historian, Town Justices, or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
2. If the Town is purchasing off a State contract (or purchasing off any properly let municipal contract), the Town is not required to engage in competitive bidding.
3. All purchases of (a) supplies or equipment which will exceed \$20,000 in the fiscal year or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML, §103 and shall require approval by resolution of the Town Board prior to committing the Town to purchase such good or service.
4. [Unless previously approved by Resolution of the Town Board, a](#)All purchases of Goods in excess of \$ 1,000 or Public Works Contracts in excess of \$ 3,000 require a purchase order to be approved by the Town Manager or Bookkeeper prior to ordering the Goods or entering into agreement for the Public Works Contract. Purchase orders will not be approved if budgetary lines are not created, or if the balance of the account is not sufficient to pay for the proposed expenditure. Blanket purchase orders of amounts not to exceed may be utilized for purchases that are of a contractual nature or related to ongoing operational expenditures such as vehicle fuel delivery, routine contracts for services provided by other entities such as insurance, and other maintenance service contracts.
5. Department Heads shall have full authority to make departmental purchases of goods or services up to \$20,000 or public works contracts up to \$35,000 which are identified within the department's annual adopted budget as follows:

All estimated *purchases of Goods*:

- Less than \$20,000 but greater than \$10,000 require a written request for a quote (RFQ) and written/fax quotes from 3 vendors. Purchaser shall attach quotes, approved purchase order, and RFQ to the voucher, prior to submission to the Town Board for payment.



- Less than \$10,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from 2 vendors. Purchaser shall attach quotes to the approved purchase order and voucher, prior to submission to the Town Board for payment.
- Less than \$1,000 are left to discretion of the Purchaser.

All estimated Public Works Contracts:

- Less than \$35,000 but greater than \$10,000 require a written RFQ and fax/proposals from 3 contractors. Purchaser shall attach quotes, approved purchase order, and RFQ to the voucher, prior to submission to the Town Board for payment.
- Less than \$10,000 but greater than \$3,000 require quotes from 2 contractors. Purchaser shall attach quotes to the approved purchase order and voucher, prior to submission to the Town Board for payment.
- Less than \$3,000 are left to the discretion of the Purchaser.

Any written RFQ (Request for Quote) shall describe the desired goods, quantity, and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.. The above procedures are hereby identified as the procedures required (§9-4) as part of Town of Canandaigua Town Code, Chapter 9, Contracts, Article I, Best Value Policy.

Any information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract in the office of the Town Clerk. This information shall include the vendors Certificate of Liability Insurance, signed contract, and if required a signed Independent Contractor Supplemental Terms and Conditions.

By Town Board resolution, the lowest responsive/responsible quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quoted be a bar to the procurement.

6. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the Town of Canandaigua require immediate action which cannot await the obtaining of quotes, or in the case when the Town Board determines that an emergency exists relative to an unsafe building in accordance with Chapter 65, Unsafe Buildings, of the Code of the Town of Canandaigua, contracts for public work or the purchase of supplies, material or equipment may be let by either the appropriate officer or by the Town Board of the Town of Canandaigua notwithstanding the purchasing methods set forth above.
7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

1. Acquisition of professional services;
  2. Emergencies;
  3. Sole Source situations;
  4. Goods purchased from agencies for the blind or severely handicapped;
  5. Goods purchased from correctional facilities;
  6. Goods purchased from another governmental agency;
  7. Goods purchased at auction;
  8. Goods purchased for less than \$1,000.00;
  9. Public works contracts for less than \$3,000.00
8. Unless goods or services are being purchased off the State Bid listing or by piggy-backing off another municipality's contract, a department head shall solicit RFQs at a minimum of every four (4) years.
  9. It shall be the responsibility of all officers and employees to adhere to the procurement policy. The Town Manager shall be responsible to enforce the policy, and notify the Town Board of instances where the procurement policy has not been followed.
  10. The Town Board reserves the right to reject any and all bids, re-bid, negotiate any contracts, award the contract to the bid which, in the Town Board's sole discretion, best serves the interests of the Town and waive any formalities in the bid process.
  11. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

# ATTACHMENT 8

# **TOWN OF CANANDAIGUA YEAR END CLOSING POLICY AND PROCEDURES**

Draft: May 31, 2018

## **PURPOSE**

The Town Board of the Town of Canandaigua is adopting yearend closing policy and procedures in order to provide direction to all Town Departments in terms of the expectations of the Town Board in preparation for the fiscal year ending December 31<sup>st</sup> in order to proactively minimize errors or omissions.

## **POLICY STATEMENT**

The Town Board of the Town of Canandaigua is ultimately responsible for demonstrating that the Town has demonstrated responsible fiduciary practices to ensure the most efficient use of taxpayer dollars from the citizenry. Proper classification and cut-off for transactions are required in order to prepare external financial statements in accordance with generally accepted accounting principles (GAAP) on a timely basis.

Goods or services received in the calendar year (prior to December 31<sup>st</sup>) should be recorded as current year fiscal expenditures; while goods and services received after December 31<sup>st</sup> should be recorded in the ensuing fiscal year. In addition to ongoing review of transactions and balances in applicable cost centers at yearend, departments should pay particular attention to appropriate cut-off for transactions in December and January.

## **PROCEDURES**

Town of Canandaigua Department heads are responsible to ensure expenditures for goods or services are billed to the correct year corresponding to the date the good or service was received. Additionally, department heads should note the key deadline dates for submitting various documents, e.g., travel claims, invoices, or other expenditures, to ensure expenses are recorded in the appropriate fiscal year.

Payments for items such as subscriptions, dues, maintenance agreements and other services covering a period of time generally should be made in the fiscal year in which service begins. If the period of service begins in December; however, may be made in the prior fiscal year.

Department heads shall contact vendors to receive invoices by January 30<sup>th</sup> of each year, for goods or services which occurred in the preceding year. Any invoice received after January 30<sup>th</sup> relating to goods or services from the preceding year must be authorized by the Bookkeeper and/or Finance Committee prior to payment.

# ATTACHMENT 9



## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is entered into this \_\_\_ day of \_\_\_\_\_, 2018 by and between the Town of Canandaigua ("Town"), whose principal place of business is located at 5440 Routes 5 & 20; Canandaigua, NY 14424; and the Ontario County Industrial Development Agency ("IDA"), whose principal place of business is located at 20 Ontario Street; Canandaigua, NY 14424.

WHEREAS, the Town and the IDA wish to enter into an understanding to allow the IDA to hire the Town to supply a driver and the Town's Vacuum Truck to service the Canandaigua Airport upon call from the Airport Manager.

WHEREAS, the Airport Manager anticipates a once or twice a year request from the Airport Manager to the Town to provide the service, and shall be based on prior notification from the Airport Manager to the Highway Superintendent, and shall be based on availability and approval by the Highway Superintendent.

WHEREAS, the call in rate to be paid by the IDA to the Town shall be in accordance with the published FEMA rate (8717) for a Vacuum Truck per hour (currently published rate \$74.20 per hour) to be billed to the IDA from the time the truck leaves the Town until the time the truck returns to the Town.

WHEREAS, the IDA will provide insurance coverage for the service and list the Town as additional insured for the Canandaigua Airport property.

WHEREAS, the IDA will hold harmless the Town or employees or officers for any damages occurred while performing the service at the Canandaigua Airport.

NOW THEREFORE, the parties set forth the following terms and understandings:

1. **Binding Effect.** This Memorandum of Understanding is intended to be binding on the parties until canceled at any time by either party with written notice.

2. **Term of Agreement.** Unless otherwise agreed by the parties, or unless terminated earlier this Memorandum of Understanding shall terminate July 1, 2019.

3. **Parties.**

a. Town of Canandaigua

5440 Routes 5 & 20

Canandaigua, NY 14424

Attn: Doug Finch, Town Manager

dfinch@townofcanandaigua.org

b. Ontario County IDA

20 Ontario Street

Canandaigua, NY 14424

Attn: Michael Manikowski, IDA Director

michael.manikowski@co.ontario.ny.us

4. **Notices.** Any notices to be given under this Memorandum of Understanding shall be in writing, sent by registered or certified mail, postage prepaid, or by email followed by a confirmation letter sent via registered or certified mail,

postage prepaid addressed to such party at the email addresses and mailing addresses stated in §3, above. Notices sent in accordance with this section shall be deemed effective on the date of dispatch.

IN WITNESS WHEREOF, the parties hereby execute this Memorandum of Understanding.

TOWN OF CANANDAIGUA

ONTARIO COUNTY IDA

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

# 2017 FEMA Rates

8651	Trencher			to 85	Wheel Mounted. Chain and Wheel.	hour	\$24.70
8654	Trencher accessories	2008 Griswold Trenchbox				hour	\$1.90
8660	Plow, Cable	Plow Depth	24 in	to 30		hour	\$12.00
8661	Plow, Cable	Plow Depth	36 in	to 65		hour	\$37.45
8662	Plow, Cable	Plow Depth	48 in	to 110		hour	\$41.25
8670	Derrick, Hydraulic Digger	Max. Boom Length	60 Ft		alignment attachment. Include truck rate	hour	\$34.15
8671	Derrick, Hydraulic Digger	Max. Boom Length	90 Ft		alignment attachment. Include truck rate	hour	\$54.66
8680	Truck, Concrete Mixer	Mixer Capacity	13 CY	to 300		hour	\$82.35
8684	Truck, Fire	100 Ft Ladder				hour	\$100.00
8690	Truck, Fire	Pump Capacity	1000 GPM			hour	\$68.00
8691	Truck, Fire	Pump Capacity	1250 GPM			hour	\$72.25
8692	Truck, Fire	Pump Capacity	1500 GPM			hour	\$78.90
8693	Truck, Fire	Pump Capacity	2000 GPM			hour	\$81.40
8694	Truck, Fire Ladder	Ladder length	75 FT			hour	\$117.10
8695	Truck, Fire Ladder	Ladder length	150 FT			hour	\$142.75
8696	Truck, Fire	No Ladder		330	Rescure Equipment	hour	\$93.47
8700	Truck, Flatbed	Maximum Gvw	15000 Lbs	to 200		hour	\$20.60
8701	Truck, Flatbed	Maximum Gvw	25000 Lbs	to 275		hour	\$35.00
8702	Truck, Flatbed	Maximum Gvw	30000 Lbs	to 300		hour	\$27.10
8703	Truck, Flatbed	Maximum Gvw	45000 Lbs	to 380		hour	\$44.70
8708	Trailer, semi	48ft to 53ft, flat-bed, freight, two axle	50,000+ gvw			hour	\$8.45
8709	Trailer, semi	enclosed 48 ft to 53 ft, two axles	50,000+ gvw			hour	\$9.50
8710	Trailer, semi	28ft, single axle, freight	25,000 gvw			hour	\$9.70
8711	Flat bed utility trailer	6 ton				hour	\$3.10
8712	Cleaner, Sewer/Catch Basin	Hopper Capacity	5 CY		Truck Mounted.	hour	\$24.80
8713	Cleaner, Sewer/Catch Basin	Hopper Capacity	14 CY		Truck Mounted.	hour	\$31.30
8714	Vactor	800 Gal Spoils/400 Gal Water	500/800 gal	49		hour	\$82.75
8715	Truck, Hydro Vac	model LP555DT				hour	\$18.00
8716	Leaf Vac	Tow by Truck 22,000 cfm capacity		85	Leaf Vac + Truck Code 8811	hour	\$51.25
8717	Truck, Vacuum	60,000 GVW		400		hour	\$74.20
8719	Litter Picker	model 2007 Barber			towed by tractor	hour	\$9.60
8720	Truck, Dump	Struck Capacity	8 CY	to 220		hour	\$48.90
8721	Truck, Dump	Struck Capacity	10 CY	to 320		hour	\$60.77
8722	Truck, Dump	Struck Capacity	12 CY	to 400		hour	\$67.70
8723	Truck, Dump	Struck Capacity	18 CY	to 400		hour	\$75.50
8724	Truck, Dump, Off Highway	Struck Capacity	28 CY	to 450		hour	\$121.20
8725	Truck, Dump	Struck Capacity	14 CY	to 400		hour	\$77.80
8730	Truck, Garbage	Capacity	25 CY	to 255		hour	\$48.50
8731	Truck, Garbage	Capacity	32 CY	to 325		hour	\$55.90
8733	E-BAM Services	Environmental Beta Attenuation Air Monitor			Powered by Solar System	hour	\$3.00
8734	Attenuator, safety	that can stop a vehicle at 60 mph				hour	\$5.50
8735	Truck, Attenuator	2004 Truck Mounted for 60 mph				hour	\$3.85
8736	Truck, tow	1987 Chevy Kodiak 70		175		hour	\$27.70
8744	Van, Custom	Special Service Canteen Truck		350		hour	\$18.00
8745	Van, step	model MT10FD		300		hour	\$21.25
8746	Van-up to 15 passenger	light duty, class 1		225-300		hour	\$20.00
8747	Van-up to 15 passenger	light duty, class 2		225-300		hour	\$20.15
8748	Van-cargo	light duty, class 1		225 - 300		hour	\$22.25
8749	Van-cargo	light duty, class 2		225-300		hour	\$22.25
8750	Vehicle, Small			to 30		hour	\$6.40
8753	Vehicle, Recreational			to 10		hour	\$2.80
8755	Golf Cart	Capacity	2 person			hour	\$3.75
8761	Vibrator, Concrete			to 4		hour	\$1.60
8770	Welder, Portable			to 16	Includes ground cable and lead cable.	hour	\$3.10

# ATTACHMENT 10



December 18, 2017

RECEIVED  
12/18/17  
Highway km

James Fletcher  
Highway and Water Superintendent  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

Dear Mr. Fletcher:

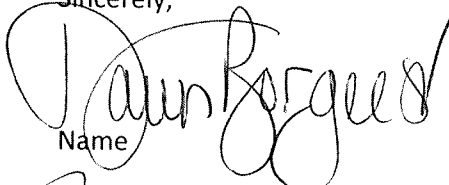
Thanks again for attending our Lakewood Meadows Home Owners Association members meeting to speak with us about proposed changes in Acorn Hill Drive. We're looking forward to having the road redirected to ensure a much higher level of safety for pedestrians and drivers alike.

We're writing to ask that you consider addressing a concern that we have regarding the cross walk at Middle Cheshire Road and the north entrance of Chatham Lane. We very much appreciate the striped lines to indicate the crossing. However, because of limited sight lines for drivers traveling north on Middle Cheshire, we have grave concerns for the safety and well being of pedestrians.

We would ask that you consider installing flashing lights to the crossing signs to alert drivers traveling north that a pedestrian is in the walkway. We are exceptionally proud of our extensive walking trails and have many active and engaged residents who enjoy availing themselves of those trails. Many residents, some of whom have signed this letter, have raised concerns about their safety when crossing Middle Cheshire Road at this intersection.

We appreciate your consideration and trust you'll be in touch with us should you have any questions or concerns. Please contact Dawn Borgeest ([dawnvborgeest@gmail.com](mailto:dawnvborgeest@gmail.com)) with any questions. Thank you in advance for your attentiveness and care to our concerns.

Sincerely,

  
Name

5188 Quincy Circle  
Address

  
Name

5213 Park Meadow Lane  
Address

  
Name

5213 Park Meadow Lane  
Address

Doug Warrakha  
Barb Warrakha

Name

Eve Kibuka

William Kibuka

Name

Joe Shulman

Name

Zyonna Saver

Name

Susan Attia  
Michel Attia

Name

Sandra Belmonte

Name

Bob Belmonte

Name

JUDY STRACHAN

Name

John Attia

Name

Jane Wheeler

Name

RICHARD SCOTT  
Richard Scott

Name

Dense Shulman

5191 Beacon Hill, 14424

Address 5193 Beacon Hill

" " "

Address

5178 Quincy Circle

Address

5196 Beacon Hill

Address

5180 Quincy Circle

Address

5174 Quincy Circle

Address

5174 Quincy Cir.

Address

5176 Quincy CR

Address

5176 Quincy Circle

Address

5197 Beacon Hill

Address

5182 Quincy CR.

Address

5178 Quincy Circle

Name

Lorraine Shepard

Address

3914 Riley Run, Canandaigua

Name

Daniel Bielat

Address

5194 Beacon Hill Canandaigua

Name

Susan Bielat

Address

5194 Beacon Hill Canandaigua

Name

Kathleen Smith

Address

5182 Quincey Circle

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

# ATTACHMENT 11

Town of Canandaigua

# Open Space, Conservation & Scenic Views Master Plan



**DRAFT: JUNE 2018**







# **TOWN OF CANANDAIGUA OPEN SPACE, CONSERVATION AND SCENIC VIEWS MASTER PLAN**

DRAFT REPORT – JUNE 2018

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PHOTO 1: WOOLHOUSE ROAD, VIEW TOWARD THE WEST



## INTRODUCTION

Residents of the Town of Canandaigua and the Canandaigua Lake area enjoy a wonderful quality of life. Residents value the beauty of Canandaigua Lake and the rural character of the Town. The Town strives for a balanced community allowing for continued development while maintaining our farms, open space, scenic vistas, wooded areas and conservation lands.

The Town of Canandaigua's unmatched quality of life has helped to retain and attract residents. Over the past ten years, the Town's population has increased by nearly 30%. To ensure that development and conservation are properly balanced, this Plan documents the Town's natural, open space and scenic resources and presents strategies and implementation actions to preserve them for future generations.

The Plan describes the Town's open spaces and identifies those that are the highest priority for conservation. It evaluates potential tools that the Town can use to protect its open space resources. Finally it presents a detailed implementation strategy and action steps to ensure that the Town's open spaces continue to remain intact for future generations.

---

## OVERALL GOAL

*Preserve the Town's open spaces for their health, economic, social and environmental benefits and to maintain a high quality of life for the residents of the Town of Canandaigua*

---

## GOALS

This Plan advances the following Goals of the 2011 Update to the Town's Comprehensive Plan:

- Goal #7: Conserve and maintain the land that provides critical open space and scenic resources.
- Goal #8: Create a network of linkages for wildlife habitat, scenic views and active recreational trails.

## CANANDAIGUA OPEN SPACE, CONSERVATION AND SCENIC VIEWS MASTER PLAN

This Plan also advances and is consistent with the following Goals and objectives of the NYS Open Space Conservation Plan:<sup>1</sup>

- To protect habitat for the diversity of plant and animal species in order to ensure the protection of healthy, viable and sustainable ecosystems.
- To protect our State's water quality, including surface and underground drinking water supplies, lakes, streams and coastal and estuarine waters needed to sustain human life and aquatic ecosystems.
- To maintain an interconnected network of protected lands and waters allowing wildlife to be able to shift range with climate change to follow natural migration patterns.
- To reestablish broad riparian corridors along, and around, water bodies throughout the State.
- To combat global climate change by adding to the tree canopy in our urban centers and urban communities in order to moderate temperature fluctuations, thereby lowering our energy consumption.
- To improve quality of life and overall health in our State's communities, especially those with limited current access to open space.
- To maintain critical natural resource industries such as farming, forest products, commercial fishing and tourism.
- To combat global climate change by sustainable stewardship of our State's forests for carbon sequestration and air quality enhancement.
- To combat global climate change by encouraging more compact community design patterns.
- To protect habitat to sustain the traditional pastimes of hunting, fishing, trapping and wildlife viewing.
- To provide accessible, quality outdoor recreation and open space to all New Yorkers.
- To provide places for education and research relating to ecological, environmental and cultural resources.
- To protect and enhance scenic, historic and cultural resources considered to be valued parts of the common heritage of our State's citizens.

---

<sup>1</sup> See [http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/osp2016final1.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/osp2016final1.pdf)

## WHAT IS OPEN SPACE?

The Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan identifies lands of conservation value to the Town. These include: natural ecological communities such as wetlands, woodlands, meadows and shrubland; farmland; and scenic vistas and places where people can observe these views.

For the purposes of this Plan, “open space” includes the following:

---

### WETLANDS, WOODLANDS, FIELDS AND OTHER NATURAL ECOLOGICAL COMMUNITIES

- Natural land cover types such as forests, wetlands, fields and shrubland have open space value for their ecological function, as wildlife habitat, and to protect water quality.

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### AGRICULTURAL LAND

- Cropland and pasture act as a buffer between development and natural land cover types, streams and sensitive ecological communities. In addition, open farmland preserves the scenic landscapes in the Town. This Plan focuses on farmland’s scenic, ecological and hydrologic values. The Town’s Agricultural Enhancement Plan, completed in 2016, documents the value of farmland for producing crops and supporting the regional agricultural industry and recommends actions to retain farmland for agricultural production.<sup>2</sup>

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### STREAM CORRIDORS AND PONDS

- Streams and adjoining riparian buffers provide habitat for fish and wildlife. They are integral to the ecological and hydrological functioning of the surrounding landscape. Maintaining healthy stream corridors helps to protect the water quality of Canandaigua Lake and other waterbodies.
- Many small ponds located throughout the Town provide habitat for fish and wildlife as well as hydrologic benefits.

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### SCENIC VIEWS

- Lands with scenic beauty observable from publicly accessible view points in the Town of Canandaigua, as well as the points from which the public can observe the views (Common Public Viewing Areas), contribute to the rural character of the community and support the tourism economy.

Other land areas of conservation interest include areas of steep slopes, regulated wetlands, flood hazard areas, land near public or protected land, and historic sites. Although historic sites and other cultural features have conservation value, an inventory of these sites was not conducted as part of this Plan. A map of historic resources identified by the Town Historian is included in this Plan for reference.

Some lands referred to in the community as “open space” are not addressed in this Plan. For example, some open lands set aside as part of a conservation subdivision

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<sup>2</sup> See

[http://www.townofcanandaigua.org/documents/files/Canandaigua%20Ag%20Plan\\_Dec-6-2016\\_executive%20summary.pdf](http://www.townofcanandaigua.org/documents/files/Canandaigua%20Ag%20Plan_Dec-6-2016_executive%20summary.pdf)

plan may include mowed lawn and other land cover types that may not have conservation value to the Town as a whole.

Most of the Town's open space is privately owned; some is owned by the Town; and some is protected by a conservation easement. Some of the Town's open space is in public parks or accessible by existing trails.

Use of some open space for recreational purposes may complement its value for ecological function and scenic beauty. For example, some forests and other natural landscapes are suitable for hiking, cross-country skiing, fishing, hunting and wildlife observation. However, use of land for sports fields and other active recreation is not a focus of this Plan.

### **WHAT IS CONSERVATION?**

In this Plan, "conservation" means the protection of open space to perpetuate their wild, scenic or open character and the ecological and other services they provide society. These services include retaining wildlife habitat, protecting water quality, and reducing risks from flooding and erosion, as well as preserving the beauty of open rural landscapes.

This Plan identifies and recommends a variety of conservation approaches. These range from temporary stewardship by current private landowners to permanent protection via public ownership, conservation easements, deed restrictions, transfer of development rights or purchase of development rights.



**PHOTO 2: WOOLHOUSE ROAD FACING SOUTHEAST**

## **SUMMARY OF PUBLIC INPUT AND STAKEHOLDER ENGAGEMENT**

This plan incorporates input from the public regarding the prioritization of resources for long-term protection. As many of the Town's open spaces are privately owned, landowners and other stakeholders were engaged in the process.

### **LANDOWNER SURVEY**

In November 2017, a survey was distributed to 366 landowners in the Town. The mailing list included owners of at least nine acres of woodland, wetland and/or land within 150 feet of a mapped stream. A total of 99 landowners responded to the survey, representing a response rate of 27%.

The survey respondents included 66 Town residents, of whom 27 also use their land for agriculture. Of the 33 respondents who do not live on their land year-round, 15 own farmland, 13 own forested or other natural land, and three own second or vacation homes.

The survey found that landowners are very interested in wildlife habitat, woodland and, to a lesser extent, scenic landscapes and creeks or streams. A majority of respondents (61%) support Town investment in the conservation of land, open space, natural and scenic resources. However, only 36% of respondents believe that the Town is currently a leader in the protection of natural resources.

### **LANDOWNER MEETING AND PUBLIC FORUM**

Landowners and the public were invited to a meeting and public forum on November 8, 2017. Representatives from the Finger Lakes Land Trust, Ontario County Soil & Water Conservation District (SWCD) and a wetlands scientist from LaBella Associates presented information about the Town's open space resources, the planning process, and potential conservation approaches. Approximately 25 residents as well as members of the Town Open Space Team participated in the meeting.

### **PUBLIC SURVEY**

The public survey, distributed through the Town's website and via e-mail, demonstrated strong public support for conservation of open space. The highest priorities were for scenic views, wildlife habitat, woodlands and streams. Survey results are summarized in Appendix B.



## INVENTORY OF RESOURCES

Open Space, Conservation and Scenic resources in the Town of Canandaigua include:

- wetlands, woodlands, shrubland and other natural landscapes;
- streams and their adjoining buffer corridors;
- agricultural land;
- scenic vistas and viewpoints.

This section describes the conservation value of these resources to the Town and how they were identified and mapped. It identifies existing regulations that help to maintain the conservation value of these resources as well as factors that represent threats to these resources.

Historic sites, public parks, trails and other cultural resources complement the open spaces addressed in this Plan. Maps of these features are included for reference.

### SOURCE OF LAND COVER MAP DATA

The primary source of data for the inventory and maps of natural and agricultural resources is the comprehensive land cover mapping completed by Dr. Bruce Gilman of the Finger Lakes Community College in 2002 for the Ontario County Planning Department.

The mapping was based on review of aerial photographs with additional field verification as needed. All land cover types were mapped and categorized based on the system described in the publication, “Ecological Communities of New York”, 2nd Edition, published by the NYS Department of Environmental Conservation’s Natural Heritage Program. The descriptions of ecological communities in this section are adapted from this publication. Additional detail and excerpts from “Ecological Communities of New York” are in Appendix E.

Agricultural land cover types were updated based on a review of more recent aerial photographs by LaBella Associates/ CC Environment & Planning for the Town’s 2016 Agricultural & Farmland Protection Plan.

In some cases the land cover has changed since this inventory; for example, some land mapped as “old fields” may now be agricultural, woodland or even developed. An updated inventory would be beneficial.

## **WETLANDS, WOODLANDS, SHRUBLANDS AND FIELDS**

Natural ecological communities found in the Town include wetlands, woodlands, shrublands and meadows that were formerly farmed. Each ecological community provides habitat for characteristic plants and animals.

The New York Natural Heritage Program ranks each ecological community on a scale from S1 to S5, with S1 being the rarest and most imperiled in New York State. Nearly all of the natural land cover types in the Town are rated S5, which are considered “demonstrably secure,” or S4, which are “apparently secure.” Two wetland communities found in the Town – the Floodplain Forest and the Silver Maple-Ash Swamp – are considered “very vulnerable” (S2) with 2-20 occurrences Statewide, or somewhat vulnerable (S3) with 21-100 occurrences.

### **WETLANDS**

Several types of wetlands are found in the Town. “Forested Mineral Soil Wetlands” typically have at least 50% canopy cover of trees and include seasonally flooded forests and permanently flooded or saturated swamps. The “Open Mineral Soil Wetlands,” characterized by less than 50% canopy cover of trees, include Deep Emergent Marsh, Shallow Emergent Marsh, and Shrub Swamp. Each wetland type offers conservation value as described below.

The two forested wetland communities found in the Town – Floodplain Forest and Silver Maple-Ash Swamp – are considered to be vulnerable in New York State. Based on the NY Natural Heritage Program’s Statewide ranking of S2 S3 for Floodplain Forest and S3 for Silver Maple-Ash Swamp, there are fewer than 100 occurrences of these types in the State.

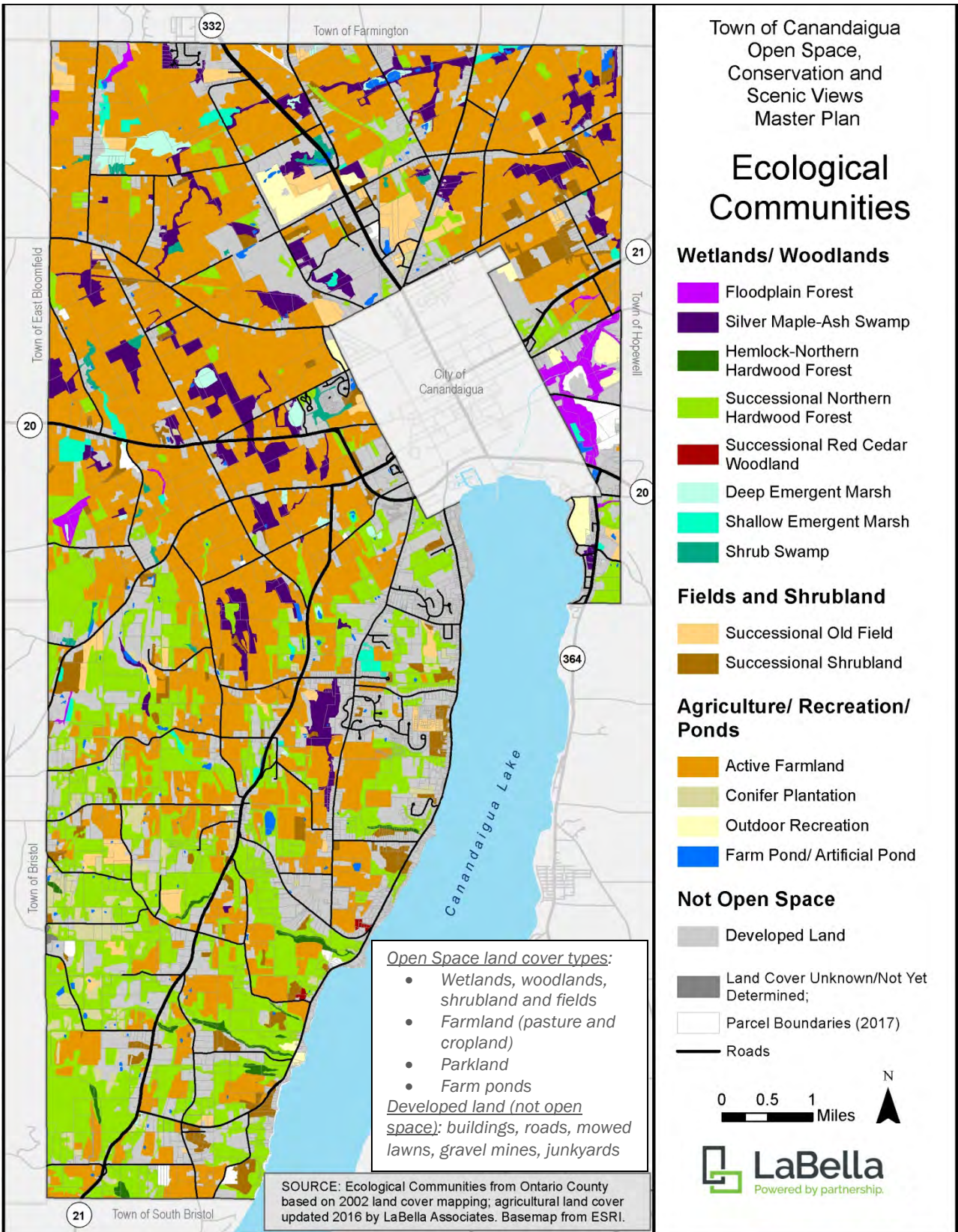
Many of the Town’s wetlands are found in the northern part of the Town near and along Padelford Brook. This area has been designated for conservation in the Town’s Padelford Brook Greenway<sup>3</sup> Plan, which was adopted by the Town as an Addendum to its Comprehensive Plan in 2015. (See Map 8: Public & Protected Land.)

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<sup>3</sup> See

[http://townofcanandaigua.org/documents/large\\_files/adopted\\_padelbrook\\_greenway\\_plan.pdf](http://townofcanandaigua.org/documents/large_files/adopted_padelbrook_greenway_plan.pdf)

## MAP 1: ECOLOGICAL COMMUNITIES





### SILVER MAPLE ASH SWAMP

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The Silver Maple – Ash Swamp is a hardwood basin swamp that typically occurs in poorly-drained depressions. These sites are characterized by uniformly wet conditions with minimal seasonal fluctuations in water levels.

Silver Maple Ash Swamps provide vital habitat for several different species of birds, amphibians, especially breeding salamanders, and mammals such as beaver. This is also an area that supports outdoor recreation for canoeing, kayaking, fishing, birdwatching and other activities. These communities are dwindling due to encroachment from development and associated stormwater run off.



**PHOTO 3: SILVER MAPLE - ASH SWAMP (EXAMPLE - NOT IN TOWN)**

Approximately 1,687 acres of Silver Maple Ash Swamp are found in the Town. Several relatively large examples of this community are located:

- west of Middle Cheshire Road (108 acres, largely coincident with NYS DEC wetland CL-9, Class 3)
- east of Woolhouse Road (46 acres, includes a portion of NYS Wetland CL-5, Class 3)
- north and south of Buffalo Street Ext. and east of Cooley Road (190 acres)
- north of County Road 30 and east of Brickyard Road (62 acres).

With a ranking of S3, this community is considered to be somewhat vulnerable in New York State.

### FLOODPLAIN FOREST

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The Floodplain Forest is a hardwood forest that occurs on river floodplains. Low areas are annually flooded in spring, and high areas are flooded irregularly. Some sites may be quite dry by late summer, whereas other sites may be flooded again in late summer or early autumn after heavy rains.



**PHOTO 4: FLOODPLAIN FOREST (EXAMPLE – NOT IN TOWN)**

These communities are very important for flood control. Floodplain Forests retain water and help relieve flood conditions from surrounding urban areas as well as reducing the amount of silt and other debris that end up in nearby rivers (NYNHP 2017). As these areas are prone to flooding and standing water for portions of the year, they are not prime development areas. In addition, these forested floodplains typically provide diverse habitat conditions that support a variety of wildlife.

#### **DEEP EMERGENT MARSH**

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The Deep Emergent Marsh occurs on mineral soils or fine-grained organic soils (muck or well-decomposed peat) that are usually flooded. Water depths can range from 6 inches to 6.6 feet. Water levels may fluctuate seasonally, but the ground is rarely dry and there is usually standing water in the fall.





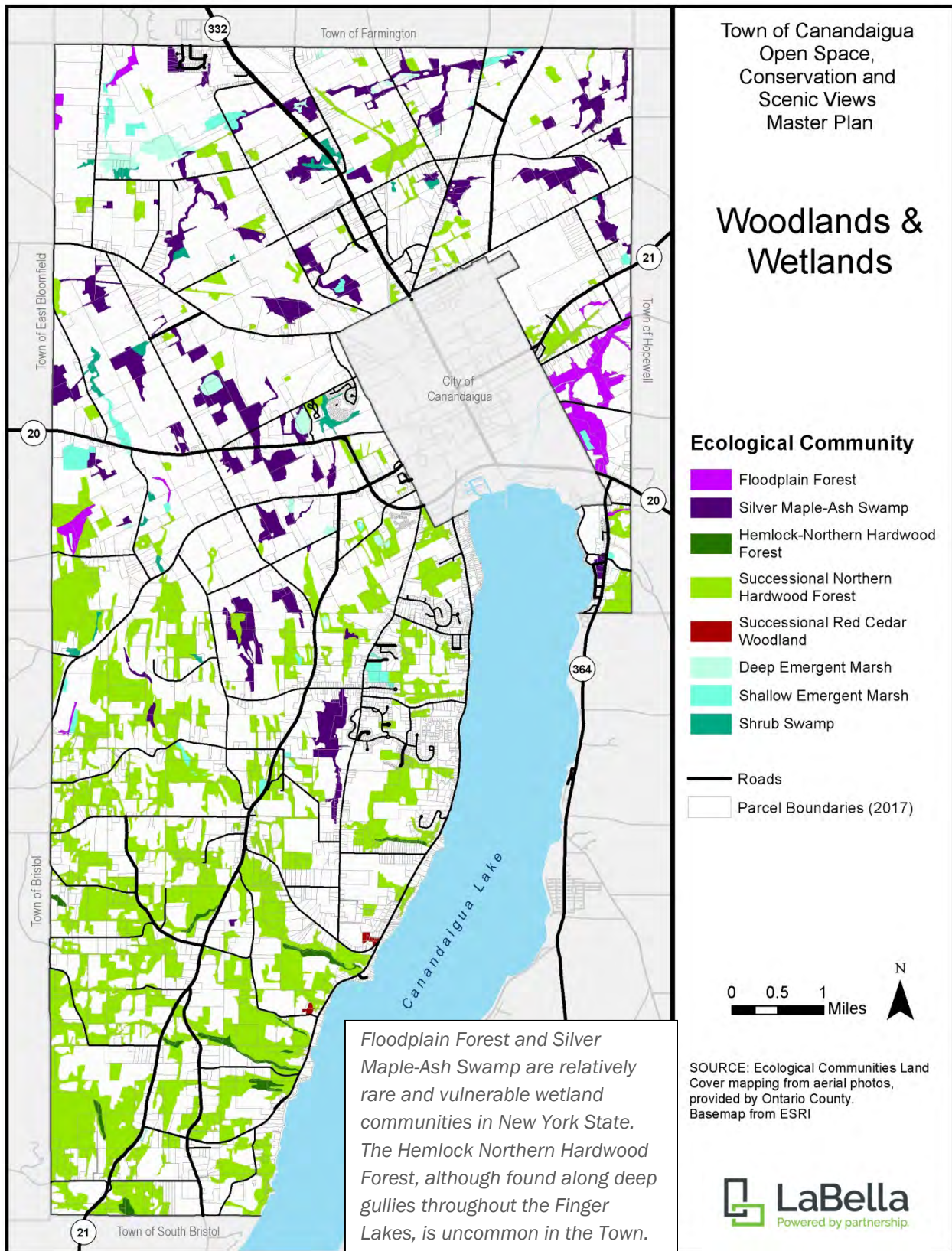
**PHOTO 5: DEEP EMERGENT MARSH (EXAMPLE – NOT IN TOWN)**

This community is ecologically important due to the habitat and recreational value it provides. For one, it provides habitat for numerous species of breeding birds, amphibians, reptiles and invertebrates. This is also an important habitat for muskrat. Some rare breeding birds may be found here, including bitterns and rails. These areas are often visited for outdoor recreation purposes such as fishing, wildlife observation, and canoeing/kayaking.

A total of 111 acres of Deep Emergent Marsh community are located in the Town. In addition, a 107-acre wetland north of Yerkes Road has characteristics of both Deep Emergent Marsh and Sliver Maple-Ash Swamp. Many of these areas are wetlands regulated by the NYS Department of Environmental Conservation (NYS DEC), which classifies them based on their ecological value from Class 1 (most important) to Class 4. The best example of this community in the Town is found along Beaver Creek northeast of the intersection of New Michigan and Yerkes Roads. Classified by the NYS Department of Environmental Conservation as CG-10, Class 2 this wetland (NYS Wetland CG-10) is considered ecologically important and is subject to more stringent standards than other wetlands. Another example is located to the east of Cooley Road north of US Routes 5 & 20 (CG-18, Class 3).



## MAP 2: WOODLANDS & WETLANDS



### **SHALLOW EMERGENT MARSH**

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The Shallow Emergent Marsh is a meadow community, typically dominated by cattails that occurs on soils that are permanently saturated and seasonally flooded. This marsh is better drained than a deep emergent marsh. Water depths range from 6 inches to 3.3 feet during flood stages, but the water level usually drops by mid to late summer.



**PHOTO 6: SHALLOW EMERGENT MARSH (EXAMPLE – NOT IN TOWN)**

The community supports a diverse array of bird, reptile and amphibian species. Other wildlife, such as deer, can also be associated with these habitats. Shallow emergent marshes also aid in flood control and water quality retention, due to their seasonal nature. In addition, these communities are often connected to deep emergent marshes, and help maintain a mosaic landscape which supports higher diversity of species.

Approximately 277 acres of Shallow Emergent Marsh are located in the Town. The largest examples are located along both sides of Brickyard Road and north of Yerkes Road (NYS DEC wetland), and north and south of US Routes 5 & 20 in the westernmost part of the Town.

### **SHRUB SWAMP**

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Shrub Swamps are dominated by tall shrubs, such as alder, dogwood and buttonbush, and occur in wet depressions or as a transition zone between a marsh or



swamp and an upland community. Approximately 167 acres of this community are found in scattered areas throughout the northern part of the town. The largest area is located west of NYS Route 332 and south of Yerkes Road. Other relatively large examples are located east of McCann Road and west of NYS Route 332 just north of Campus Road.

Various songbirds seek the cover of the shrub habitat present in Shrub Swamps for making nests, and the berries provide nutrients for birds during migration. Deer and other mammals eat the berries found on the shrubs and browse on the twigs in addition to using the shrubs as cover.

## **WOODLANDS**

Two types of Forested Uplands are found in the Town: Hemlock-Northern Hardwood Forest and Successional Northern Hardwoods.

### **HEMLOCK-NORTHERN HARDWOOD FOREST**

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The Hemlock-Northern Hardwood Forest is a mixed forest that typically occurs on middle to lower slopes of ravines, on cool, mid-elevation slopes, and on moist, well-drained sites at the margins of swamps.

Approximately 147 acres of this community are found in the southern part of the Town adjoining successional northern hardwoods communities. These forests are predominantly found on steep slopes along gullies in the Town. As they have year-round evergreen cover, they provide shade that keeps stream waters cool.

These moist forests provide habitat for several mammal species such as deer, red and gray fox, porcupines, and coyotes. Although this forest community comprises a small portion of the Town's forests, its evergreen trees provide valuable habitat to wildlife because they produce year-round thermal cover, i.e., warmer winter temperatures and cooler summer temperatures.

### **SUCCESSIONAL NORTHERN HARDWOOD FOREST**

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The Successional Northern Hardwood Forest is a hardwood or mixed forest that occurs on sites that have historically been cleared or otherwise disturbed. With 6,748 acres, this community represents the majority of forest found in the Town. Examples of this community are located predominantly in the southern part of the Town. Most of these areas were cleared for farming by European settlers. Because the soils are less productive than farmland elsewhere in the Town, these lands became uneconomical to farm and were abandoned. Other areas, like those with steeper slopes were extensively logged. Most of these successional northern hardwood forests are between 40 and 90 years old.

The large, contiguous areas of forested land found in the southern part of the Town provide important habitat to wildlife species that live in the forest interior or require large areas of habitat. These forests are often filled with several species of breeding birds during the breeding season, such as barred owl, wood thrush or scarlet tanager. Additionally, these forests provide habitat for mammals such as deer, fox and bobcat. When these forests are found on the edge of wetland habitat, they can increase the presence of both bird and amphibian species that prefer both upland and wetland habitat types.

These forests often have “vernal pools,” or shallow temporary wetlands, in low lying areas that support breeding amphibians due to the absence of fish predators. These pools are some of the only places that freshwater shrimp are found. Additionally, these vernal pools provide critical habitat for breeding salamanders and wood frogs.

Furthermore, these forests are valuable for their wood production in New York. Responsible harvest of wood products is generally compatible with open space conservation and can provide valuable habitat diversity to a forest. In addition, wood products are used by the community and yield beneficial revenue to landowners, providing them an incentive to care for the land rather than subdivide and develop it.



**PHOTO 7: SUCCESSIONAL NORTHERN HARDWOOD FOREST (EXAMPLE – NOT IN TOWN)**

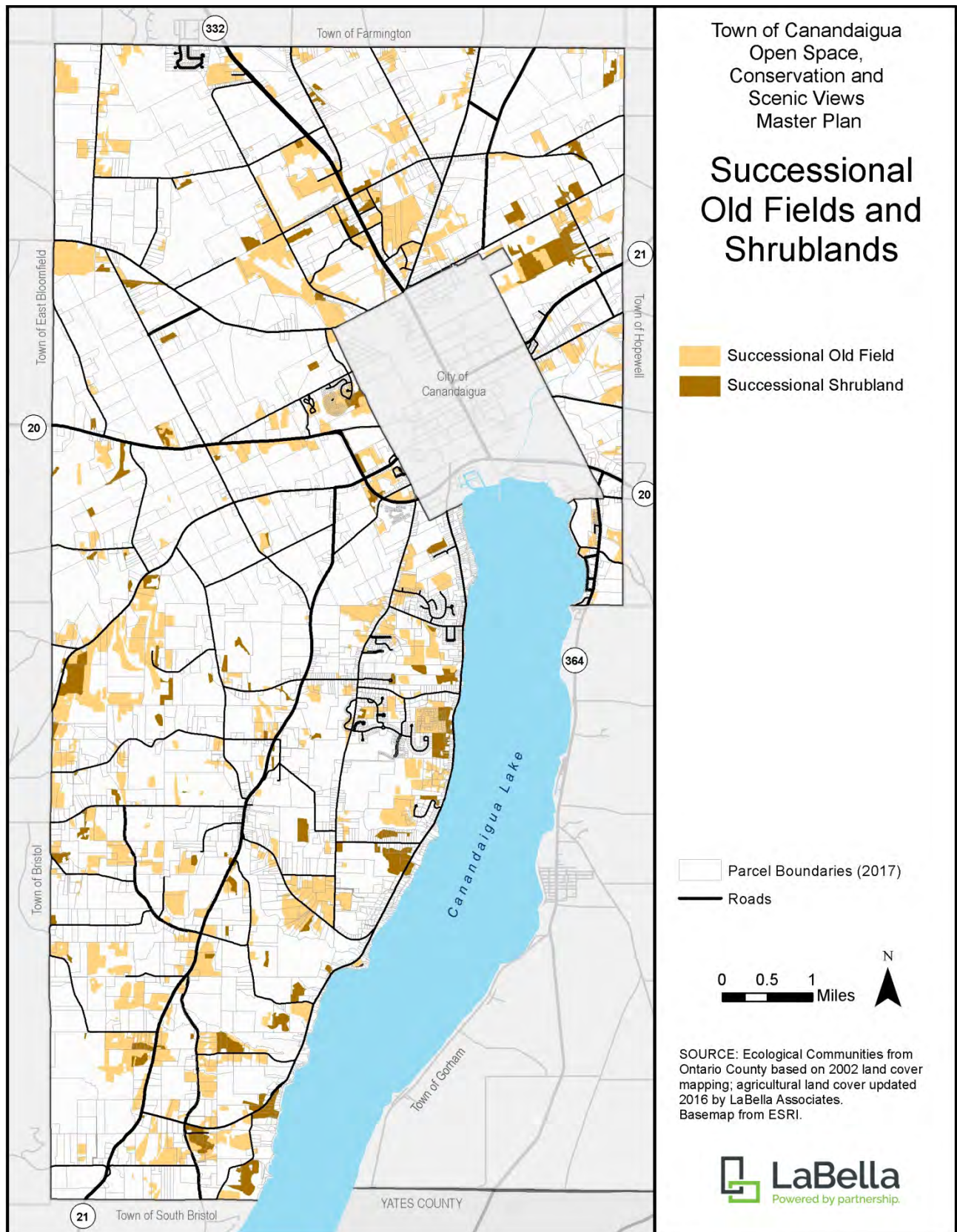
### **OLD FIELDS AND SHRUBLAND**

Successional Old Fields and Successional Shrubland are found on sites that were formerly cleared for agriculture and recently abandoned, having since reverted to natural vegetation. Old fields consist of mostly grasses and herbs. Approximately 4,108 acres of this community were identified in the Town when the land cover mapping was completed in 2002. As this is a relatively short-lived community, many of these areas may have transitioned to shrubland or forest.

Shrubland has at least 50% cover of shrubs. Approximately 1,180 acres are found in the Town. Shrubland is a very valuable habitat type for birds and other wildlife because they contain dense cover and an abundance of food sources, including berries and twigs. When they are left undisturbed, they will transition to a forest community.



### MAP 3: OLD FIELDS AND SHRUBLAND



## EXISTING PROTECTIONS

Local, State and federal regulations offer some protection to wetlands and flood prone areas. Development within most wetlands is regulated by New York State and the federal government. Development standards to minimize flood hazards are administered by the Town of Canandaigua in accordance with federal standards. Map 4: Regulated Features delineates those areas that are protected by these regulations.

### NYS WETLANDS REGULATIONS

Passed in 1975, the NYS Freshwater Wetlands Act protects freshwater wetlands that are 12.4 acres or greater in size as well as adjacent 100-foot buffer zones. Smaller wetlands may also be protected if they are of unusual local importance. Any activity that may result in negative impact on wetlands and their buffer zones must obtain a permit from the NYS Department of Environmental Conservation (NYSDEC); some activities are exempt from regulation. The permit requirements are more stringent for Class I and II wetlands, which provide better ecological benefits and value as wildlife habitat than Class III and IV wetlands.

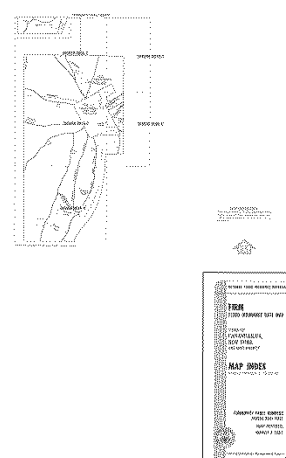
### FEDERAL WETLANDS REGULATIONS

Under the Section 404 of the Clean Water Act of 1972, any activity within a wetland, regardless of its size or type (estuarine, freshwater, riverine, etc.) requires a permit from the U.S. Army Corps of Engineers. While federal wetlands are mapped in the U.S. Fish & Wildlife Service National Wetlands Inventory, such mapping is not definitive and a field investigation is necessary to verify the identification of a regulated wetland and its boundaries. Typically, the U.S. Army Corps of Engineers requires a permit when the disturbed area exceeds one acre.

### FLOOD HAZARD PROTECTION

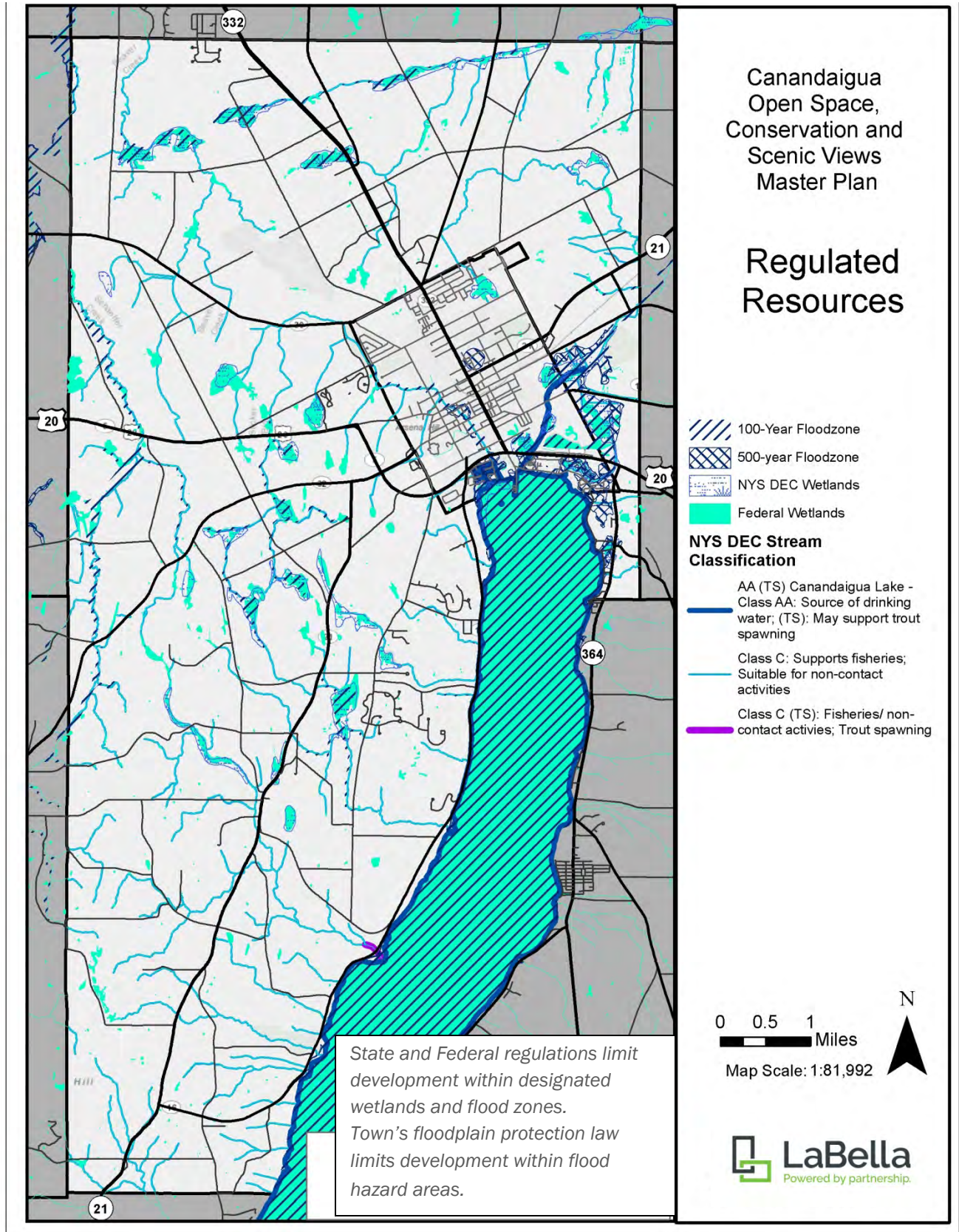
The National Flood Insurance Program enables flood insurance availability to property owners in participating local communities that have adopted a floodplain management ordinance in agreement with the federal government. The ordinance seeks to reduce future flood risks to new construction in mapped Special Flood Hazard Areas (100-year floodplains or areas with greater than 1 percent of flooding per year) as indicated in the Flood Insurance Rate Map (FIRM). Any structural or non-structural development in a mapped floodplain requires a floodplain development permit from a local floodplain administrator, who is responsible for enforcing building and construction standards as identified in the National Flood Insurance Program's regulations and the NYS Building and Residential Codes. NYSDEC does not have permitting authority but can grant a variance.

Chapter 115 of the Town Code specifies standards for development within flood hazard areas mapped by the FEMA. A floodplain development permit is required for all construction or other development located within designated areas of flood hazard as shown in the Flood Insurance Rate Map.





## MAP 4: REGULATED RESOURCES



## NYS ENDANGERED SPECIES PROTECTION



The NYS Endangered Species Act identifies and protects habitat of animals and plants whose survival is classified as endangered or threatened. The NYSDEC Natural Heritage Program maintains the official database of all known habitats of endangered, threatened, and special concern species. Appropriate NYSDEC Regional Office staff can provide guidance on permitting conditions and mitigation measures for activities that may be disruptive to the confirmed or potential habitats of the listed species. Any lawful activity that may result in an “incidental take” (i.e. as a consequence, not as the primary intent) of the endangered species, including any adverse modification of the protected species’ habitat, will require a permit.

## FEDERAL ENDANGERED SPECIES PROTECTION

Passed in 1973, the federal Endangered Species Act sought to limit the extinction of the country’s native plants and animals. The federal list of endangered and threatened species and their habitat information in the New York State is maintained by the NYSDEC Natural Heritage Program. Any “incidental take” of federally listed terrestrial or freshwater species must obtain a permit from the U.S. Fish & Wildlife Service – of recent interest is the endangered Northern Long-Eared Bat. While there is no confirmed occurrence of Northern Long-Eared Bat in Ontario County, the protected species’ habitat patterns may change over time due to population decline and environmental factors. Supplementary regulation is the Bald and Golden Eagle Protection Act, which prohibits the “taking” of Bald Eagle and any adverse modification to their habitat without a permit from the Secretary of the U.S. Department of Interior.



## INVASIVE SPECIES CONTROL

Starting in March 2015 under Part 575, NYSDEC started to regulate the possession, transport, and sale of select invasive species, both terrestrial and aquatic. NYSDEC maintains the official prohibited and regulated species list. Invasive species control measures can be added to construction specifications to avoid the introduction of the identified invasive species.

## ENVIRONMENTAL IMPACT ASSESSMENT

In New York State, the State Environmental Quality Review Act (SEQRA) serves as an “umbrella law” that necessitates the consideration of potential adverse impacts on environmental resources in project planning or approvals. In addition to natural resources, it also considers impacts to historic and archaeological resources, environmental hazard sites, noise level, and energy usage. The analogous federal law is the National Environmental Policy Act (NEPA) that becomes applicable if a federal agency is involved in funding or approving a project.

## **POTENTIAL THREATS**

Land development, the removal of natural vegetation and invasive species have the potential to affect the ecological function of existing woodlands and wetlands. Ecological benefits of open space include wildlife habitat, filtering stormwater runoff to protect water quality, and minimizing erosion.

### **LAND DEVELOPMENT**

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Land development presents the greatest threat to open space. Even small scale scattered development can impact ecosystems by fragmenting habitat or disrupting natural drainage.

### **INVASIVE SPECIES**

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Invasive species represent a threat to every type of ecological community found in the Town. Some plants not native to North America have become established here and have the ability to out-compete native vegetation and take over an area. This reduces the number of plant species present at a site, degrading the habitat value for wildlife. Examples include phragmites and knotweed in wetlands, and honeysuckle, buckthorn and swallow-wort in old fields and forests.

Insects and diseases represent threats to forest communities in the Town. In particular, the Hemlock-Woolly Adelgid (HWA) is an invasive, aphid-like insect that attacks Hemlocks.<sup>4</sup> Damage caused by these insects to the forest can also affect water quality, as hemlocks along stream banks help to control erosion.

Oak wilt was identified in the Town of Canandaigua in 2016. This disease kills oak trees and is best prevented by restricting oak pruning to only winter months.

Additionally, the emerald ash borer is expected to cause widespread mortality to ash trees within the Town. In some forests this could be a significant percentage of canopy trees. Ensuring that native trees and shrubs replace the dying ash trees, rather than invasive plants, will be critical to the future health of these forest stands

The Finger Lakes Partnership for Regional Invasive Species Management (PRISM), based at the Finger Lakes Institute in Geneva, is an excellent source of information for landowners about how to identify, prevent or eliminate invasive species from their properties.

### **POOR FOREST MANAGEMENT**

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Proper management is essential to maintaining the ecological function and wildlife habitat in forests. Timber harvests can be used to manage a forest to ensure that it remains healthy. Professional foresters can advise landowners about how to carry out timber harvests in a way that results in the greatest benefit to the forest's health.

In contrast, poor forest management techniques can damage a forest. An example of a poor forest management technique is "high-grading," which is where a logger takes all the valuable trees and leaves only what is undesirable, leaving poor quality trees to comprise the future forest stand.

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<sup>4</sup> <http://www.dec.ny.gov/animals/7250.html>



Forest owners can find a forester for advice through the NYS Department of Environmental Conservation's website: <http://www.dec.ny.gov/lands/5230.html> .

## **STREAMS AND RIPARIAN CORRIDORS**

Streams and the land adjoining them – called “riparian corridors” – are significant landscape features in the Town and support diverse plant and wildlife species. The natural vegetation along streams provides food and shelter for many species and serve as critical corridors for wildlife movement. In addition, vegetation within riparian corridors helps to stabilize stream banks, filter pollutants, recharge groundwater and store flood waters.

Within the Canandaigua Lake watershed, maintaining high water quality in streams helps to protect the water quality of Canandaigua Lake. For example, blue green algae blooms can be caused by runoff of polluted water. Vegetation along streams helps to filter stormwater and prevent it from flowing into lakes.

There are more than 121 miles of mapped streams in the Town. These range from substantial streams that carry water year-round to intermittent drainageways. Map 5: Streams, Ponds and Watersheds depicts the locations of streams and other waterbodies in the Town.

Those streams that carry water into Canandaigua Lake have a significant impact on the quality of water in the Lake. More than 65 linear miles of streams in the Town drain into Canandaigua Lake.

## **EXISTING PROTECTIONS**

Disturbance of streams is regulated by the NYS Department of Environmental Conservation (NYS DEC.) The Town of Canandaigua regulates development within 100 feet of streams.

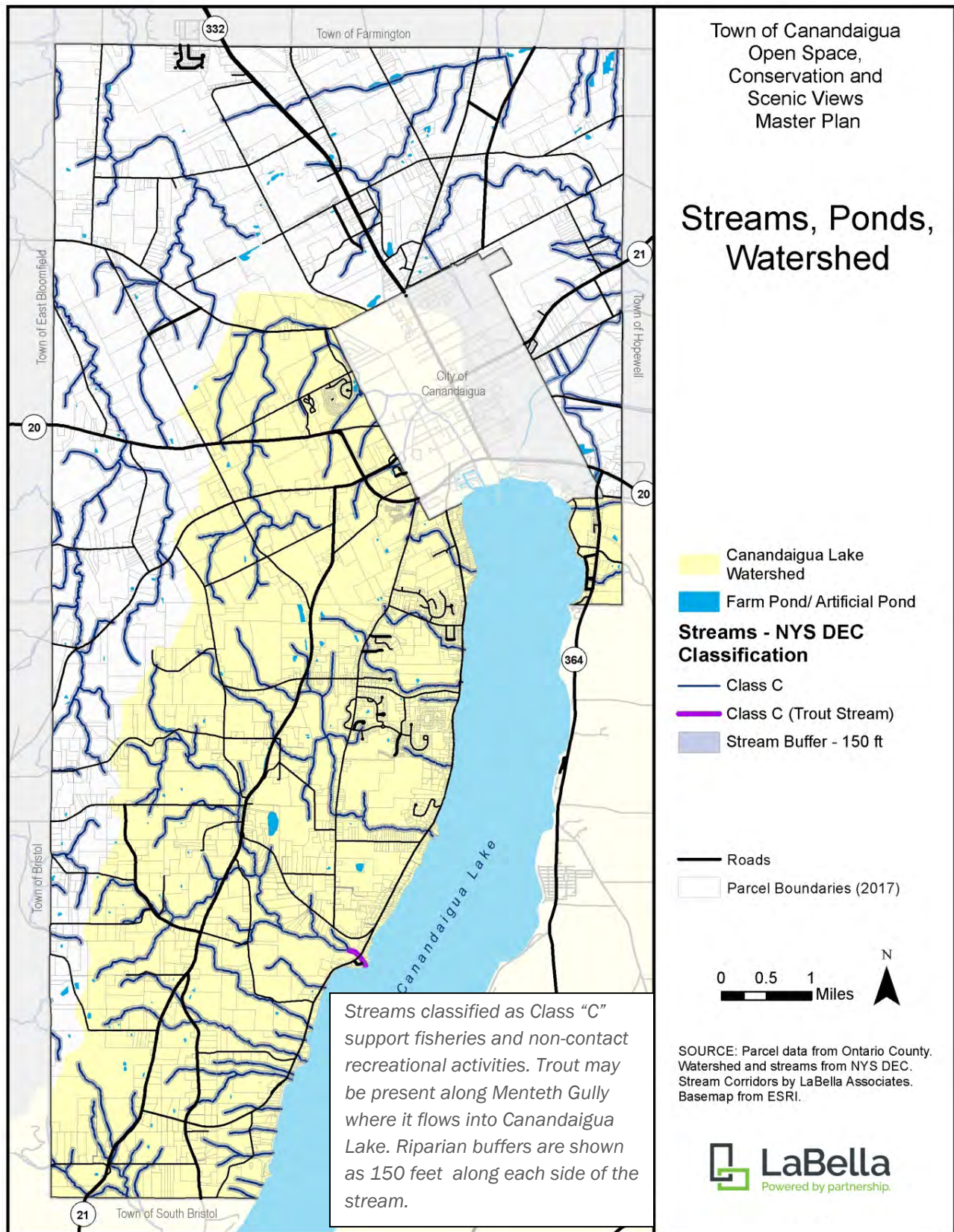
### **NYS ENVIRONMENTAL CONSERVATION LAW**

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In accordance with the NYS Environmental Conservation Law, the NYSDEC manages the Protection of Waters Regulatory Program to protect waterbodies from harmful impacts. All NYS rivers, streams, and ponds are classified (i.e. AA, A, B, C, D) for varying degrees of protection based on its existing or expected best usage – from drinking water source (AA or A) to waters supporting fisheries and suitable for non-contact activities (C). Waterbodies classified as AA, A, B, C(T), or C(TS) – T or TS for trout presence – are protected, and any activity disturbing their bed or banks requires a Protection of Waters Permit from the NYSDEC.

In the Town of Canandaigua, only one small segment of stream is classified C(T). This segment is located along Menteth Gully in the southern part of the Town where it empties into Canandaigua Lake. All other streams are Class C, which support fisheries and non-contact recreation. Class C streams are not subject to regulation under the Protection of Waters program.

## MAP 5: STREAMS, PONDS, WATERSHEDS



The federal Clean Water Act requires the identification of impaired waters for which the NYSDEC considers the development of a Total Maximum Daily Load (TMDL) under the NYS Section 303(d) – this list of impaired waters is updated every two years. None of the streams in the Town are currently on this list of impaired waters.

### TOWN ZONING CODE: PRESERVATION OF NATURAL FEATURES

Town of Canandaigua Zoning Code limits development within stream corridors. Town Code Section 220-9: Regulations applicable to all districts, A. Preservation of Natural Features, includes the following provisions:

- With a few exceptions, no structure shall be built within 100 feet of the bed of a stream carrying water on an average of six months of the year or within 25 feet of the mean high-water elevation of Canandaigua Lake.
- Except as part of an approved construction project or in accordance with an approved erosion control plan, no person shall strip, excavate, stockpile, or otherwise remove or relocate topsoil.
- No movement of earth or soil erosion shall be permitted at any time in any district which adversely affects conditions on any other property.
- Whenever natural features such as trees, brooks, drainage channels and views interfere with the proposed use of property, the retention of the maximum amount of such features consistent with the intended use of the property shall be required.

The provisions of this section are enforced by the Town Code Enforcement Officer. Residents may contact the CEO if they see disturbance within a stream corridor that is not part of an approved construction project.

### **POTENTIAL THREATS**

Development along streams can affect water quality as well as the wildlife habitat of riparian buffers. Removal of natural vegetation can cause erosion of stream banks and reduce the filtering of pollutants. Retaining or restoring vegetation adjoining streams can help to prevent erosion of soil and runoff of nutrients into streams.

Many riparian buffers have already been developed with lawns or structures, especially in the immediate vicinity of Canandaigua Lake. The Town's Zoning Board of Appeals is frequently asked to approve variances for lakeshore development within 100 feet of streams. Removing natural vegetation within stream corridors leads to increased erosion and less filtering of pollutants. When structures are located near streams, property damage occurs when the streams periodically flood.



As depicted in the figure below, a 50-foot buffer is typically minimal to maintain the stability of the stream bank; a 75-foot buffer maintains fisheries habitat; 125-foot buffer filters nutrients; and a 150-foot buffer is best to manage sedimentation. As each stream is different, field investigation would be needed to delineate the areas of sensitivity. In lieu of detailed mapping, a set width for the stream buffer (150 feet in the maps in this Plan) delineate the lands of conservation value.

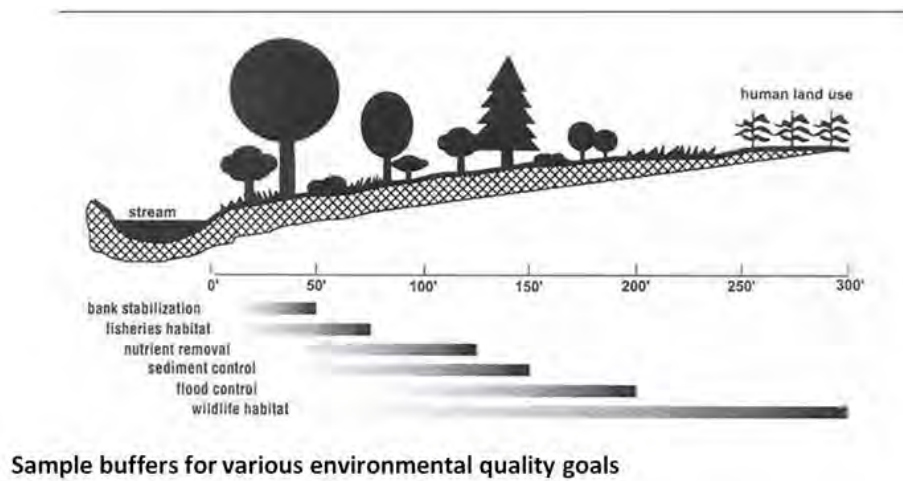


PHOTO 8:EMERSON ROAD, VIEW TOWARD THE SOUTHEAST

## **FARM PONDS**

Many of the ponds in Canandaigua were originally constructed as an economical and efficient way to retain water for livestock and irrigation. These ponds can also provide food, cover and nesting habitat for a variety of wildlife species.

Farm ponds or other artificial ponds occupy approximately 220 acres. These small ponds are located throughout the town.

## **STEEP SLOPES**

Areas of steep slopes are susceptible to erosion which lead to instability and impact water quality. Map 6: Steep Slopes depicts those areas in the Town with slopes of at least 15%. These areas are located throughout the Town, with concentrations in the southern portion and along the lakeshore.

## **EXISTING PROTECTIONS**

The Town of Canandaigua's Steep Slope Protection Law (Sec. 220-8 of the Town Zoning Code) is intended to minimize impacts of development in areas with slopes of 15% or greater. The law requires site plan review by the Town Planning Board for development in areas of steep slopes that exceed certain thresholds. Where the disturbed area exceeds a certain threshold, the Steep Slope Protection Law prohibits the "removal of existing ground cover and root systems except when related to a permitted use."

## **POTENTIAL THREATS**

Erosion along steep slopes can occur as part of construction activities or when natural vegetation is removed. Town regulations apply when a development is proposed along a steep slope. However, there are no regulations limiting the ability of private landowners to remove vegetation along slopes.



PHOTO 9: GOODALE ROAD, VIEW TOWARD THE EAST



## MAP 6: STEEP SLOPES



## **AGRICULTURAL LAND**

Actively farmed land maintains open space, contributes to the scenic beauty of the Town, helps to recharge groundwater, and acts as a buffer to natural ecosystems such as forest and wetland. Agricultural land cover was mapped in 2002 as part of comprehensive land cover mapping for the Ontario County Planning Department and updated for the Town of Canandaigua's 2016 Agricultural Enhancement Plan.

## **EXISTING PROTECTIONS**

The Town's Agricultural Enhancement Plan delineated strategic agricultural protection areas where conservation of farmland is a high priority. This map is used in making decisions regarding siting of new development.

The Town has assisted several farmers in obtaining permanent conservation easements through the NYS Department of Agriculture & Market's Farmland Protection Implementation Program (Purchase of Development Rights.) A total of 1,539 acres in the Town are protected from development through this program.

## **POTENTIAL THREATS**

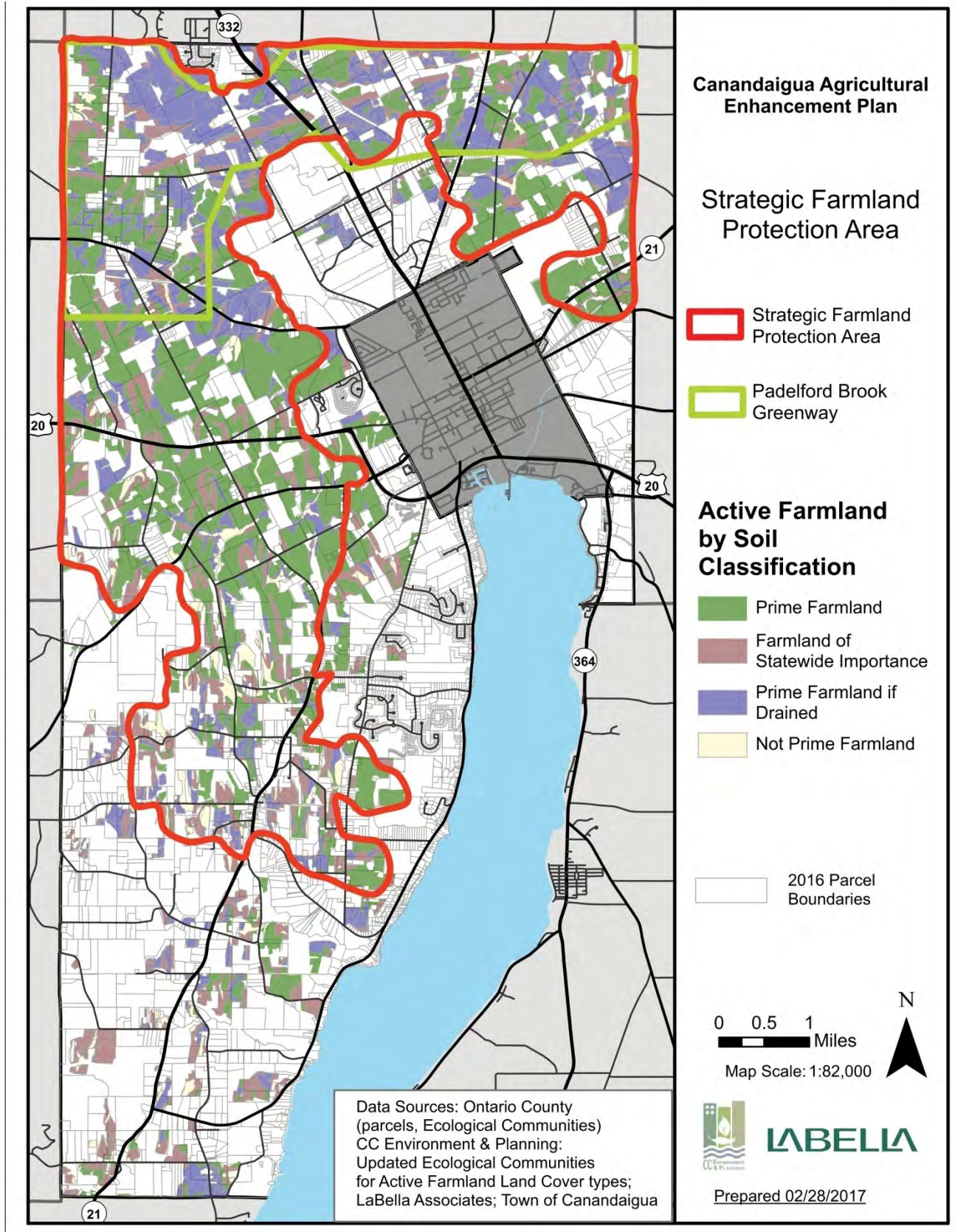
Farmland in the Town is under pressure in many areas for conversion to residential, commercial or industrial uses. Development of farmland would reduce open space, increase the amount of impervious surfaces, and remove valuable buffers to natural resources.



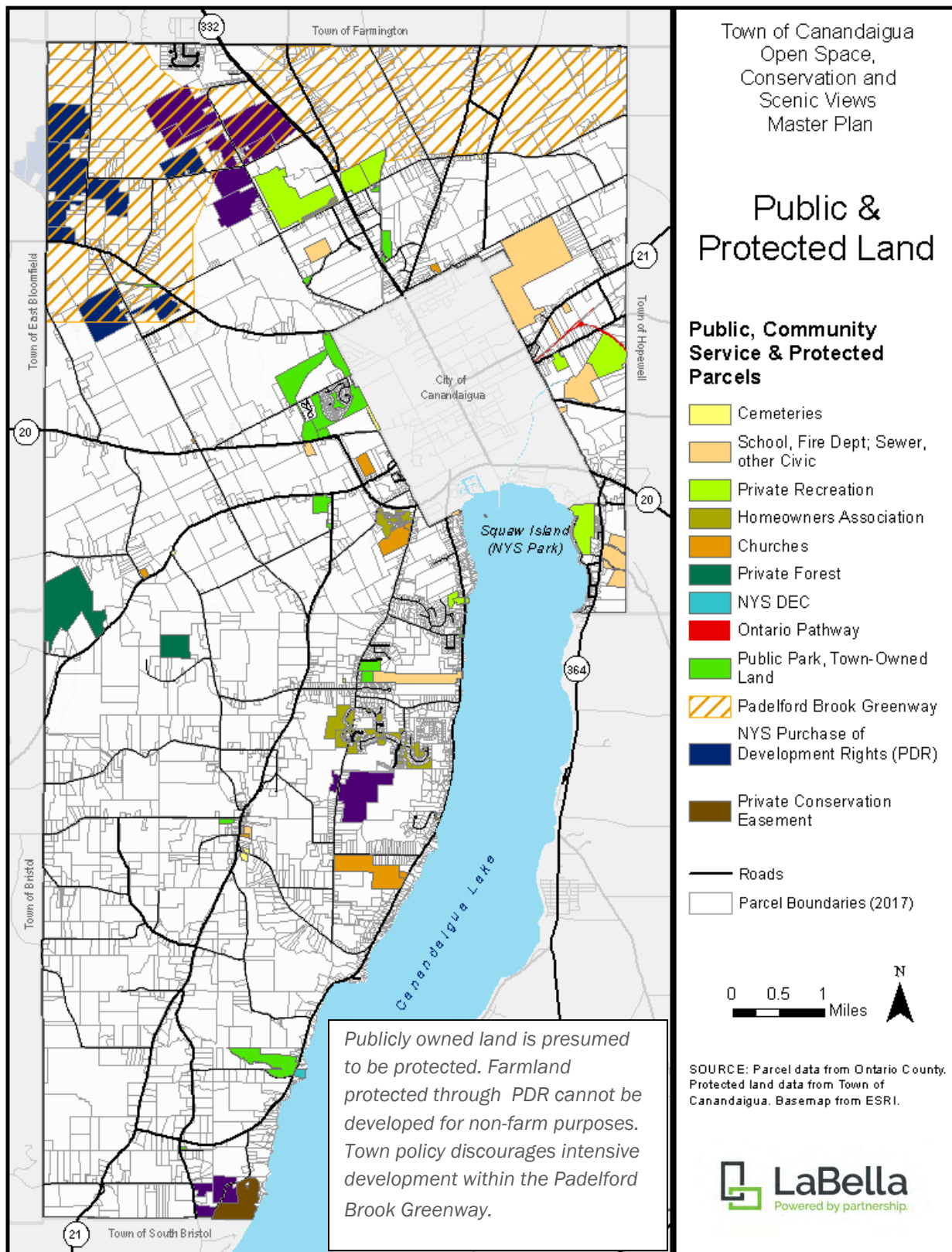
PHOTO 10: COUNTY ROAD 32, VIEW TOWARD THE SOUTH



# MAP 7: STRATEGIC FARMLAND PROTECTION AREA



## MAP 8: PUBLIC &amp; PROTECTED LAND





## PARKS AND TRAILS

Some public and private parks, trails and other outdoor recreation facilities help to maintain open space and the ecological value of natural landscapes while providing recreational opportunities to Town residents and visitors. The Town of Canandaigua has 161 acres in five developed Town parks, 23 acres for Miller Park and 85 acres of undeveloped natural land along Middle Cheshire Road. (See Map 8: Public and Protected Land.)

A 1.25-mile segment of the 23-mile Ontario Pathways trail runs along a former railroad in the eastern part of the Town between the City of Canandaigua and the Town of Hopewell. The trail is owned and maintained by Ontario Pathways, a not-for-profit organization. It is available for hiking, bicycling and horseback riding, as well as cross-country skiing and snowshoeing in the winter months. (See Map 8: Public and Protected Lands.)

A planned extension of the Auburn Trail would connect the City of Canandaigua through the Town of Canandaigua to the Town of Farmington and make connections to Blue Heron, Outhouse, Old Brookside, and Miller Parks and the Route 332 Business Corridor. The Peanut Line Trail, a proposed multi-use trail on the old Peanut Line railroad bed, would connect the northwest corner of the City of Canandaigua to the Town of Bloomfield, with connections to Richard P. Outhouse Memorial Park.<sup>5</sup>



PHOTO 11: ONANDA PARK

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<sup>5</sup> SOURCE: Town of Canandaigua Parks and Recreation Master Plan 2017-2022



## SCENIC VISTAS AND VIEW POINTS

Areas that are visible from Canandaigua Lake and offer views of Canandaigua Lake have scenic value to the Town.

Scenic resources include:

- scenic vista points identified in the 2004 Lands of Conservation Interest Map and the 2006 Prioritization of Scenic Views;
- land visible from Canandaigua Lake;
- hilltops and ridges; and
- Views from locations accessible to the public, such as road shoulders and parks.

The table on the following page and Map 9: Scenic Views depicts the scenic view points identified in the 2004 and 2006 studies. Views from these vista points are documented by photographs taken in Fall 2016 by LaBella Associates. Each photo is identified by the key number on the map and the direction of the view.

This documentation is intended to guide the Environmental Conservation Board and other Town officials in review of proposals for land development and/or acquisition of land. However, the inventory has not been updated and is not comprehensive. Many of the views from these scenic viewpoints have changed since the original studies were conducted.

ESRI's ArcGIS 3-D Analyst software was used to determine what lands comprise the viewshed for each of the scenic viewpoints. Map 9 shows lands visible from one-half mile, 1 mile and two miles from one or more of the scenic viewpoints. <sup>6</sup> Photographs from each of these views are compiled in See Appendix D.

Map 10: Land Visible from Canandaigua Lake depicts those lands that are visible from Canandaigua Lake and the eastern lake shore. These areas may also offer views of Canandaigua Lake and the eastern shore.

## EXISTING PROTECTIONS

Currently, there are no Town regulations that specifically address scenic views, other than the requirement that visual impacts be addressed as part of the NY State Environmental Quality Review (SEQR).

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<sup>6</sup> ESRI's Viewshed Analysis extension in ArcMap 10.4 was used to delineate viewsheds. For the Scenic View Points viewsheds, the analysis was run from a point six feet above the ground at each of the 35 view points. To identify land visible from Canandaigua Lake, the analysis was run from a line down the middle of Canandaigua Lake.

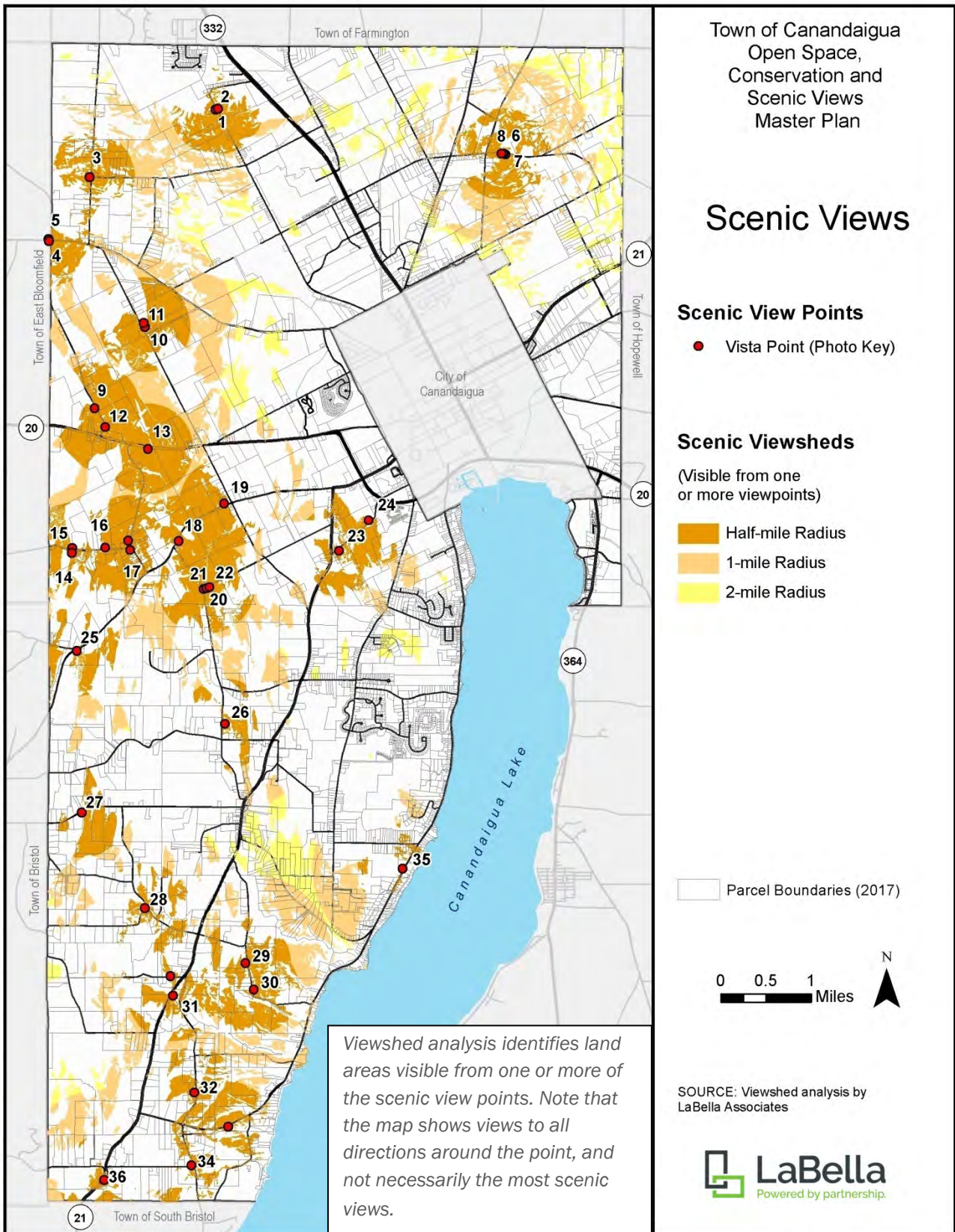
The Scenic View Points viewshed analysis created three separate viewshed polygons for each of the scenic viewpoints. The three polygons depict land visible from within one-half mile, one mile and two miles of the scenic view point. Map 8: Scenic Views combines the polygons from all 35 view points.

## SCENIC VIEWS – MAP KEY AND PHOTOS

Map Key	View Toward	Location	
1	W	Brickyard Road	
2	E	Purdy Road	
3	W	Yerkes Road	
4	NE	County Road 30	
5	SE	County Road 30	
6	NW	Emerson Road	
7	NE	Emerson Road	
8	SE	Emerson Road	
9	NE	McCann Road	
10	E	Cooley Road	
11	S	Cooley Road	
12	SW	Route 5 & 20	
13	S	Hopkins Road	
14	N	Grimble Road	
15	NW	Grimble Road	
16	SW	Grimble Road	
17	SW	Grimble Road	
18	E	County Road 32	
19	S	County Road 32	
20	W	Woolhouse Road	
21	S	Woolhouse Road	
22	SE	Woolhouse Road	
23	SE	Parrish Street Ext.	
24	N	Parrish Street Ext.	
25	S	County Road 32	
26	SE	Woolhouse Road	
27	E	Goodale Road	
28	NE	Smith Road	
29	E	Deuel Road	
30	E	Deuel Road	
31	E	Seneca Point Road	
32	E	Seneca Point Road	
34	E	Seneca Point Road	
35	E	County Road 16	
36	E	Route 21 South	

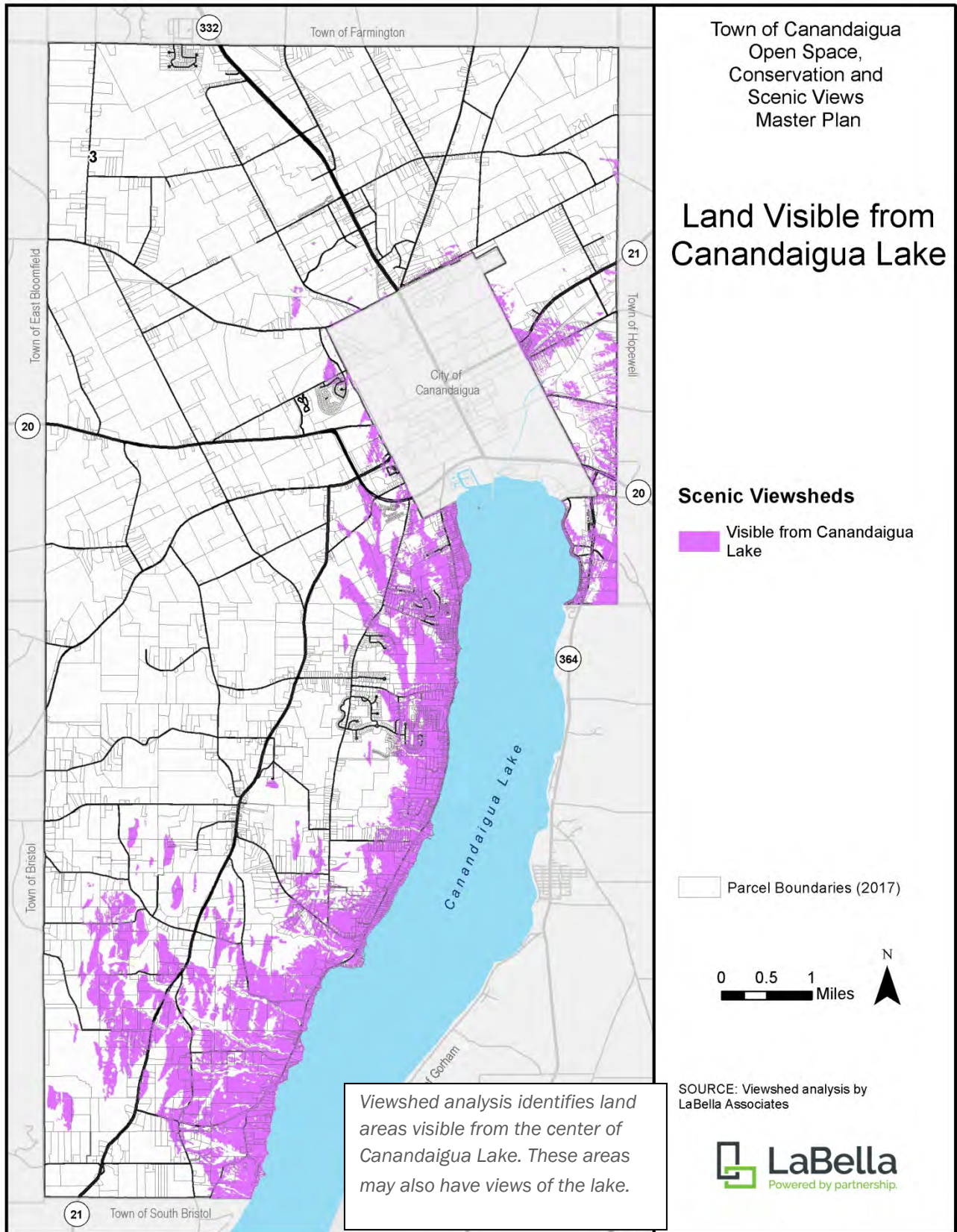


## MAP 9: SCENIC VIEWS



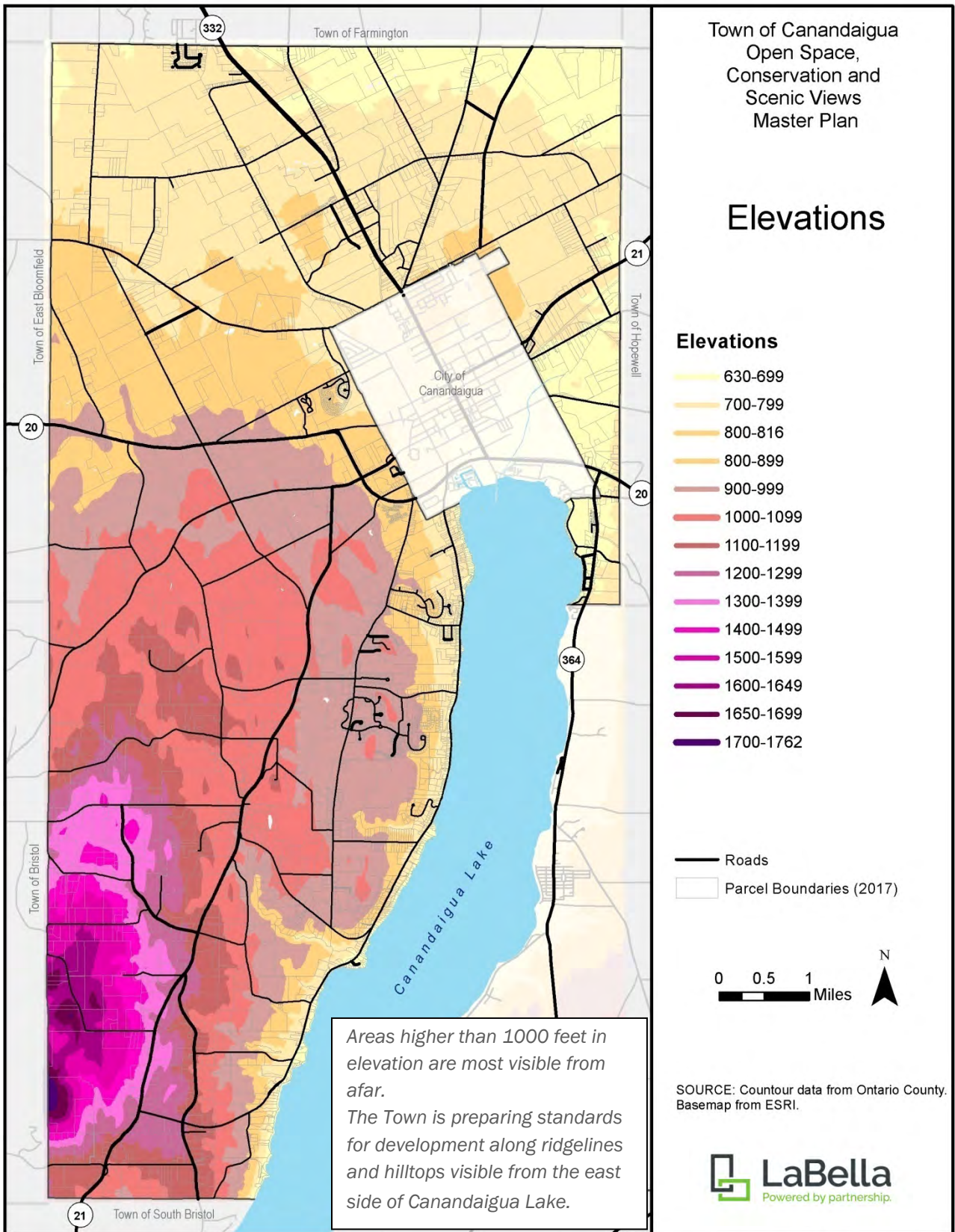


## MAP 10: LAND VISIBLE FROM CANANDAIGUA LAKE





## MAP 11: ELEVATIONS



As the Town's ridges and hilltops are visible from long distances and contribute to the Town's scenic character, the Town's Natural Resources Inventory (NRI) Team has prepared a draft Ridgeline Conservation law for the Town Board's consideration. The purpose is to retain vegetation on ridgelines to preserve the views from Canandaigua Lake.

### **HISTORIC SITES**

Historic barns, schoolhouses, cemeteries and other historic points are among the significant cultural resources in the Town. These complement the open space resources that are the focus of this Master Plan. Lands that include or abut these historic or cultural sites have a somewhat higher priority for conservation. The presence of these resources should be considered during the evaluation of specific sites for conservation.

The historic sites depicted in Map 12 were identified by the Town Historian in 2017.

### **PUBLIC AND PROTECTED LAND**

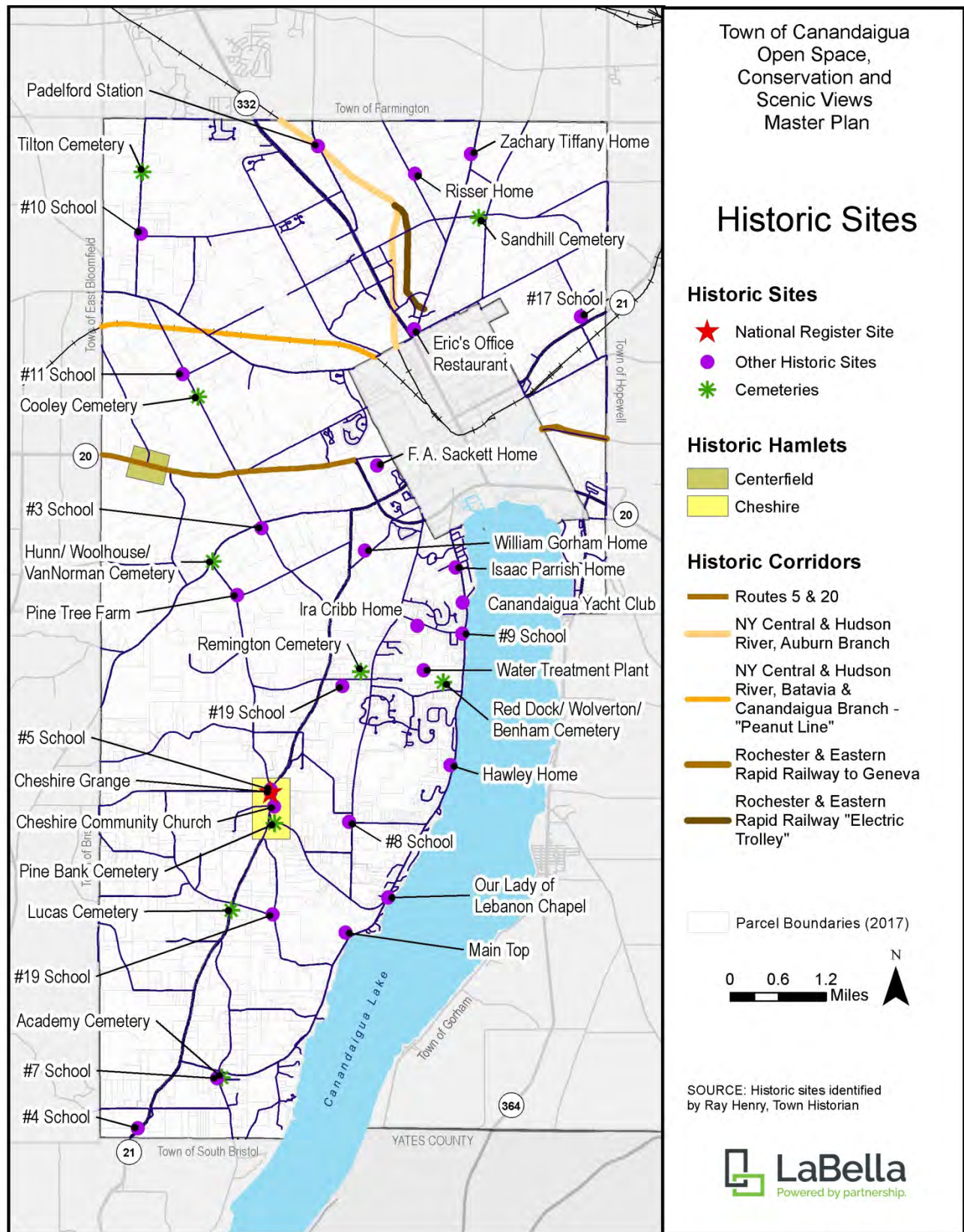
Publicly owned and permanently protected lands include public parks, agricultural land protected with a permanent conservation easement, and publicly owned land used for governmental purposes such as schools and government offices. The location of protected land, as depicted in Map 8, is a factor in the evaluation of land for protection.



PHOTO 12: SENECA POINT ROAD, VIEW TOWARD THE EAST



## MAP 12: HISTORIC SITES



## **OPEN SPACE CONSERVATION PRIORITIES**

The overall goal of the Open Space, Conservation, and Scenic Views Master Plan is to preserve the Town's open spaces for their health, economic, social and environmental benefits and to maintain the quality of life for the residents of the Town of Canandaigua.

Open space is of value to the community in many ways, including ecosystem and wildlife, hydrological function, scenic views, agricultural production, and recreation. This plan recognizes that efforts to protect or preserve land with open space and conservation value need to consider the range of values that the land provides.

### **ECOLOGICAL COMMUNITIES**

Land cover – based on the ecological community classification assigned to each acre of the Town's land area - is the primary way this Plan identifies and prioritizes open space resources. Land cover types that are considered to be "open space" include forests, wetlands, fields, shrubs, ponds and farmland.

The forested land located mostly in the southern part of the Town is an important resource for wildlife habitat. The Strategic Forest Protection Area delineated in Map 13 is intended to show those areas where conservation and land acquisition efforts would be most beneficial to forest and wildlife habitat.

### **STREAM CORRIDORS**

Vegetation along streams has value for wildlife habitat, filtering pollutants, and preventing erosion. Because of the need to protect Canandaigua Lake as a drinking water supply, land along streams that flow into Canandaigua Lake watershed is a higher priority for conservation than land in other watersheds.

### **STEEP SLOPES**

Areas of steep slopes are susceptible to erosion which can affect the stability of slopes and cause sedimentation of water bodies. Slopes of at least 15% are considered steep. The priority for protection is greater for slopes that are very steep (25% to 40%) and extremely steep (40% or greater.)

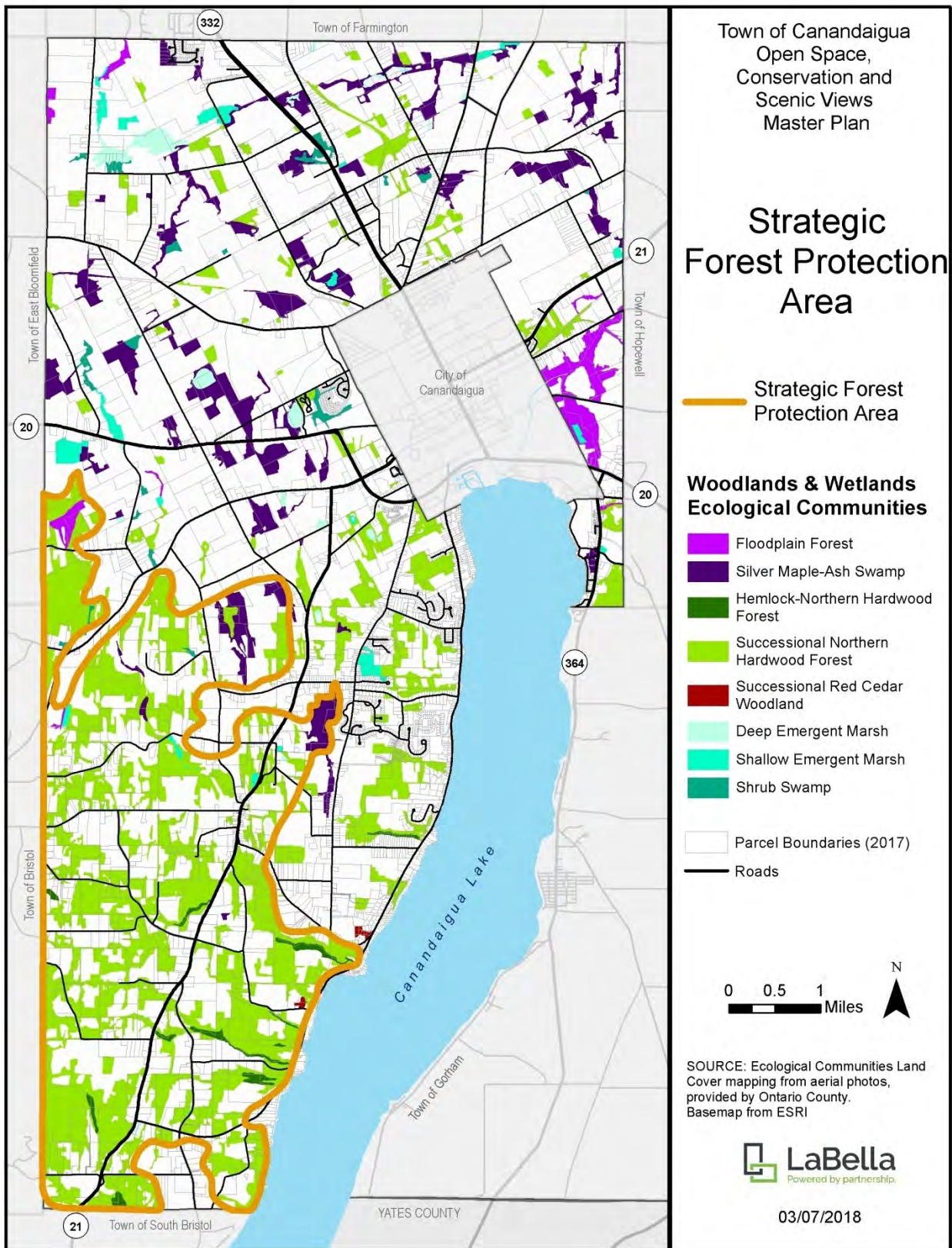
### **PROXIMITY TO PUBLIC, PROTECTED OR RECREATIONAL REGULATED LAND**

Land that is publicly owned or otherwise preserved can increase the conservation value of natural resources. Public and protected lands also offer a buffer to the lands with conservation value.

Open space that adjoins public and private recreational areas add value to these facilities. Open space along proposed trails may be suitable for acquisition in the future for recreational use.



## MAP 13: STRATEGIC FOREST PROTECTION AREA



## **SCENIC RESOURCES**

The scenic beauty of land throughout the Town contributes to the character of the community. Land with views of Canandaigua Lake – which is also visible from Canandaigua Lake and the eastern shore of the lake – are important scenic resources. Scenic views from points throughout the Town that were identified in previous planning studies are documented in this Plan with photographs and viewshed mapping.

Consideration of scenic value should continue to be a factor in review of specific development projects and potential acquisition of land or easements for conservation purposes.



**PHOTO 13: DEUEL ROAD, VIEW TOWARD THE EAST**



## PARCEL RATING

A Parcel Rating system is intended to guide the Town in selecting lands for long-term protection. The parcel rating system assigns a score to each parcel that is at least 5 acres in size and has at least one acre of open space.

The rating system assigns scores to the following open space features:

- Natural or agricultural land cover
- Steep Slopes
- Canandaigua Lake Viewshed
- Stream Corridor
- Regulated Feature

The table on the following page summarizes the rating system methodology and the multipliers assigned to each feature. The most highly rated parcels are typically large in size and include substantial areas of woodland, wetland and/or agricultural land as well as steep slopes and land along streams.

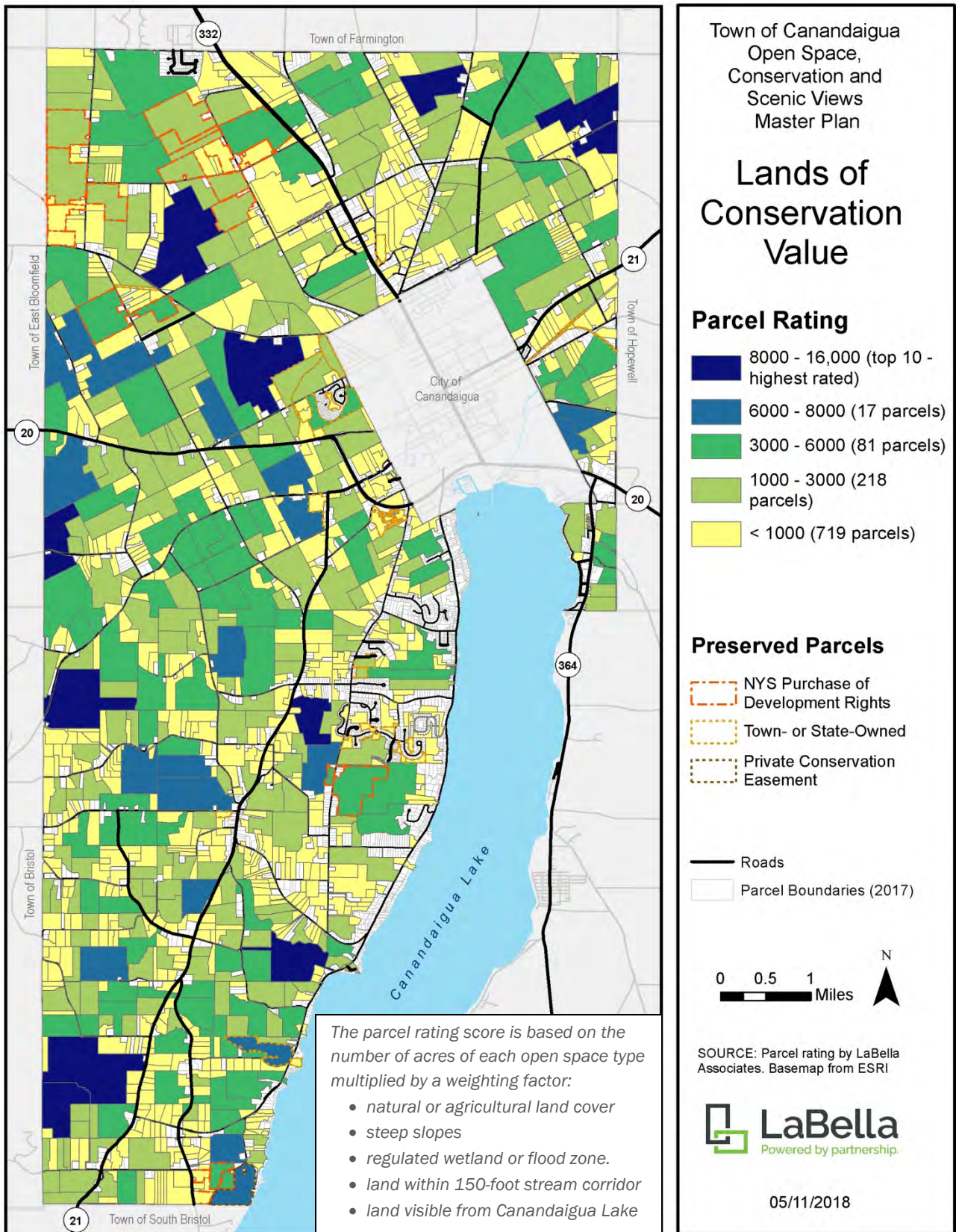
See Appendix D for the list and map of parcels and their scores, and descriptions of the highest rated parcels.

Some parcel attributes of parcels that may influence decisions regarding acquisition or preservation are not addressed in the rating system.

For example, scenic value – other than visibility from and views of Canandaigua Lake – is not part of the rating system. As the scenic views documented in this report were identified in previous studies and not updated recently, there is not enough data or consensus to assign values to a rating system. Other pertinent factors include proximity to parks and other protected land and the presence of historic resources, and scenic vistas. These and other considerations will need to be addressed qualitatively on a case-by-case basis when considering a parcel for long-term protection.

The rating system should be used as an initial assessment of open space value. Each site needs to be evaluated thoroughly at the time conservation actions are proposed.

## MAP 14: PARCEL RATING





## PARCEL RATING SYSTEM – WEIGHTING AND MAXIMUM SCORE PER PARCEL

Open Space Category	Basis	Weight	Max. 100-acre parcel
<b>Ecological Community</b>			
Silver Maple- Ash Swamp or Floodplain Forest	# acres x	100	10,000
Deep Emergent, Shallow Emergent, or Shrub Swamp	# acres x	50	5,000
Successional Northern Hardwood Forest; Conifer Plantation	# acres x	50	5,000
Hemlock- Northern Hardwood Forest	# acres x	50	5,000
Successional Old Field; Successional Shrub	# acres x	20	2,000
Cropland or Pasture	# acres x	10	1,000
Farm or Artificial Pond	# acres x	50	NA
Outdoor Recreation	# acres x	1	100
<b>Steep Slopes – Percent Slope</b>			
15-24%	# acres x	10	1,000
25-39%	# acres x	25	2,500
40+ %	# acres x	40	4,000
<b>Viewshed</b>			
Visible from Canandaigua Lake	# acres x	20	2,000
<b>Stream Corridor</b>			
Land within 150 feet of mapped stream	# acres x	50	5,000
Within Canandaigua Lake Watershed (bonus)	# acres	50	5,000
Trout Stream (additional per parcel)	Y =	500	500
<b>Regulated Feature</b>			
DEC Wetland	# acres x	20	2,000
100-year Flood Zone	# acres x	10	1,000

See Appendix E for additional information about the Parcel Rating System.

## **PRESERVATION TOOLS**

Several tools are available for the Town and its partners to ensure that the open spaces in the Town are protected for future generations. Approaches include public acquisition of land or conservation easements, land use and development standards and regulations, and education of landowners and the public. This section describes the tools available, evaluates their advantages and disadvantages, and describes how they are currently used in the Town, and summarizes the potential for their use to protect additional land in the Town.

### **ACQUISITION OF LAND OR CONSERVATION EASEMENTS**

Acquisition of land or conservation easements is an effective and permanent way to protect open lands. NYS General Municipal Law authorizes Towns to acquire land or easements for the purpose of protecting open space.<sup>7</sup> Private land trusts may also purchase or accept donations of land or conservation easements. The Finger Lakes Land Trust (FLT) will consider donations of land and conservation easements from property owners when the land meets the organization's conservation goals and standards.

Both outright purchase and the acquisition of a conservation easement permanently protect open land. Buying the land gives the owner full control over its management. When land is protected through a permanent conservation easement, it cannot be developed except as permitted by the terms of the specific easement.

Property tax revenue can be affected by the acquisition of land or easements. Acquisition by a municipality or a not-for-profit organization takes land off the Town's tax roll. A conservation easement may reduce the market value of the property and, as a result, its taxable assessment. However, property values and taxable assessments may increase for parcels that adjoin protected land, as their location next to preserved land may become a desirable amenity.

Costs associated with the donation of easements to the Town include attorney fees to prepare the legal easement agreement, staff time for ongoing monitoring and possible future enforcement actions if the terms of easement are violated. Depending on the type of resource protected, active management may be required to maintain the conservation value of the land (e.g., removal of invasive species, maintaining specialized habitat for rare or endangered species, addressing storm damage.)

Landowners who donate conservation easements to a public or private conservation organization are eligible for a New York State income tax credit of 25% of the total amount of school district, county and town property taxes paid during the year, up to \$5,000. If the landowner's State income tax liability is less than the amount of the credit, the landowner will receive payment for the difference.

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<sup>7</sup> Pursuant to NYS General Municipal Law Section 247, the Town may accept donations of land or easements for the purpose of protecting open space.

In addition, some landowners may be able to deduct the value of the conservation easement from their income as a charitable deduction to reduce their Federal and State income tax liability. The value of the conservation easement is determined by subtracting the value of the easement from the market value of the land.

### **CURRENTLY IN THE TOWN**

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Land in the Town that is permanently protected through public acquisition or conservation easement includes public parks, farmland protected through Purchase of Development Rights, private conservation easements managed by the Finger Lakes Land Trust, and open space set aside as part of conservation subdivisions and managed by homeowners associations. (See Map 8: Public & Protected Land.)

In the Town of Canandaigua, the Finger Lakes Land Trust accepted a donated conservation easement for 82 acres of land along Coxe Road, including 755 feet of Canandaigua Lake shoreline.

Although the Town has not acquired any conservation easements for natural resource protection, a landowner has offered to donate an easement to approximately 9 acres of forested wetland located along County Road 28. The Town Board is considering the pros and cons of acquisition, including how to ensure ongoing maintenance and monitoring and implications for property taxes.

### **GAPS AND POTENTIAL**

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Although the acquisition of land and/or conservation easements is an effective way to permanently preserve open space, this tool cannot protect the vast majority of the Town's open space, conservation and scenic resources. Acquisition should be targeted to the most valuable and vulnerable resources.

### **PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

Approximately 1,539 acres of farmland in the Town of Canandaigua are protected from development with a permanent easement that prohibits non-farm development. The owners received compensation for the value of the development rights through the NYS Farmland Implementation Grant Program, administered by the NYS Department of Agriculture & Markets, which provides grants to municipalities and land trusts to purchase the "development rights," from willing farmland owners. Criteria for funding through this competitive program include the quality of the agricultural soils, the long-term farm viability of the farm operation, the extent of development pressure, and whether the farmland acts as a buffer to protect natural resources.

### **CONSERVATION EASEMENTS**

When land is set aside for open space as part of a conservation subdivision, the Town typically requires a conservation easement to ensure that the land is properly maintained as open space. Approximately 35 acres created as part of conservation subdivisions are owned and managed by homeowners associations.

## **DEVELOPMENT STANDARDS AND REGULATIONS**

Municipalities may prohibit or manage land use and development within sensitive natural areas through zoning and other local laws and regulations, as well as development review practices and procedures.

### **CURRENTLY IN TOWN**

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The Town of Canandaigua has enacted several local laws and regulations to protect open space and natural resources.

- Construction of any structure within 100 feet of a stream is prohibited (Zoning § 220.09.A)
- Construction on slopes steeper than 15% requires site plan review by the Planning Board and adherence to certain design standards. Removal of vegetation is prohibited or requires site plan review, depending on the extent of disturbance and the degree of slope. (Zoning §220-8.D)
- Development within flood hazard areas is limited to avoid increasing flood hazards (Flood Hazard Protection Law)
- All new development must incorporate measures to protect water quality and steep slopes. (Site Design and Development Standards)

In addition, the Town is currently working on regulations to manage development along ridgelines and hilltops visible from the east side of Canandaigua Lake.

### **GAPS/ POTENTIAL**

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- All regulations are triggered by development proposals. Conservation must be part of a development.
- No Town regulations limit removal of vegetation along streams or the disruption of woodland ecological communities.
- Enforcement of regulations limiting the removal of vegetation on private property is difficult to enforce. In practice, a complaint must be filed before the Code Enforcement Officer to initiate enforcement.

## **CONSERVATION SUBDIVISIONS**

Conservation Subdivisions, also known as “cluster” subdivisions, allow for open space to be set aside for permanent protection as part of the design of a residential subdivision. As authorized by NYS Town Law Sec. 278, the Town’s subdivision regulations (Chapter 174 of the Town Code) specify the process and criteria for creating Conservation Subdivisions in the Town.

The Town of Canandaigua’s zoning and subdivision regulations currently include provisions for conservation subdivisions (clustering.) The number of units permitted to be developed on the site is determined based on the amount of unconstrained land. A conservation analysis is required to identify those lands with the greatest conservation value. The subdivision must be designed to place the dwelling units away from the areas of conservation value. A conservation easement is required to ensure that the undeveloped portion of the subdivision remains as permanent open



## CANANDAIGUA OPEN SPACE, CONSERVATION AND SCENIC VIEWS MASTER PLAN

space. Developers are allowed up to 15% more units that would be allowed in a conventional subdivision if public sewer and water service are available and if the open space is accessible to the public. The regulations authorize the Planning Board to require or an applicant to propose a conservation subdivision design during subdivision review.

Approximately 113 acres have been preserved as permanently protected open space as part of two conservation subdivisions – Lakewood Meadows and the Cottages at Lakewood Meadows. As part of the 40-unit Cottages at Lakewood Meadows townhome development, 54 acres have been set aside for permanent open space. The protected land includes 20 acres of Silver Maple –Ash Swamp, which is one of the ecological communities in the Town that is most valuable for wildlife habitat. Of these 20 acres, 12.6 are within wetlands regulated by the New York State Department of Environmental Conservation.

The Lakewood Meadows subdivision consists of single family dwellings on one-half acre lots. The 59 acres of open space includes the edges of some forested areas as well as several parcels with ponds that were constructed to manage drainage. The open space was designed to provide recreational trails and retain views of open land for the benefit of the subdivision's residents. None of the protected land consists of ecological communities that are particularly valuable for wildlife habitat.



When conservation subdivisions include large lots, wooded areas may remain undeveloped. Long term conservation in these situations depend on stewardship by private landowners.

The Town's conservation subdivision regulations include the following open space conservation provisions:

- The purpose of a conservation subdivision is to achieve “**meaningful open space**” conservation and natural resource protection.”
- Conservation subdivisions that provide access to “**protected open space**” may receive a 15% density bonus.
- A preliminary plat with “**protected open space**” must demonstrate “specific conservation values.” Factors include, “**Open space** and recreational resources, regulated natural features, buffer areas, farmland, recreational

land, or other land with recreational, historic, ecological, water resource, scenic or other natural resource value. Priorities for conservation are those areas identified in the Town's Lands of Conservation Interest Map, the Agricultural & Farmland Protection Plan and Natural Resources Inventory.

The following design guidelines apply to conservation subdivisions:

- Conservation subdivisions shall be arranged in a manner that protects land of conservation value.
- **Preserved open space** shall be contained in one or more separate open space lots.
- Preserved open space shall be arranged contiguously to the greatest extent practicable.
- **"Permanent open space"** that is part of a conservation subdivision must be protected through a conservation easement. Regulations include requirements for ownership and ongoing land management.

## OTHER ZONING APPROACHES

Other zoning approaches are:

- Designating a Land Conservation zoning district that prohibits development that does not support agricultural production or natural resource conservation
- Delineating "Environmental Protection Overlay Zones" which require an additional level of review for proposals within areas of environmental sensitivity. This approach allows the Planning Board to review site plans within sensitive natural areas and work with the landowner or developer to modify the design to minimize impacts on the resource.
- Regulations that limit removal of vegetation or disturbance of natural areas.

## DEVELOPMENT REVIEW PROCESS/ ENVIRONMENTAL CONSERVATION BOARD

The Town's Environmental Conservation Board (ECB) has a key role in evaluating potential impacts of development on natural resources.<sup>8</sup> Before approving any development proposal that affects open space resources designated in the Town's Open Space Index, the Planning Board must obtain input from the ECB. When reviewing proposed development projects, the ECB refers to the Town's Natural

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<sup>8</sup> NYS General Municipal Law Section 239-x authorizes municipalities to create a conservation advisory council to advise in the management and protection of its natural resources. Once an "inventory and map" of wetlands and other open areas is approved by the Town Board, it becomes the official "open space index" for the Town. The Town Board may empower an Environmental Conservation Board with the authority to review proposals for development of land identified in the open space index or natural resource inventory. The Town of Canandaigua's Environmental Conservation Commission was established as an advisory council in 1973. It became a Conservation Board in 2009.

Resource Inventory, adopted by the Town Board in 2011, which includes a series of maps and considerations for the review of proposed development in sensitive natural areas, as well as the “Lands of Conservation Interest” map in the Town’s 2004 Farmland and Open Space Conservation Program.

### **PROPERTY TAX INCENTIVES**

Reduced property tax assessments may encourage landowners to place permanent or temporary conservation easements on their land. Existing property tax incentive programs include a tax credit for owners of land protected by conservation easements and exemptions for managed forest land.

The New York State Conservation Easement Tax Credit will refund 25% of the school, county and town property taxes paid during the year, up to a maximum of \$5,000. The credit is available to owners of land protected by a conservation easement held by a public or private conservation agency or organization. The easement must be registered with the NYS Department of Environmental Conservation.<sup>9</sup>

Property tax exemptions for Forest Land exemptions are available through NYS Real Property Tax Law, Section 480-a. Eligible parcels must comprise at least 50 acres of contiguous forest land, exclusive of any portion not devoted to the production of forest crops. Owners must commit to continued forest crop production over a period of ten years in accordance with an approved management plan.

Where a permanent or temporary conservation easement reduces the assessed value of a parcel for property tax purposes, a landowner’s property taxes may go down. A formal program that guarantees a reduction of property taxes for parcels with conservation easements would require authorization from the NYS Legislature. Models for property tax incentives involving temporary easements (also known as “lease of development rights”) include the Towns of Perinton, Penfield and Bethlehem.



PHOTO 14: SMITH ROAD, VIEW TOWARD THE NORTHEAST

### **PRIVATE LANDOWNER ACTIONS**

As most of the open space in the Town will continue to be privately owned, landowner engagement is critical to retaining the natural characteristics of these lands. The Town can encourage private conservation practices through information and education and through partnerships with other organizations.

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<sup>9</sup> <https://www.dec.ny.gov/lands/26428.html>

## PARTNERSHIPS

The following agencies and organizations have information and programs that benefit landowners in the Town. Collaboration with these entities can help stretch limited resources and reach more landowners.

Organization	Areas of Focus	Contact
Ontario County Soil and Water Conservation District (SWCD)	<ul style="list-style-type: none"> <li>Stream corridor protection and restoration</li> <li>Drainage improvements</li> <li>Invasive species prevention and control</li> <li>Tree and shrub purchase</li> <li>Canandaigua Lake Watershed Inspection</li> <li>Agricultural Environmental Management</li> </ul>	<a href="http://www.ontswcd.com">www.ontswcd.com</a>  480 North Main Street Canandaigua, New York 14424  (585) 396-1450
Finger Lakes Land Trust	<ul style="list-style-type: none"> <li>Acquisition of land and conservation easements</li> <li>Educational programs</li> </ul>	<a href="http://www.filt.org">http://www.filt.org</a> 202 East Court Street Ithaca, NY 14850 (607) 275-9487
Canandaigua Lake Watershed Council/ Watershed Manager	<ul style="list-style-type: none"> <li>Watershed Management</li> <li>Water quality</li> <li>Natural Capital</li> </ul>	<a href="http://www.canandaigualake.org">www.canandaigualake.org</a> 205 Saltonstall Street Canandaigua, NY 14424 585.396.3630
Canandaigua Lake Watershed Association	<ul style="list-style-type: none"> <li>Advocacy and education to maintain the water quality of Canandaigua Lake</li> </ul>	<a href="http://www.canandaigualakeassoc.org/">http://www.canandaigualakeassoc.org/</a> P.O. Box 323 Canandaigua, New York 14424 585-394-5030
Cornell Cooperative Extension Master Forest Owners	<ul style="list-style-type: none"> <li>Landowner education</li> </ul>	<a href="http://www.blogs.cornell.edu/ccemfo">www.blogs.cornell.edu/ccemfo</a> Cornell Cooperative Extension of Yates County 417 Liberty Street Penn Yan, NY 14527 315-536-5123
Ducks Unlimited	<ul style="list-style-type: none"> <li>Land preservation for waterfowl habitat</li> </ul>	Great Lakes/ Atlantic Region: <a href="http://www.ducks.org/Conservation/GLAR">http://www.ducks.org/Conservation/GLAR</a>
NYS Department of Environmental Conservation (NYS DEC)	<ul style="list-style-type: none"> <li>Forestry</li> <li>Invasive Species</li> <li>Riparian buffers</li> <li>Stormwater Management</li> </ul>	Foresters: <a href="https://www.dec.ny.gov/lands/5230.html">https://www.dec.ny.gov/lands/5230.html</a> Partnerships For Regional Invasive Species Management (PRISM): <a href="https://www.dec.ny.gov/animals/47433.html">https://www.dec.ny.gov/animals/47433.html</a> Trees for Tribes: <a href="https://www.dec.ny.gov/animals/77710.html">https://www.dec.ny.gov/animals/77710.html</a> Stormwater Management: <a href="http://www.dec.ny.gov/chemical/8468.html">www.dec.ny.gov/chemical/8468.html</a>
US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)	<ul style="list-style-type: none"> <li></li> </ul>	



## IMPLEMENTATION STRATEGIES AND ACTIONS

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### **OVERALL GOAL**

*Preserve the Town's open spaces for their health, economic, social and environmental benefits and to maintain a high quality of life for the residents of the Town of Canandaigua*

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The Implementation Strategies and Actions are intended to help the Town of Canandaigua and its partners achieve the overall goal of the Plan as well as the following goals of the Town's 2011 Comprehensive Plan:

Goal #7: Conserve and maintain the land that provides critical open space and scenic resources.

Goal #8: Create a network of linkages for wildlife habitat, scenic views and active recreational trails.

Key Strategies are intended to help the Town achieve these goals:

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### **KEY STRATEGIES**

- Strategy 1: *Encourage land stewardship by private landowners.*
- Strategy 2: *Enhance wildlife habitat.*
- Strategy 3: *Conserve open space through land use regulations*
- Strategy 4: *Acquire land and/or conservation easements to protect land with exceptional conservation value.*
- Strategy 5: *Increase awareness and understanding among government officials and the general public about the Town's natural, scenic and other open space resources.*

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The Guiding Principles inform the strategies:

## ***GUIDING PRINCIPLES***

- *Encourage responsible stewardship of open space by landowners.*
  - *Prioritize conservation of land with rare and vulnerable ecological communities and projects that help protect water quality*
  - *Consider both initial and ongoing costs of implementing the strategies.*
  - *Ensure sufficient funding for conservation. Leverage Town funding with financial assistance from grants, private donations and other sources.*
  - *Provide ongoing support to the Environmental Conservation Board (ECB) and other boards and officials to carry out conservation activities.*
  - *Partner with State, County, municipal and private organizations for technical support, educational activities and funding for open space conservation.*
- 



PHOTO 15:ROUTE 21 SOUTH, VIEW TOWARD THE EAST

## OVERVIEW OF KEY STRATEGIES AND RECOMMENDED ACTIONS

The strategies and implementation actions listed in the following section will help the Town to realize the goals of this Plan. Of the numerous recommended actions, the Town will focus on the following key priorities:

- 1) The Environmental Conservation Board will organize or co-sponsor 1-2 educational activities a year to encourage land stewardship among private landowners.
- 2) The Town will adopt the reference maps in this Plan as the Open Space Index. The ECB will rely on these maps to consider potential impacts from development on open space resources.
- 3) The Town Board will commit funds for the acquisition of land or interests in land for conservation of open space. Strategic acquisitions will focus on the preservation of land for wildlife, forest and wetlands, stream corridors and other important open space lands. Sources of funding will include property taxes, bonding, grants and donations, as well as fees or taxes on new development.

Responsible entities and their partners (designated in the Implementation Table) include:

- Town of Canandaigua Environmental Conservation Board (ECB)
- Town of Canandaigua Town Board
- Town of Canandaigua Planning Board
- Ontario County Soil & Water Conservation District (SWCD)
- Finger Lakes Land Trust
- NYS Department of Environmental Conservation (NYS DEC)
- United States Department of Agriculture Natural Resources Conservation Service (NRCS)
- Town of Canandaigua Code Enforcement Officer (CEO)
- Town of Canandaigua Zoning Board of Appeals (ZBA)



PHOTO 16: COOLEY ROAD, VIEW TOWARD THE EAST

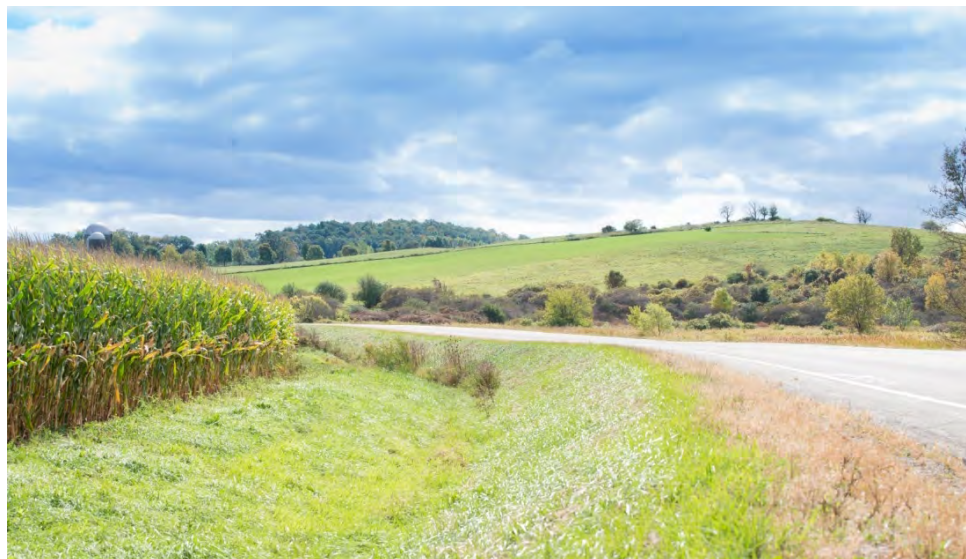
### **STRATEGY 1: ENCOURAGE LAND STEWARDSHIP BY LANDOWNERS**

As most of the Town's open space is privately owned, landowners have a key role in preserving the conservation value of their land. In partnership with conservation organizations and agencies, the Town will support landowners by providing information about how their land contributes to natural systems and how to best maintain their conservation value.

#### **ACTION STEPS**

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- A. Educate landowners** about the ecological, hydrologic and scenic value of the open space resources on their properties and recommend appropriate land stewardship techniques.
- In partnership with SCWD and other organizations, conduct periodic educational activities.
  - Provide information to landowners about potential conservation funding sources, such as the NYSDEC Landowner Incentive Program and the USDA Environmental Quality Incentives Program.
  - Provide information to landowners about available tax incentives (e.g. 480 Forest Lands.)
  - Provide information to landowners through Finger Lakes PRISM about how to prevent or remove invasive species.
  - Provide information to owners of woodlands about how to engage a professional forester to prepare a Forest Management Plan.
  - Encourage landowners to install best management practices along streams, including retaining or restoring natural vegetation.
- B. Inform landowners about **sources of technical assistance and financial incentives**** to support land stewardship.
- C. Encourage landowners to enhance wildlife habitat.** (See Strategy 2.)



**PHOTO 17: HOPKINS ROAD, VIEW TOWARD THE SOUTH**



## **STRATEGY 2: ENHANCE WILDLIFE HABITAT**

Wildlife habitat was determined an important resource of open space from the public survey conducted in 2017. Regardless of land ownership (private or public), protection status, or the size of a parcel, several actions can be implemented that can improve wildlife habitat. These actions are closely tied to those listed in the above land stewardship section and can take place in a Town park, on private land already containing substantial habitat, or even in someone's backyard.

Streams are abundant in the Town and pass through or along a variety of cover types, including wetland, forest, farmland, and developed areas. Farmland and developed areas provide little to no habitat for forest or wetland dwelling wildlife; therefore, streams with vegetated buffers provide a habitat corridor that crosses these areas, connecting various forests and wetlands.

Contiguous forest areas benefit a variety of wildlife that require abundant, contiguous forest to succeed. Fragmentation of these forests has a negative effect on these resources. The use of a professional forester for timber harvests helps to maintain the forest as wildlife habitat and avoids "high-grading" harvests.

Native vegetation supports a diversity of wildlife. Flowering plants are important to pollinators and berry producing plants are important to birds,

The overabundant deer population in the Town is currently stressing wildlife habitats. Deer prefer to browse on a variety of native plants, and in unnaturally high numbers deer suppress the growth of these species, allowing non-native invasive plants to colonize and take over an area. This reduction in plant species composition and the abundance of invasive plants degrades wildlife habitat values.

### **ACTION STEPS**

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- A.** Provide information to landowners from Finger Lakes PRISM about how to **identify and control invasive vegetation** on their property.
- B.** Promote participation in the Ontario County Soil & Water Conservation District's annual tree and shrub sale to **encourage landowners to plant native vegetation**.
- C.** Maintain a list of professional foresters and provide information about sources of technical assistance to **encourage responsible management of forests** within the Town.
- D.** **Provide information to landowners and encourage participation in the DEC's Trees for Tribs program**, which can assist landowners with revegetating stream buffer.
- E.** **Provide information** to landowners with suggested subdivision layouts that **avoid further fragmentation of the Town's forests**.
- F.** Encourage landowners to **allow legal deer hunting** on their properties to reduce the overabundant deer population which is currently stressing wildlife habitats.
- G.** **Manage Town-owned land** to enhance wildlife habitat.

### **STRATEGY 3: CONSERVE OPEN SPACE THROUGH LAND USE REGULATIONS**

Land use regulations (i.e., zoning), if consistently enforced, help to prevent erosion, maintain vegetation along streambanks, and limit development in sensitive conservation areas. The Town's Open Space Index designates those lands where review by the Environmental Conservation Board (ECB) is needed before development can be approved.

#### **3.1 MAINTAIN/ STRENGTHEN CONSERVATION PROVISIONS OF LAND USE AND DEVELOPMENT REGULATIONS**

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Existing land use regulations protect natural resources associated with open space by limiting removal of natural vegetation along streams, preventing erosion of steep slopes, and requiring consideration of impacts to natural resources during development reviews.

##### **ACTION STEPS**

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- A. Maintain and enforce existing regulations** that manage development, as part of site plan review, along steep slopes, streams, and Canandaigua Lake.
- B. Review and strengthen stream corridor and lakeshore protection regulation.** Consider expanding stream corridor buffer to 150' from 100' feet from streams.
- C. Adopt ridgeline and hilltop protection regulations.**
- D. Continue to refer to maps of open space resources (Open Space Index) during development reviews.**
- E. Provide ongoing education and training to code enforcement staff** regarding natural resource and open space protection tools.
- F. Amend subdivision regulations** to require the Planning Board to consider impacts of fragmentation.

#### **3.2 UPDATE AND MAINTAIN THE TOWN'S OPEN SPACE INDEX AND NATURAL RESOURCE INVENTORY**

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As the ECB is authorized to review any proposed development that affects resources delineated on the official Open Space Index of the Town, the Open Space Index should reflect the Town's priorities for open space conservation.

##### **ACTION STEPS**

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- A. Adopt the inventory of conservation resources in this Plan as the Open Space Index for the Town.**
- B. Develop a tool that creates a simple report from the Parcel Rating Spreadsheet for the ECB that summarizes the types of open space in each parcel.**
- C. Work with Ontario County to update the land cover mapping.**
- D. Continue to consider ECB and Agricultural Advisory Committee input into Town decisions regarding development and other Town actions.**

**STRATEGY 4: ACQUIRE LAND AND/OR CONSERVATION  
EASEMENTS FOR LAND WITH EXCEPTIONAL  
CONSERVATION VALUE**

Acquisition of land or conservation easements can effectively preserve open space. Due to potentially high costs for acquisition and maintenance, this approach is recommended for highest quality open space resources only. Land or easements would be purchased from willing sellers and/or accepted as a donation for conservation purposes. Land or easements should be acquired only for land with exceptional conservation value. Before acquiring land or easements, the Town's Environmental Conservation Board (ECB) should provide an assessment of the land's conservation value.

**4.1 ACQUIRE LAND OUTRIGHT FOR OPEN SPACE CONSERVATION.**

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**ACTION STEPS**

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- A. Formalize criteria for acquisition** of land by the Town for open space conservation. Ensure that parcels to be acquired rank highly for conservation value and that they are large enough to provide conservation value on their own or in combination with adjoining public/ preserved land.
- B. Acquire "first refusal" rights** from current landowners to enable purchase of desirable lands when they change ownership.
- C. Utilize a variety of funding mechanisms**, including the Town's Open Space Capital Reserve Fund, Transfer of Development Rights, grants, bonding, taxes, fees and others, to support the acquisition of open space. (See 4.4)

#### 4.2 ENCOURAGE AND ACCEPT DONATIONS OF CONSERVATION EASEMENTS

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Private landowners may be willing to donate a conservation easement to the Town or a private land trust. Compared to outright acquisition, this approach allows land to remain in private ownership and on the tax rolls. Landowners may be able to claim a charitable deduction for donation of land or easements to either the Town or to a not-for-profit organization such as a land trust.

##### ACTION STEPS

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- A. Provide **information to landowners** about the process and benefits of donating conservation easements/ development rights. For example, provide information about the NYS Income Tax Credit for land protected by conservation easements and State and Federal income tax deductions for the value of donated conservation easements.
- B. Encourage landowners to **donate conservation easements to a land trust.**
- C. Encourage owners of land with exceptional open space value that do not meet criteria for protection by the Finger Lakes Land Trust to **donate conservation easements to the Town.**
  - Prepare a model easement or framework that specifies requirements, procedures and responsibilities for accepting an easement.
  - Assign responsibility for and carry out annual monitoring of land under easement held by Town.
  - Consider formalizing a means for reducing the assessed value for real property tax purposes on land protected by a conservation easement.
  - Ensure that conservation easements obtained through conservation subdivisions, PUD or incentive zoning meet the minimum standards and criteria established by the Town.
  - Offer financial and/or legal and technical assistance to landowners who donate conservation easements to the Town or to a land trust.
  - Ensure that sufficient funding is set aside for monitoring and potential legal enforcement when accepting a conservation easement.
- D. Work with the NYS Legislature to **authorize additional property tax incentives** for open space conservation.



#### 4.3 OBTAIN LAND OR CONSERVATION EASEMENTS AS A CONDITION OF DEVELOPMENT APPROVAL

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High quality open space can be preserved as part of a conservation subdivision or through incentive zoning or transfer of development rights.

##### ACTION STEPS

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- A. Continue to **require conservation easements as condition of development approval** of conservation subdivisions.
- B. Work with developers during the development review process to **delineate lands with exceptional open space value** in site plans and subdivision plats for protection through a permanent conservation easement.
- C. Ensure that the conservation easement **ensures ongoing land stewardship**.
- D. Partner with a qualified conservation organization to **monitor donated easements**.
- E. Create a **development rights “bank”** through transfer of development rights.

#### 4.4 REPLENISH AND MAINTAIN THE TOWN’S OPEN SPACE CAPITAL RESERVE FUND

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##### ACTION STEPS

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- A. Commit to an **annual appropriation** for open space and conservation, to be used for acquisition as well as administration and inspection of donated easements.
- B. Encourage and **accept donations** toward open space conservation. Provide information about the potential tax benefits of such donations.
- C. Issue bonds to fund open space acquisition.
- D. Explore and establish **innovative funding sources**. Work with the NYS Legislature to authorize a real estate transfer tax, development fees earmarked for open space conservation and other funding mechanisms.



PHOTO 18: PARRISH STREET EXT., VIEW TOWARD THE NORTH

**STRATEGY 5: INCREASE UNDERSTANDING AMONG  
GOVERNMENT OFFICIALS AND THE GENERAL  
PUBLIC ABOUT THE BENEFITS OF OPEN SPACE.**

**ACTION STEPS**

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- A. Create, **maintain and strengthen partnerships** with local organizations, public agencies, the local development community, businesses and neighboring municipalities.
- B. **Conduct periodic workshops and other educational events** and programs to celebrate the Town's open space.



**PHOTO 19: GRIMBLE ROAD, VIEW TOWARD THE NORTH**

## FUNDING SOURCES

### MUNICIPAL FUNDING OF LAND/ EASEMENT PURCHASES

Municipalities may establish a dedicated fund to purchase land or easements for the purpose of retaining open space, farmland or natural resources.

As authorized by New York State General Municipal Law Section 6-c, the Town of Canandaigua created an Open Spaces Capital Reserve Fund in 2000. The fund was used to purchase the Outhouse Property (74 acres), which is now used as a public park, and to purchase development rights to the Hicks and Wyffels farms (2012) and Catalpa Acres farm (2017.). Before the Town may use the Open Spaces Capital Reserve Fund to purchase land or easements, the Town Board must hold a public hearing.

To replenish the CRF, the Town may issue bonds or allocate tax revenue. Mechanisms for developers include Transfer of Development Rights or Incentive Zoning, both of which would allow developers to contribute to the fund in exchange for more intensive development elsewhere in the Town.

Year	Description	# acres	Amount
2009	Outhouse Property	74.8	\$375,000
2012	Hicks and Wyffels PDR	202.2	\$250,186
2017	Catalpa Acres	596	\$29,800
2018 (appropriated pending closing)	Brock Acres PDR	726	\$36,300
	Total:	1,599	\$691,286

The current balance as of 12/31/17 was \$480,200. Anticipated expenditures in 2018 include \$36,300 to support the purchase of development rights to Brock Acres farm (pending closing) and \$40,000 to support PDR projects that may be funded in 2018. No additional appropriation was included in the 2018 budget. Approximately \$410,400 is available for additional acquisition projects.

### INCENTIVE ZONING/ TRANSFER OF DEVELOPMENT RIGHTS

Municipalities may use incentive zoning or transfer of development rights to allow developers to contribute toward land preservation as a condition of development approvals elsewhere in the Town.

### SUBDIVISION FEES

Subdivision fees can be used for the purchase of open space, but only if the land will be used for recreational purposes. As authorized by New York State Town Law, towns may charge developers of residential subdivisions per lot fees, in lieu of land, to meet the increased demand for parks or recreational facilities resulting from the new development.

The Town of Canandaigua currently charges a Park & Recreation fee of \$1,000 per dwelling unit. The funds are dedicated to the purchase of recreational land and/or improvements to existing parks. The Town's 2018 Budget anticipates revenue of \$60,000 in Parks & Recreation fees.



### **OTHER TAXES AND FEES**

The Town will work with the NYS Legislature to obtain authorization to impose taxes and/or fees and dedicate the revenue toward open space conservation. Potential sources of additional funds include a tax on short-term rentals or development fees similar to recreation fees imposed on each lot in a new subdivision.

### **FEDERAL AND STATE GRANT PROGRAMS**

The Town will continually identify appropriate sources of grant funding to acquire interests in land, encourage stewardship and other conservation activities. Potential sources include the NYS Local Waterfront Revitalization Program and NYS Parks Grants.

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#### **LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)**

The Local Waterfront Revitalization Program, administered by the NYS Department of State, offers planning and implementation grants for activities to protect water quality and revitalize shorelines. Municipalities located along designated inland waterways, including Canandaigua Lake, are eligible.

(See: <https://www.dos.ny.gov/opd/programs/lwrp.html> )

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#### **PARKS, RECREATION AND HISTORIC PRESERVATION GRANTS**

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) administers matching grants to municipalities and not-for-profit organizations for the acquisition, development and improvement of parks. (See <https://parks.ny.gov/grants/> )



PHOTO 20: COUNTY ROAD 16, VIEW TOWARD THE EAST



## IMPLEMENTATION TABLE

Strategies and Recommended Actions	Responsible Entity	Partners
<b>Strategy 1: Encourage land stewardship by landowners.</b>		
<p><b>A. Educate landowners</b> about the ecological, hydrologic and scenic value of the open space resources on their properties and recommend appropriate land stewardship techniques.</p> <ul style="list-style-type: none"> <li>In partnership with SCWD and other organizations, <b>conduct periodic educational activities.</b> Design educational programs to help landowners manage stream corridors, steep slopes, woodlands, wetlands and other resources.</li> <li><b>Meet individually with owners</b> of significant open space resources to encourage them to plan and implement land stewardship practices.</li> </ul>	➤ ECB	<ul style="list-style-type: none"> <li>SWCD</li> <li>Watershed Manager</li> <li>NYS DEC</li> <li>Finger Lakes Land Trust</li> <li>Conservation organizations</li> </ul>
<p><b>B. Inform landowners about sources of technical assistance and financial incentives</b> to support land stewardship.</p>	➤ ECB	<ul style="list-style-type: none"> <li>SWCD</li> <li>USDA NRCS</li> <li>NYS DEC</li> <li>Finger Lakes Land Trust</li> </ul>
<p><b>C. Encourage landowners to enhance wildlife habitat.</b> (See Strategy 2.)</p>	➤ ECB	<ul style="list-style-type: none"> <li>SWCD</li> <li>NYS DEC</li> <li>Conservation organizations</li> </ul>
<b>Strategy 2: Enhance wildlife habitat.</b>		
<p><b>A. Provide information to landowners from Finger Lakes PRISM about how to identify and control invasive vegetation.</b></p>	➤ ECB	<ul style="list-style-type: none"> <li>NYS DEC</li> </ul>
<p><b>B. Promote participation in the Ontario County Soil &amp; Water Conservation District's annual tree and shrub sale to encourage landowners to plant native vegetation.</b></p>	➤ ECB	<ul style="list-style-type: none"> <li>SWCD</li> </ul>
<p><b>C. Maintain a list of professional foresters and provide information about sources of technical assistance to encourage responsible management of forests.</b></p>	➤ ECB	<ul style="list-style-type: none"> <li>NYS DEC</li> </ul>

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AAC:	Town of Canandaigua Agricultural Advisory Committee
ECB:	Town of Canandaigua Environmental Conservation Board
NYS DEC:	NYS Department of Environmental Conservation
SWCD:	Ontario County Soil & Water Conservation District
NRCS:	United States Department of Agriculture Natural Resources Conservation Service
CEO:	Town of Canandaigua Code Enforcement Officer
ZBA:	Town of Canandaigua Zoning Board of Appeals

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## IMPLEMENTATION TABLE

Strategies and Recommended Actions	Responsible Entity	Partners
D. <b>Provide information to landowners and encourage participation in the DEC's Trees for Tribes program</b> , which can assist landowners with revegetating stream buffers.	➤ ECB	▪ NYS DEC
E. <b>Provide information to landowners with suggested subdivision layouts that avoid further fragmentation of the Town's forests.</b>	➤ ECB	▪ Planning Board
F. Encourage landowners to <b>allow legal deer hunting</b> on their properties to reduce the overabundant deer population which is currently stressing wildlife habitats.	➤ ECB	▪ NYS DEC
G. <b>Manage Town-owned land</b> to enhance wildlife habitat.	➤ ECB ➤ Parks Dept.	▪ NYS DEC ▪ SWCD
<b>Strategy 3: Conserve open space through land use regulations.</b>		
<b>3.1 Maintain/ strengthen conservation provisions of land use and development regulations.</b>		
A. <b>Maintain and enforce existing regulations</b> that manage development, as part of site plan review, along steep slopes, streams, and Canandaigua Lake.	➤ ECB ➤ Planning Board ➤ CEO	▪ Zoning Board of Appeals ▪ Town Board
B. Review and strengthen <b>stream corridor and lakeshore protection regulation</b> . Consider expanding stream corridor buffer to 150' from 100' feet from streams.	➤ ECB ➤ Town Board	▪ Watershed Manager ▪ SWCD
C. Adopt <b>ridgeline and hilltop protection</b> regulations.	➤ ECB ➤ Town Board	▪ CEO
D. Continue to refer to maps of open space resources (Open Space Index) during development reviews.	➤ ECB	▪ Town Board ▪ Planning Board
E. Provide ongoing <b>education and training to code enforcement staff</b> regarding natural resource and open space protection.	➤ CEO ➤ ECB	▪ NYS DOS ▪ Town Board ▪ Watershed Council ▪ SWCD
F. <b>Amend subdivision regulations</b> to require the Planning Board to consider impacts of fragmentation.	➤ Town Board ➤ Planning Board	▪ ECB

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## IMPLEMENTATION TABLE

Strategies and Recommended Actions		Responsible Entity	Partners
<b>3.2 Update and maintain the Town's Open Space Index and Natural Resource Inventory.</b>			
A. Adopt the inventory of conservation resources in this Plan as the <b>Open Space Index</b> for the Town.	➤ Town Board	▪ ECB	
B. Develop a tool that creates a <b>simple report from the Parcel Rating Spreadsheet</b> for the ECB that summarizes the types of open space in each parcel.	➤ Town staff/ intern	▪ ECB	
C. Work with Ontario County to <b>update the land cover mapping</b> at regular intervals.	➤ ECB	▪ ECB ▪ Town Board ▪ Ontario County	
D. Continue to <b>consider ECB and Ag Advisory Committee input</b> into Town decisions regarding development and other Town actions.	➤ Planning Board ➤ Town Board ➤ ZBA	▪ ECB ▪ AAC	
<b>Strategy 4: Acquire land and/or conservation easements for land with exceptional conservation value.</b>			
<b>4.1 Acquire land outright for open space conservation.</b>			
A. <b>Formalize criteria for acquisition</b> of open space lands by the Town.	➤ ECB	▪ Town Board	
B. Acquire "first refusal" rights <b>from current landowners</b> for high quality open space lands.	➤ ECB	▪ Town Board	
C. <b>Utilize a variety of funding mechanisms</b> to support the acquisition of open space. (See 4.4)	➤ ECB	▪ Town Board	
<b>4.2 Encourage and accept donations of conservation easements.</b>			
A. Provide <b>information to landowners</b> about the process and benefits of donating conservation easements/development rights.	➤ ECB ➤ Planning Board ➤ AAC	▪ Finger Lakes Land Trust ▪ Town Board ▪ Conservation organizations ▪ Town Assessor	
B. Encourage landowners to <b>donate conservation easements to a land trust.</b>	➤ ECB ➤ Planning Board ➤ AAC	▪ Finger Lakes Land Trust	

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## IMPLEMENTATION TABLE

Strategies and Recommended Actions	Responsible Entity	Partners
C. Encourage owners of exceptional open space lands that do not meet criteria for protection by a land trust to <b>donate conservation easements to the Town.</b>	➤ Town Board	▪ ECB
D. Work with the NYS Legislature to <b>authorize additional property tax incentives</b> for open space conservation.	➤ ECB ➤ Town Board	▪ Finger Lakes Land Trust
<b>4.3 Obtain land or conservation easements as a condition of development approval.</b>		
A. Continue to <b>require conservation easements as condition of development approval</b> of conservation subdivisions.	➤ Planning Board	▪ ECB ▪ Town Board
B. Work with developers to <b>delineate lands with exceptional open space value</b> in site plans and subdivision plats for protection through a permanent conservation easement.	➤ Planning Board ➤ ECB	▪ Town Board
C. Ensure that the conservation easement <b>ensures ongoing land stewardship.</b>	➤ ECB ➤ Planning Board	▪ Town Board
D. Partner with a qualified conservation organization to <b>monitor donated easements.</b>	➤ ECB ➤ Town Board	▪ Finger Lakes Land Trust ▪ Ducks Unlimited ▪ SWCD
E. Create a <b>development rights “bank”</b> through transfer of development rights.	➤ Town Board	▪ ECB
<b>4.4 Replenish and maintain the Town’s Open Space Capital Reserve Fund.</b>		
A. Commit to an <b>annual appropriation</b> for open space and conservation, to be used for acquisition as well as administration and inspection of donated easements.	➤ Town Board	▪ ECB
B. Encourage and <b>accept cash donations</b> toward open space conservation. Provide information about the potential tax benefits of such donations.	➤ Town Board	▪ ECB
C. <b>Issue bonds</b> to fund the acquisition of open space.	➤ Town Board	▪ ECB
D. Explore and establish <b>innovative funding sources.</b> Work with the NYS Legislature to authorize a real estate transfer tax, development fees earmarked for open space conservation and other funding mechanisms.	➤ Town Board	▪ ECB

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## IMPLEMENTATION TABLE

Strategies and Recommended Actions	Responsible Entity	Partners
<b>Strategy 5: Increase understanding among government officials and the general public about the benefits of open space.</b>		
A. Create, maintain and strengthen partnerships with organizations, agencies, businesses and municipalities.	<ul style="list-style-type: none"> <li>➤ ECB</li> <li>➤ AAC</li> <li>➤ Town Staff</li> </ul>	<ul style="list-style-type: none"> <li>▪ Town Board</li> </ul>
B. Conduct periodic workshops and other educational events and programs to celebrate the Town's open space.	<ul style="list-style-type: none"> <li>➤ ECB</li> <li>➤ Parks &amp; Rec. Dept</li> </ul>	<ul style="list-style-type: none"> <li>▪ SWCD</li> <li>▪ Canandaigua Lake Watershed Association</li> <li>▪ NYS DEC</li> </ul>

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**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan

Location: 5440 Route 5 & 20 West Canandaigua, NY 14424

Description of the Action:

Preparation of a Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the Canandaigua Town Board (July 16, 2018), the Canandaigua Town Board will assume Lead Agency in accordance to 6 NYCRR Part 617.

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Adoption of a Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: Adoption of a Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan			
Name of Applicant or Sponsor: Town of Canandaigua		Telephone: 585-394-1120	
		E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>  <input type="checkbox"/>
			<b>YES</b>  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>  <input type="checkbox"/>
			<b>YES</b>  <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor name: <u>Doug Finch, Town Manager</u> Date: <u>July 16, 2018</u> Signature: _____		

# ATTACHMENT 12

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
Phone: (585)394-1120 / Fax: (585) 394-9476  
[www.townofcanandaigua.org](http://www.townofcanandaigua.org)  
*Established 1789*

June 27, 2018

Hon. Greg Westbrook, Supervisor  
Town of Canandaigua – Members of the Town Board

## **RE: Annual Report of the Planning Board**

In compliance with Town Code Chapter 220, Section 96, the Planning Board is required to provide an Annual Report on the Comprehensive Plan to the Town Board in July of each year. This year is particularly noteworthy as the Town of Canandaigua was rewarded for its aggressive implementation of goals set out in the Comprehensive Plan by receipt of the “Comprehensive Plan Award” at this year’s annual NY Planning Federation Conference.

Although the Town Code dictates the Planning Board as the official board responsible for ensuring developments comply with the Town’s adopted plans, thanks to the plentiful groups and committees established under the Citizens Implementation Committee, Environmental Conservation Board and the Town Board, much of the necessary groundwork has been laid.

We must make sure to recognize the important function those groups play in our ability to successfully implement the Comprehensive Plan. Without those groups like the Natural Resource Inventory Team or the Open Space Team, the Complete Street Team or Design Standard Team, we would not have the Plans or Codes available that direct our enforcement. Without the proper mechanisms in place prior to Planning Board action, our Board could not apply those plans as prudently and effectively. Those groups are essential in providing these mechanisms, and I take pleasure to note that the members of the Planning Board have taken an active role in these groups above and beyond their duties on our Board.

This past year the Planning Board has seen numerous applications along the Lakefront from rip-rap to new homes. We have made it a point to address and apply the Shoreline Guidelines in all instances. The Planning Board recognizes the opportunity for incremental improvement along the Lakeshore and will continue to take every opportunity to improve the current situation. We know we cannot alter the past actions, but the present development provides a unique opportunity to benefit all parties.

With the passing of the Steep Slope Law, the Planning Board has seen a number of applications impacting these critical, vulnerable areas which we have taken to address. On a related front, with last Summer’s significant rains, the Planning Board has tried to proactively ensure that the flows of

stormwater are sufficiently considered on all projects. In this area, Mr. Brabant has been a tremendous help as well as Member Chuck Oyler as the head of the Drainage Committee.

Through our purview on Site Plan approval, the Planning Board has approved a number of projects along State Route 364 down to the FLCC parking lot where the owners have agreed to provide us easements along the State's Right of Way. From this, the Town, County and State will hopefully now provide a section of sidewalk or multi-use path from the intersection of Lakeshore Drive. This goal, previously devised by Ontario County in 2013, will help to further the goals noted under Transportation within the Comprehensive Plan Update.

Finally, the Planning Board's efforts to operate more efficiently are promoting smart development. We have made it a point of emphasis to cut as much fat as possible out of the review process. For simple applications (i.e. requires no referrals), we will review and consider the proposal on our first meeting of the month as opposed to the second. This has enabled us to cut at least two weeks off the review time of some projects. Additionally, with the growth of applicants taking advantage of the MUO process, we see those growth nodes within the Town begin to take shape from the vacant lots of previous years.

As we all agree, the Town has made tremendous strides in accomplishing the goals set out within the Comprehensive Plan. This being said, many goals remain which require our action. The CIC has created their project teams for this year, and the Planning Board would like to suggest the following as necessary steps to more fully accomplish the goals of the Comprehensive Plan:

-AGRICULTURAL INDUSTRY: We are happy that the development of the Agricultural Enhancement Plan has led to the creation of the Agricultural Advisory Committee. We hope that their committee will continue to provide guidance to us on applications for development. In our purview, we see applications for subdivision and home building on lots currently or formerly used for farming. We hope that our committees may recommend methods of reducing the fragmentation of farmland that reduces farm viability, removes soil from production and may increase the conflicts between residences and farmers.

-RESOURCE PROTECTION: Continue with the steps currently being taken such as addressing Drainage Issues, adopting an Open Space Plan, creating an inventory of Historic Resources, and codifying Ridgeline and Shoreline regulation.

-RECREATION: Apply the recommendations of the newly adopted Parks and Recreation Master Plan.

-ECONOMIC DEVELOPMENT: While Developers have used the MUO Zoning, the zoning rules should be revised to become more straightforward and it must remove the prohibition on mixed uses. Many of our existing developments require multi-tenant signage to encourage business growth. Finally and unfortunately, as the Planning Board



rarely sees applications for new, small business development, this goal as noted in the Comprehensive Plan requires further progress. We are encouraged by the efforts of the Economic Development Committee

-COMMUNITY CHARACTER; Most areas of the community are being preserved or enhanced, the Padelford Brook Greenway for Instance and the MUO-1. However the Hamlet of Cheshire and Centerfield may require further protection/enhancement.

-HOUSING; Development of the MUO-1 as a denser residential and mixed-use area will benefit adults with less mobility and young people looking to live in close proximity to amenities. Evaluate the desirability of “Granny Pods”?

-TRANSPORTATION NETWORK; Completing the new Design Standards and planning for the implementation of complete streets will be greatly beneficial.

The tremendous assistance we receive from Chris Nadler, Eric Cooper, Lance Brabant and John Robortella guide us in our accomplishments, enhance our effectiveness and often make us look better than we deserve.

We should also note that two other members of the Planning Board joined me at the Planning Federation Conference. I can attest that all of us on the Planning Board are committed to continuing education to ensure our continued leadership and to constantly be on top of trends in planning so that we may effectively mitigate issues before they arise.

Thank you again for your continued communication and willingness to meet on these issues with the Boards. It is promising that each of the Town’s Boards recognizes the importance of working together on these projects, and we look forward to these joint efforts continuing in the future.a

Sincerely,

**Tom Schwartz, Chair**

**Town of Canandaigua Planning Board**

**Members: Charles Oyler, Ryan Staychock, Dr. Karen Blazey, Gary Humes**

# ATTACHMENT 13

## Town Manager

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**From:** BPD [team@bpdinc.net]  
**Sent:** Monday, July 09, 2018 2:02 PM  
**To:** Greg Hotaling (ghotaling@mrbgroup.com)  
**Cc:** 'Town Manager'  
**Subject:** RE: Town of Canandaigua - Income Survey

Hi Greg –

If we were to assist the Town with a possible Income Survey (similar in scope to another Town that we worked with you on recently) where we were the repository and tabulator of the Surveys received, we should probably use a budget of \$2,000 - \$3,000 for that.

If we have more involvement than that, we may want to budget \$5,000 - \$6,000?

Please let us know if you would like to discuss the 'scope' details further in order to refine the budget estimate.

Thank you - Chuck

***Charles A. Bastian***

Bernard P. Donegan, Inc.  
PO Box 70  
Victor, New York 14564  
(585) 924-2145  
(585) 924-4636 FAX

This email and any files transmitted with it are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the named addressee, you should not disseminate, distribute, or copy this email. Please notify the sender immediately by email if you received this email by mistake and delete this email from your system. Thank you.

June 10, 2018

Town of Canandaigua  
Hon. Greg Westbrook, Supervisor  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

**Re: Median Household Income Survey (MHI)/Low Moderate Income Survey (LMI)-  
Cheshire**

Supervisor Westbrook:

This letter of agreement serves to outline the terms under which G&G Municipal Consulting and Grant Writing (hereinafter referred to as “G&G”) would perform services for the Town of Canandaigua (“the Town”) and the reciprocating responsibilities to be provided by the Town to ensure success of the project.

**PURPOSE**

G&G shall conduct an Income Survey (“survey”) to determine the Median Household Income (MHI) and the Low/Moderate Income (LMI) of the proposed service area.

The MHI/LMI is used by State and Federal programs such as USDA Rural Development (RD), Community Development Block Grant (CDBG) and NYS Clean Water State Revolving Fund (CWSRF) to assess grant funding program eligibility.

**DELIVERABLES**

G&G will perform the following:

1. Attend a community meeting to explain the purpose and benefits of the survey, explain the survey form, outline the survey strategy, and answer questions.
2. Obtain survey authorization from grant funding agencies.
3. Draft the survey per State and Federal guidelines and confidentiality mandates utilizing approved NYHCR survey forms and questions.
4. Prior to distribution, G&G will randomly number each survey with the correlated address so that households will not be resurveyed.
5. Conduct and coordinate the survey printing and mailing. Each mailing to all known households in the service area will include a cover letter (approved by the Town), the survey form, and a self-addressed stamped envelope (SASE).
6. Review the Sewer Master Plan (provided by the Town).
7. **If necessary, conduct four (4) or fewer door to door canvassing events of non-respondents in an attempt to obtain the necessary return rate of 90% (set by**



**CDBG). G&G firmly believes the only way to obtain a favorable MHI/LMI is by going door to door.**

8. Tabulate all survey returns to calculate the MHI/LMI.
9. Provide to the Town, a findings summary, letter report, survey methodology, and any other documentation required by the funding agencies.

**Town Responsibilities:**

1. Provide a master list of all residences in the survey area in spreadsheet format. If the Town is unable to provide the list, a fee of up to \$400.00 will be charged.
2. Promote and advertise that G&G is performing the survey and urge all residents receiving a survey to accurately complete and return the survey form in a timely manner. The survey will be noted at Town meetings, posted in Town offices, local print and/or other methods as appropriate. G&G will provide a sample press release.
3. Review and revise as appropriate, the draft cover letter created by G&G promoting the purpose and importance of the survey. The cover letter will be on Town letterhead and used with the mailing of the survey.
4. The Town will provide reimbursement for the necessary postage related to the survey mailing and the return envelopes.
5. Assist G&G with suggestions to maximize response efficiency.

**COST**

There are **74** households in the proposed service area. Additional occupied households added to the proposal or discovered during the door to door canvass shall be billed at \$30.00+ postage per house.

***74 households will require a 90% response rate to be a valid survey per CDBG. To achieve the best possible survey result, extensive door to door canvassing by G&G employees will be necessary.***

**Fee:**

**\$3,000.00 + postage (\$74.00)**

Thank you for your consideration. I look forward to being of service to you and your municipality. Please don't hesitate to contact me with any questions.

Respectfully,

Jay Grasso

The Town of Canandaigua represents and warrants G&G Municipal Consulting and Grant Writing, that the individual executing this Letter of Agreement on behalf of the Town is duly authorized to execute and deliver this agreement, and that the terms enclosed are binding on the Town.

**TERMS:**

**30% upon printing/mailing**

**70% upon completion and submission of report to the Town**

IN WITNESS WHEREOF, the parties hereto have executed this Letter of Agreement as of the date of its signing.

Town of Canandaigua, NY

By: \_\_\_\_\_ (print) \_\_\_\_\_ (signature)

Date: \_\_\_\_\_

Title: \_\_\_\_\_

G&G Municipal Consulting and Grant Writing

By: \_\_\_\_\_ (print) \_\_\_\_\_ (signature)

Date: \_\_\_\_\_

Title: \_\_\_\_\_

# ATTACHMENT 14

TITLE OF LL:

An act to amend Chapter 100, Dumping and Transfer Facility, regarding penalties for offenses and restrictions on dumping on private property. It also amends Chapter 1-17, Definitions.

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this local law is to amend Town Code Chapter 100 and Chapter 1 to clarify the regulations regarding dumping materials on private property to restrict to not allow dumping or rubbish.

SUMMARY OF SPECIFIC PROVISIONS:

100-3A: Removes regulation of cars and restricts the ability to dump on a private property to only garbage.

100-4: Increases the penalties for offenses of this Chapter.

1-17: Changes the definition of Garbage to include only organic materials and Rubbish to include food packaging.

EXISTING LAW:

Chapter 100 and Chapter 1-17 currently exist.

JUSTIFICATION:

Changes in this Chapter are meant to reduce redundancies within Town Code. Junk Vehicles are regulated within a separate Chapter. As such, the Ordinance Committee agreed that it should be regulated only there.

Previous language within Chapter 100 seemed to allow a private property owner to dump rubbish and garbage (i.e. food waste, packaging and cans/containers) on their property. This change makes sure that packaging or cans/containers, etc. cannot be dumped inappropriately. This change also makes clear to exempt Agricultural uses and private property owners who wish to compost.

Penalties for Violations were last set in 1983 and, due to inflation, no longer reflect an effective penalty to bring offenders into compliance. It may have been cheaper just to pay fines than to remedy a violation.



Definitions were changed so that "Garbage" only includes decayable waste and that "rubbish" includes food containers and other non-decaying items. In this manner our code now has words for waste that can decay or not.

6/4/18

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 18

A local law TO AMEND AND REVISE CHAPTER 100 OF THE TOWN CODE, DUMPING  
(Insert Title)

Be it enacted by the TOWN BOARD \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CANANDAIGUA \_\_\_\_\_ as follows:

SEE ATTACHMENT "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2018 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 2018, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_



## **ATTACHMENT "A"**

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**SECTION ONE.** Town Code § 100-3 shall be replaced in its entirety with the following:

**§ 100-3. Dumping on private land.**

- A. No dumping of garbage, rubbish, construction debris, dirt fill, stone, gravel, road bed surpluses, petroleum, chemical, and nuclear materials, organic matter, or manure, above or below ground level, is allowed on private or public properties in the Town, with the following exceptions:
  - (1) These regulations shall not restrict an agricultural operation, including private gardens, or private property owners from safely composting garbage.
  - (2) The dumping materials are a valid part of a construction phase duly sanctioned by a building permit.
  - (3) Minimal and appropriate landscape maintenance, the establishment and refurbishing of driveways, the construction and maintenance of septic systems.
  - (4) The dumping materials and private dump site are duly sanctioned by a Department of Environmental Conservation permit and are a preexisting condition prior to the adoption of the ordinance.
  - (5) The dumping of materials in a public dump site designated as a Town refuse-transfer site during hours of operation.
  - (6) The Town Highway Department may dump roadside, culvert, and ditch scrapings on selected sites in cooperation with the property owners.
  - (7) In any of the exceptions listed above, the dumping shall not endanger the health and welfare of the residents of the Town or create a public nuisance.
- B. Any future dump sites will hereafter be subject to the recommendation of the Town Planning Board, the approval of the Zoning Board of Appeals, a permit from the zoning Officer and a permit from the Department of Environmental Conservation.
- C. No dumping of the materials listed above including the exceptions in Subsection A shall occur and be transported between properties of various ownerships within the Town or enter the Town for deposit from other townships or municipalities both in and outside of the County of Ontario.

**SECTION TWO.** Town Code § 100-4 shall be replaced in its entirety with the following:

**§ 100-4. Penalties for offenses.**

Any person violating any provision of this chapter shall, upon conviction thereof, be deemed guilty of an offense and subject to a fine not less than \$100 but not to exceed \$250. Any subsequent violation of this chapter by such offender shall be a misdemeanor, and, upon conviction, such person shall be subject to a fine not less than \$300 or imprisonment not exceeding six months, or both such fine and imprisonment.

**SECTION THREE.** Town Code § 1-17 shall be amended to include the following definitions. Where such definition already exists in Town Code § 1-17, said existing definition shall be replaced by the definition herein:

**GARBAGE**

Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, , and animal feces

**NONRECYCLABLE RUBBISH**

Soft plastic containers (non-high-density polyethylene [HDPE]), rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, fill, ashes and similar questionable waste material.

**PRIVATE RUBBISH and PRIVATE GARBAGE**

Those items of rubbish and garbage which shall result from a Town resident's ordinary use and occupation of and on his lands and premises within the Town, and excluding any rubbish or garbage delivered to said premises from any other source.

**RUBBISH**

Waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature including containers in which food is packaged.

**SECTION FOUR.** Severability. The provisions of this local law are hereby declared to be severable and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or parts of this local law.

**SECTION FIVE.** Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

# **DRAFT:** **DUMPING**

LAST REVISED 6/11/20185/31/2018

## Chapter 100. Dumping and Transfer Facility

### Article I. Dumps and Dumping

#### § 100-3. Dumping on private land.

[Amended 3-7-1983 by L.L. No. 1-1983]

##### A.

No dumping of garbage, rubbish, construction debris, dirt fill, stone, gravel, cars, car  
bodies or major parts thereof<sup>[211]</sup>, road bed surpluses, petroleum, chemical, and nuclear  
materials, organic matter, or manure, above or below ground level, is allowed on private or  
public properties in the Town, with the following exceptions:

##### (1)

~~The dumping materials have been generated by the private property owner of the  
property where it is to be deposited. (An excellent example would be agricultural  
usages.)~~ These regulations shall not restrict an agricultural operation, including  
private gardens, or private property owners from safely composting garbage.

##### (2)

The dumping materials are a valid part of a construction phase duly sanctioned by  
a building permit.

##### (3)

Minimal and appropriate landscape maintenance, the establishment and  
refurbishing of driveways, the construction and maintenance of septic systems.

##### (4)

The dumping materials and private dump site are duly sanctioned by a Department of Environmental Conservation permit and are a preexisting condition prior to the adoption of the ordinance.

(5)

The dumping of materials in a public dump site designated as a Town refuse-transfer site during hours of operation.

(6)

The Town Highway Department may dump roadside, culvert, and ditch scrapings on selected sites in cooperation with the property owners.

(7)

In any of the exceptions listed above, the dumping shall not endanger the health and welfare of the residents of the Town or create a public nuisance.

B.

Any future dump sites will hereafter be subject to the recommendation of the Town Planning Board, the approval of the Zoning Board of Appeals, a permit from the zoning Officer and a permit from the Department of Environmental Conservation.

C.

No dumping of the materials listed above including the exceptions in Subsection **A** shall occur and be transported between properties of various ownerships within the Town or enter the Town for deposit from other townships or municipalities both in and outside of the County of Ontario.

## § 100-4. Penalties for offenses.

[Amended 3-7-1983 by L.L. No. 1-1983.]

Any person violating any provision of this chapter shall, upon conviction thereof, be deemed guilty of an offense and subject to a fine not less than \$100 but not to exceed \$250.~~not exceeding \$50.~~ Any subsequent violation of this chapter by such offender shall

be a misdemeanor, and, upon conviction, such person shall be subject to a fine not ~~exceeding less than \$100-300~~ or imprisonment not exceeding six months, or both such fine and imprisonment.

## Article II. Definitions and Word Usage

### § 1-17. Definitions

#### **GARBAGE**

Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, ~~including containers in which packaged~~, and animal feces ~~from household pets.~~

#### **NONRECYCLABLE RUBBISH**

Soft plastic containers (non-high-density polyethylene [HDPE]), rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, fill, ashes and similar questionable waste material.

#### **PRIVATE RUBBISH and PRIVATE GARBAGE**

Those items of rubbish and garbage which shall result from a Town resident's ordinary use and occupation of and on his lands and premises within the Town, and excluding any rubbish or garbage delivered to said premises from any other source.

#### **RUBBISH**

Waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature including containers in which food is packaged.



Project: Dumping Chapter Revision

Date: 07/16/2018

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Short Environmental Assessment Form

### Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<div style="text-align: center;">Town Board, Town of Canandaigua</div> <hr/> <div style="text-align: center;">Name of Lead Agency</div> <div style="text-align: center;">Doug Finch</div> <hr/> <div style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</div> <hr/> <div style="text-align: center;">Signature of Responsible Officer in Lead Agency</div>	<div style="text-align: center;">July 16, 2018</div> <hr/> <div style="text-align: center;">Date</div> <div style="text-align: center;">Town Manager</div> <hr/> <div style="text-align: center;">Title of Responsible Officer</div> <hr/> <div style="text-align: center;">Signature of Preparer (if different from Responsible Officer)</div>

# ATTACHMENT 15

6/4/18

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 18

A local law TO AMEND AND REVISE TOWN CODE SECTION 92-13(C)  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of CANANDAIGUA as follows:

SEE ATTACHMENT "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 18 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 18, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local (Elective Chief Executive Officer\*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date:

## **ATTACHMENT "A"**

---

**SECTION ONE.** Town Code § 92-13(C) shall be replaced in its entirety with the following:

- (C) **Civil Penalties.** In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code, the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the CEO pursuant to any provision of this chapter shall be liable for a civil penalty of not more than \$250.00 for each day or part thereof during which such violation exists or continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town of Canandaigua.

**SECTION TWO. Severability.** The provisions of this local law are hereby declared to be severable and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or parts of this local law.

**SECTION THREE. Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

# **DRAFT:**

## **CODE ENFORCEMENT PENALTIES**

*LAST REVISED ~~6/11/2018~~ 4/5/2018*

### **Chapter 92: Construction Codes, Uniform**

§ 92-13 Enforcement; penalties for offenses.

A. Compliance orders. The CEO is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, the Town Code or this chapter. Upon finding that any such condition or activity exists, the CEO shall issue a compliance order.

The compliance order shall:

- (1) Be in writing;
- (2) Be dated and signed by the CEO;
- (3) Specify the condition or activity that violates the Uniform Code, the Energy Code, the Town Code;
- (4) Specify the provision or provisions of the Uniform Code, the Energy Code or the Town Code which is/are violated by the specific condition or activity;
- (5) Specify the period of time which the CEO deems to be reasonably necessary for achieving compliance;
- (6) Direct that compliance be achieved within the specified period of time; and
- (7) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The CEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The CEO shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent,

or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The CEO and Assistant CEOs are authorized to issue appearance tickets for any violation of the Uniform Code or the Town Code.

C. Civil penalties. In addition to those penalties ~~proscribed~~prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the CEO pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town of Canandaigua.

D. Criminal fines or imprisonment.

(1) Any person who shall violate any provisions of this chapter or of any stop-work order issued hereunder, shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

(2) In addition to the above penalty, the Town may institute an action to prevent, restrain, correct or abate any such violation or enforce any provision of this chapter.

E. Injunctive relief. An action or proceeding may be instituted in the name of the Town of Canandaigua, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of

occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order or other order obtained under the Uniform Code, the Energy Code or the Town Code, an action or proceeding may be commenced in the name of the Town of Canandaigua, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 92-4, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 92-4, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Section (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Section (2) of § 382 of the Executive Law.



Project: Building Codes - Prescribed

Date: 07/16/2018

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board, Town of Canandaigua

Name of Lead Agency

Doug Finch

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

July 16, 2018

Date

Town Manager

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

# ATTACHMENT 16

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120 \* Fax: (585) 394-9476  
[townofcanandaigua.org](http://townofcanandaigua.org)  
*Established 1789*

## **Citizen's Implementation Committee**

June 19, 2018

Report to the Town Board and Committees:

Pursuant to Resolution No. 2018 – 101, the Citizen's Implementation Committee (CIC) is hereby providing the following information and making recommendations to the Town Board regarding open space protection and exploring a Transfer of Development Rights (TDR) program before the deadline of July 16, 2018.

*“Resolution No.2018-101 (adopted March 19, 2018): Acceptance of TDR Report from BFJ Planning, and Directing the Citizen's Implementation Committee to conduct a thorough analysis of the report and report to the Town Board recommendations for implementation of the TDR program by July 16, 2018.”*

### **Introduction / Background Information**

In 2016 the Town of Canandaigua was in the process of developing an Agriculture Enhancement Plan in accordance with the Town of Canandaigua's Comprehensive Plan, with the assistance of LaBella Associates, per direction from the Town Board.

During the process, it was discovered an opportunity existed to explore a Transfer of Development Rights Program (TDR) as a long term strategy for financing of agriculture and open space conservation easements, in addition to the grants associated with the Purchase of Development Rights (PDR) program currently offered by the NYS Department of Agriculture and Markets. BFJ Planning was awarded a planning grant by the State of New York to conduct three demonstration projects in New York. The first communication was held relative to a possible TDR program on July 11, 2016.

In December 2016, the Town Board adopted the Agricultural Enhancement Plan which specifically calls for a TDR program and/or open space funding as identified in several Goals and Action Steps:

Goal B, Strategy 1, d: *“Through Transfer of Development Rights and/or Incentive Zoning, facilitate private conservation easements on high quality farmland in exchange for higher density or other incentives in growth areas in the Town.”*

*Responsible Entity: Town Board / PB / ECB*

Goal B, Strategy 1, e: *“Contribute Town funds toward the purchase of conservation easements, such as through the Open Space Reserve Fund and/or a Transfer of Development Rights (TDR) bank.*

*Responsible Entity: Town Board*

Goal C, Strategy 1, a: *“Institute a Transfer of Development Rights program to preserve agricultural land in designated conservation areas and encourage more intensive development in areas with infrastructure and access to services.”*

*Responsible Entity: Town Board*

Goal D, Strategy, d: *“Adopt a policy to require natural resource conservation and best management practices when conservation easements are acquired to farmland (through conservation subdivisions, PDR, TDR or other means.)”*

*Responsible Entity: Town Board / PB*

During the next year and a half the CIC and the Town’s Agriculture Team/Committee explored opportunities to institute a TDR Program with BFJ Planning. On April 17, 2017, BFJ Planning introduced the concept to the Town Board and then continued to have conversations with the CIC and staff regarding a final report to the Town Board. The TDR report from BFJ Planning was later accepted by the Town Board on March 19, 2018.

In February 2017, the Town created an Open Space team to work through the initial objectives identified by the team in 2015 and 2016. The result was the creation of a draft document soon to be presented to the Town Board entitled, “Open Space, Conservation and Scenic Views Master Plan”. The document although currently draft, calls for goals and strategies to continue to preserve open space and natural resources through conservation. Similarly to the TDR program the end result is to foster conservation easements in order to protect these resources from further development.

## **Conservation Easements**

The Nature Conservancy defines a conservation easement as *“either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the lands remains in private hands.”*

A TDR program is a tool to help identify funding options for conservation easements. Similar to the PDR program the goal is to place a perpetual conservation easement on the property to continue the current use as either open space, agriculture, or to protect the natural resources associated with the parcel.



The Town of Canandaigua has a series of documents pointing to the need to further encourage conservation easements in order to protect our natural resources. These documents include the following list that goes back more than a decade:

- 2016-17 Adopted Comprehensive Plan Implementation
- 2011 Comprehensive Plan Update
- 2003 Comprehensive Plan
- Parks and Recreation Master Plan (2018)
- Water Master Plan (2017)
- Transfer of Development Rights Report (2017)
- Agricultural Enhancement Plan (2016)
- Sewer Master Plan (2016)
- Sustainable Stormwater Management for Sucker Brook (2015)
- Padelford Brook Greenway (2015)
- Natural Resources Inventory (2011)
- Prioritizing Farmland and Scenic Views (2006)
- Farmland and Open Space Conservation Program (2004)

The Town of Canandaigua currently enjoys a strong working relationship with Finger Lakes Land Trust to help promote conservation easements associated with agriculture protection. Although this voluntary relationship is strong, the Town does not currently have dedicated staff or other resources solely focused on conservation.

### **Transfer of Development Rights Program (TDR) / Incentive Zoning**

As outlined the BFJ report received by the Town of Canandaigua on May 22, 2018, TDR programs are intended to implement a land use planning strategy that protects agricultural land and environmental areas from development while focusing new building in areas that are more appropriate for new development due to existing infrastructure, proximity to mixed land uses, and preservation of prime farmland.

The State of New York authorized municipalities, through Town Law §261-a, to create and implement a TDR program:

*“The purpose of providing for transfer of development rights shall be to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.”*

Most examples of TDR Programs associated with other municipalities involve either the creation of a TDR Bank or a detailed analysis of sending and receiving zone credits.

Additionally, the Town of Canandaigua already has a section of Town Code §220-31 labeled, “Incentive Zoning District” which provides a mechanism for the protection of open space and agricultural lands in exchange for incentives associated with increased density, lot area and dimensional requirements, and changes of use.

## **Open Space Fund**

While the Town of Canandaigua currently has an open space fund, there have been no policy decisions in terms of how that money is to be used or allocated with the exception of to support PDR applications.

The Open Spaces Capital Reserve Fund was created by resolution of the Town Board of the Town of Canandaigua on December 27, 2000. The purpose in Section 1 of the Resolution reads, *“Pursuant to subdivision 2 of Section 6-c of the General Municipal Law and Section 247 of the General Municipal Law, there is hereby established a capital reserve fund in and for the Town of Canandaigua, Ontario County, New York, for the class of objects or purposes of paying the cost of the acquisition of land or right-in-land for the preservation of open spaces and areas. The aforesaid class of objects or purposes shall include incidental expenses in connection therewith, and is further intended to include all rights in real property described in Section 247(2) of the General Municipal Law.”* Section 4 of the resolution goes on to further state any expenditure from the fund must include a public hearing and is subject to permissive referendum.

As of May 29, 2018 the current balance of the Open Space Fund is \$ 480,200.00; however, PDR applications already approved have encumbered approximately \$36,300.00 resulting in a balance of \$ 443,900.00. PDR applications being submitted in 2018 have the potential of encumbering an additional \$24,500.00 resulting in an unassigned balance of approximately \$419,400.00.

## **Recommendations**

The Town of Canandaigua and the greater community enjoy many natural resources that if left unprotected would likely be lost to further development and changes of land use. The Town Board is the responsible entity for many of the actions required to help protect these resources. While the CIC is pleased to offer the following recommendations to the Town Board, the Town Board itself must decide to help protect these resources through legislation and funding. Many years of land use planning documents point to the need to take the next steps regarding land use protection, the CIC strongly offers the Town Board take the following actions:

- 1) **Open Space, Conservation, and Scenic Views Master Plan** – the Town Board should adopt the Open Space, Conservation, and Scenic Views Master Plan in order to demonstrate their support for protection of these natural resources. This plan includes parcel rating information for every property in the Town of Canandaigua and further defines which parcels should be considered for possible conservation easements.

- 2) **Open Space Reserve Fund** – the Town Board should set a policy regarding expenditure of funds from the Open Space Reserve Fund. The policy should be specific enough to give direction as to when the use of the funds is appropriate to advance the promotion and protection of natural resources including open space, scenic views, and agricultural lands. The CIC recommends utilizing the Open Space, Conservation and Scenic Views Master Plan; and the Agriculture Enhancement Plan as a base for the parcels that should be considered for conservation easements.
- 3) **TDR Program / Incentive Zoning** – as identified in the Town of Canandaigua’s Agricultural Enhancement Plan; the proposed Open Space, Conservation, and Scenic Views Master Plan; and as recommended by the NYS Department of Agriculture and Markets the Town should establish a TDR Program.

Since the Town already has a section of Town Code §220-31 which would meet the general intent associated with a TDR Program, granting greater density in exchange for open space and agricultural protection, the Town Board should consider making a series of Town Code edits to utilize existing sections of Town Code to further establish a TDR program rather than the more detailed proposal provided by BFJ Planning. The result of proposed modifications of the existing code would be to allow the Town Board to consider TDR/Incentive Zoning on case by case bases. Please see Appendix A for proposed changes associated with §220-31.

Additionally, the Town Board should enact changes to the Mixed Use Overlay Zoning District regulations to further define intent, use, size, density, and other land use regulations associated with the specific growth nodes. The Town Board may wish to consider proposed recommendations associated with the Uptown Feasibility Study anticipated to be presented to the Town of Canandaigua later in 2018 prior to making changes to the Mixed Use Overlay Zoning District.

- 4) **Funding** –
  - a. Annual Budget Appropriation – the Town Board should make an annual budget appropriation from the General Fund to the Open Space Fund as part of the annual budget process. The amount would vary depending on fiscal conditions and other financial obligations of the Town. The Town Board is encouraged to at a minimum replace the expenditures from the previous year returning the Open Space Fund to current levels.
  - b. Open Space Fee – the Town Board should consider the adoption of an open space fee associated with new housing developments. Similar to the Parks and Recreation Fee, the open space fee would help to protect open space and natural resources when major subdivisions create additional development pressure.
  - c. Open Space Reserve Fund – The Town of Canandaigua has an already established Open Space Reserve Fund. As part of the policy update (recommended above) regarding the use of funds from the Open Space Reserve, the Town should

authorize the acceptance for deposit of gifts, donations, bequests or other financial contributions to the Open Space Reserve Fund.

- d. **BOND/Tax Increment Financing** – the Town Board should consider bonding or tax increment financing (TIF) for protection of open space when it is possible to demonstrate a benefit for the protection of the open space associated with a public improvement project. For example a TIF bond could be used to fund infrastructure improvements to help develop an area, and also protect open space associated with the same general area of the Town. The increased tax revenue associated with the infrastructure improvement would make the repayment on the bond over the term. TIF's will only work associated with a redevelopment project due to a ban on the use of General Fund (GL) expenditures to make the repayment. A BOND could be used to purchase open space or purchase conservation easements associated without the requirement of the larger redevelopment project.
- 5) **Conservation Lead** – the Town Board should appoint a specific entity or person to lead conservation efforts on behalf of the Town of Canandaigua. Existing staff is tasked with many different priorities often leaving conservation to be placed on the back burner, or addressed when time exists. The Town Board should partner with an existing entity, team up with the City of Canandaigua, or hire a specific person to take the lead on working with our existing committees and teams to promote conservation efforts including agriculture and open space.

The Town of Canandaigua, City of Canandaigua, and the Canandaigua Chamber of Commerce all recently completed a concept mapping exercise to determine the specific actions the community should take to further economic development. The results clearly spelled out protection of Canandaigua Lake, and the promotion and protection of agriculture as a land use that is critically important to our community.

## APPENDIX A

### TRANSFER OF DEVELOPMENT RIGHTS / INCENTIVE ZONING



## Chapter 220. Zoning

### Article V. District Regulations

#### § 220-31. Transfer of Development Rights / Incentive Zoning District.

A. Intent. The Town Board finds that in addition to existing powers and authorities to regulate by planning and zoning, including authorization to provide for the granting of incentives or bonuses pursuant to other enabling law, the Town Board is hereby empowered, as part of Chapter 220 of the Town Code, to provide for a system of **transfer of development rights, or** zoning incentives, or bonuses, as the Town Board deems necessary and appropriate consistent with the purposes and conditions set forth in this section.

B. Purpose. The purpose of these regulations of incentive, or bonus, zoning shall be to advance the Town's specific physical, cultural and social policies in accordance with the Town's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques. The system of zoning incentives or bonuses shall be in accordance with the meaning of **§261-a or § 261-b** of Article 16 of the New York Town Law, as may be amended from time to time.

C. Authority. This authority may be used by the Town Board to assist in implementing the following planning objectives:

- (1) To protect highly valued ecological resources, geological features and environmentally sensitive areas.
- (2) To protect active farmland operations.
- (3) To preserve greenways and important open spaces, and provide access to trail corridors.
- (4) To preserve historic and/or archaeological resources.
- (5) To protect high-quality scenic resources.
- (6) To secure important public works improvements which would not otherwise be provided to planned development areas of the community and which are in excess of that necessitated by immediate project demand.
- (7) To provide a more desirable environment than what would be possible throughout the strict application of existing zoning regulations.

D. Districts designated for incentives. The following mapped zoning districts are designated as eligible for zoning incentives. Incentives may be offered to applicants who offer an acceptable amenity to the Town in exchange for the incentive.

R-1-30 Residential Single-Family District

R-1-20 Residential Single-Family District

MR Multiple Residential District - Duplex, Apartment and Townhouse

NC Neighborhood Commercial District

CC Community Commercial District

RB-I Restricted Business District

LI Limited Industrial District

I Industrial District

E. Permitted incentives. The Town Board may grant the following specific incentives:

(1) Increase in dwelling unit density for a site.

(2) Changes in lot area and dimensional requirements.

(3) Changes of use.

F. Community benefits or amenities. The following community benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for an incentive identified in Subsection E above. These community benefits may be either on or off the site of the subject application, may involve one or more parcels of land and may be situated in any district, unless otherwise specifically limited in this section and will be in addition to any mandated requirements pursuant to other provisions of the Town of Canandaigua Code and any other applicable law or regulation.

(1) Agricultural conservation, open space, scenic, ecological, historic or other permanent conservation easements.

(2) Donation of land in fee simple for either conservation or community benefit purposes.

(3) Construction of recreation amenities, serving a Town-wide need, accessible to the general public, above and beyond that required elsewhere in the Town Code.

(4) Construction or improvement to public work facilities which are above and beyond that required to mitigate proposed impacts in accordance with the Town Code and the State Environmental Quality Review (SEQR) regulations.

(5) Preservation and improvement of historical or cultural sites or structures.

[\(6\)](#) Provision of shared driveways, cross-access easements or access and service streets, internal circulation systems or interconnected parking.

[\(7\)](#) Other facilities or benefits to the residents of the community, as determined by the Town Board.

[\(8\)](#) Any other combination of the above-listed community benefits or amenities.

[G.](#) Criteria for approval. Applications for incentives in exchange for amenities shall be submitted in writing to the Town Board. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be provided by the applicant:

[\(1\)](#) A sketch plan of the proposed amenity.

[\(2\)](#) The value of the proposed amenity.

[\(3\)](#) Narrative.

[\(a\)](#) A narrative which:

[\[1\]](#) Describes the benefits to be provided to the community by the proposed amenity.

[\[2\]](#) Provides preliminary indication that there are adequate sanitary sewers, water, transportation, waste disposal and fire protection facilities within the existing zoning district which the proposal is located in order to accommodate additional demands, if any.

[\[3\]](#) Explains how the proposed amenity promotes implementation of physical, environmental or cultural policies articulated in proposed plans.

[\[4\]](#) Describes the requested incentive and its value.

[\[5\]](#) Describes the manner in which any common areas are to be owned and maintained, including open space, streets, lighting and other considerations relevant to the proposal.

[\[6\]](#) Describes any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.

[\(b\)](#) The Town Board, in its discretion, may waive any or all of the above listed submission requirements.

[H.](#) Initial review and consideration. All applications for incentive zoning shall commence with a written proposal to the Town Board which sets forth the criteria listed in Subsection [G](#) above. The Town Board shall review the proposal and inform the applicant whether or not the proposal is worthy of further consideration.

[\(1\)](#) Sketch plan requirements.

[\(a\)](#) The sketch plan shall show how the site will be developed, with the amenity, if it is on-site, and the incentive being requested. In addition to meeting the requirements of the applicable sections of the Town Code, the plan shall also meet the requirements of Article [VII](#), Site Plan Regulations, §§ [220-64](#)

through [220-72](#), and/or Chapter [174](#), Subdivision of Land, and show existing development, property owners' names and tax account numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Town Board.

[\(b\)](#) If the incentive will result in a structural height increase, the applicant shall submit an elevation drawing, at a scale of 1/4 inch equals one foot, which shows the height permitted by district regulations, the proposed additional height, the distance to other principal structures on site and on adjacent properties and their heights, as well as property line locations.

[\(c\)](#) If the incentive will result in a setback or open space reduction, the drawing shall show this reduction in relation to the principal structure on site and on adjacent properties, as well as property lines.

[\(d\)](#) The Town Board, in its discretion, may waive any or all of the above-listed sketch plan requirements. Notwithstanding any such waiver granted by the Town Board relative to the sketch plan required for the incentive zoning application, all site plan requirements shall remain in full force and effect relative to any required Planning Board approvals.

[\(2\)](#) The applicant shall also submit such additional information and plans as may be required by the Town Board, which, in its judgment, are necessary in order to perform a thorough evaluation of the proposal.

[I.](#) Planning Board review. The Planning Board will review the proposal and report to the Town Board with its evaluation of the adequacy with which the amenity(ies)/incentive(s) fit the site and how they relate to adjacent uses and structures. The Planning Board's review shall be limited to the impact of the proposed incentive zoning on the planning design and layout of the project unless otherwise requested by the Town Board. The Planning Board's report shall be submitted to the Town Board within 45 days from the date of the Planning Board meeting at which the proposal is first placed on the agenda. This time period may be extended by the Town Board.

[J.](#) Town Board decision after public hearing. The Town Board, upon its receipt of the Planning Board's report, will review the document and then notify the applicant as to whether or not it is willing to further consider the proposal and hold a public hearing thereon. If the Town Board decides to further consider the proposal, it shall hold a public hearing thereon. For Town Board public hearings on incentive zoning requests, the Town Clerk shall give notice of the hearing in the official newspaper of the Town at least five days prior to the date of the hearing.

[K.](#) SEQR compliance and verification. All applicable requirements of the State Environmental Quality Review (SEQR) regulations shall be complied with as part of the review and hearing process. The assessment shall include verification that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire protection facilities to serve the on-site amenity and incentive.

[L.](#) Costs. Any applicant for incentives or bonuses shall pay the cost of preparing any environmental impact statement required by the Town Board, this chapter, Town Law § 261-b, as amended, or 6 NYCRR

Part 617, as amended, and such charge shall be added to any site-specific charge made pursuant to the provisions of § 8-0109 of the Environmental Conservation Law.

M. Coordination with other governmental agencies. The Town Board shall, before taking action, refer, where appropriate, the application to the Ontario County Planning Board for review and recommendation under the provisions of §§ 239-l and 239-m of the New York State General Municipal Law. Where said rezoning application affects property located within 500 feet of a municipal boundary, the Town Clerk shall provide notice of said action to the Clerk of the adjacent municipality. Following the hearings and in addition to compliance with all SEQR requirements, the Town Board shall, before taking action, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to the Planning Board and other Town Boards and officials for review and comment. In order to approve an amenity/incentive proposal, the Town Board shall determine that the proposed amenity provides sufficient public benefit to provide the requested incentive. The Town Board shall, as part of their conditional approval, specify the amenity being provided, along with a detailed description of the incentive(s) being provided. Thereafter, the Town Board is authorized to act on an application for preliminary approval as provided for elsewhere in this section. In no circumstances may the Town Board be compelled to approve any incentive zoning proposal, such act being an absolutely discretionary legislative act. The Town Board may also impose such conditions upon its approval as it may deem appropriate to promote the health, safety and welfare of the community. Following approval of the incentive zoning by the Town Board and subject to meeting all conditions imposed on the preliminary plan, including all documentation required by the Town Attorney, Town Highway and Water Superintendent, Town Water and Sewer Superintendent, Town Code Enforcement Officer, Town Zoning Officer, Town Planner and the Fire Chief of either the City of Canandaigua Fire Department or the Fire Chief of the Cheshire Volunteer Fire Department on the amenity, the applicant may submit a site plan for review and approval by the Planning Board subject to all other requirements of the Town Code.

N. Notation on official Zoning Map. Upon final plan approval, the Town Clerk shall affix a reference to the Official Zoning Map that the development of this site was approved under the Town's incentive zoning provisions and include a reference to the date such action was taken.

O. Cash payment in lieu of amenity. If the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provisions of the amenity. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified prior to acceptance of funds, **or maybe designated by the Town Board to the Town of Canandaigua's Open Space Reserve Fund**. Cash payments shall be made prior to the issuance of a building permit. Cash payments in lieu of amenities are not to be used to pay general and ordinary Town expenses.





# **Transfer of Development Rights Demonstration Project**

*Town of Canandaigua, NY*

*Accepted by the Canandaigua Town Board, March 19, 2018*

*Prepared for the Town of Canandaigua, NY with support from the New York State Energy Research and Development Authority and New York State Department of Transportation.*

**BFJ Planning**



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# 1.0 INTRODUCTION

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## Objectives

The overall objective of a potential Transfer of Development Rights (TDR) program in the Town of Canandaigua is to implement a land use planning strategy that protects agricultural land and environmental areas from development while focusing new building in areas that are more appropriate for new development due to existing infrastructure, proximity to mixed land uses, and preservation of prime farmland. The concepts have been supported by the Town's *Comprehensive Plan*, *Agricultural Enhancement Plan*, *Padelford Brook Greenway Plan*, *Farmland and Open Space Conservation Program*, *Prioritizing Farmland and Scenic Views*, and existing Incentive Zoning districts. The Town has expressed interest in preserving agricultural land and natural land through conservation as response to development pressure from single-family residential expansion.

Canandaigua also has existing Incentive Zoning in the Mixed-Use Overlay (MUO) Districts, which are used to promote future development in areas with existing infrastructure in close proximity to commercial centers. A potential TDR program would further advance the Town's goal of preserving agricultural land and open space by providing a market based tool that promotes growth in MUO areas while generating funds to support the purchase of conservation easements to protect agricultural land and open space.

The goal of this report is to provide a framework for a potential TDR program for consideration by the Town Board. This framework is meant to summarize options for how a TDR program could be developed and describe the components of such a program. A TDR program in the Town of Canandaigua could provide a land use planning tool that helps the Town achieve objectives of protecting agricultural and environmental areas from development while promoting mixed-use development in Mixed-Use Overlay (MUO) districts.

The objectives of a potential Canandaigua TDR program are to:

- Manage development pressure by preserving agricultural land/environmental areas while promoting smart growth.
- Explore alternatives to Incentive Zoning with a greater nexus between fees, community benefits, and incentives.
- Explore potential to use TDR as a way to allow uses and increased density currently not allowed in Mixed Use Overlay (MUO) districts.
- Develop more specific zoning language with regard to incentive development in the MUO-1 and MUO-3 districts.
- Promote mixed-use development in the MUO-1 along the Route 332 corridor and in the MUO-3 on the south-eastern border of the Town and along the east side of the Route 364 corridor.

## Benefits of Transfer of Development Rights

### What is TDR?

TDR is a market-based regulatory strategy that allows communities to preserve valuable assets in one area of a municipality—without hurting the economic interests of the property owners in that area—while also generating economic growth in another area that is more efficient from an environmental, economic and community perspective.

## Section 1: Introduction

TDR is anchored in zoning regulations and establishment of TDR legislation in a municipality follows the same process as any zoning change. TDR regulations consist of three key components: a Sending Area, a Receiving Area, and a Transfer Formula.

The Sending Area is the component of the TDR program that provides a way to protect land from future development. The TDR program provides a market-based method for property owners in the Sending Area to capture the economic value of their property without converting agricultural uses and environmentally valuable areas to residential or commercial uses through subdivision and development. By selling TDR credits, property owners in the Sending Area agree to a permanent conservation easement on agricultural and environmentally valuable areas.

The Receiving Area is the component of the TDR program that focuses future development in parts of the Town that have existing infrastructure and are in close proximity to existing commercial areas and the City of Canandaigua. In the Receiving Area, TDR zoning provides development incentives to property owners in exchange for the purchase of TDR credits. Development incentives may include increased density and/or building height, additional uses that are not currently allowed, reduction of minimum setbacks where needed, and reduction of parking requirements where appropriate. Proceeds from the sale of TDR credits in the Receiving Area can then be used to purchase conservation easements in the Sending Area.

The Transfer Formula quantifies how development units in the sending area are realized in the receiving area. The most common formula transfers floor area or units on a one-to-one basis. However, if the transfer occurs from a low-density area to a higher-density mixed-use area, the transfer formula may equate the development right from one single-family home to more than one multifamily unit because the proportional infrastructure cost impacts of a multifamily unit are lower than for a single-family dwelling in a low-density area. This transfer to more than one unit may also be required to make the TDR financially feasible and to adequately compensate the property owner in the sending district for selling their development rights, especially in the case when TDR is combined with more restrictive zoning.

## Stakeholder Meetings

In producing this report, BFJ Planning has held several meetings and conference calls throughout the process. The goal of these discussions was primarily to learn about the Town's priorities and objectives in exploring a potential TDR program. BFJ provided updates to Town staff and the Citizens' Implementation Committee (CIC) on progress, gathered input, and discussed revisions. During these meetings and calls, BFJ Planning provided an introduction on the firm's role on the TDR Toolbox. Town staff and CIC members discussed recent development patterns as well as the Town's interest and concerns with a potential TDR program. BFJ Planning also presented potential TDR zoning approaches in Receiving Areas. Development bonuses in Receiving Areas are critical to successful TDR programs, as these bonuses provide the incentive for developers to participate in the program by purchasing TDR credits. Discussion about zoning approaches was largely focused on building consensus about appropriate development incentives in potential Receiving Areas.

Stakeholder meetings and conference calls occurred on the following dates:

- July 11, 2016 – Conference Call with Staff.
- July 15, 2016 – CIC Meeting at Canandaigua Town Hall.
- August 17, 2016 – Conference Call with Staff.
- September 6, 2016 – WebEx with CIC.
- October 17, 2016 – WebEx with CIC.

## Section 1: Introduction

- February 7, 2017 — WebEx with CIC.
- April 17, 2017 – Introduction to the Town Board.
- May 2, 2017 – WebEx with CIC.

## **2.0 SUMMARY OF EXISTING MATERIALS**

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### **Town of Canandaigua Comprehensive Plan, 2011**

The Town of Canandaigua Comprehensive Plan, updated in 2011, focuses heavily on the importance of preserving the Town's agricultural character and economic base. Comprehensive Plan recommendations to promote agriculture include economic development activities as well as land use and conservation strategies. Although Transfer of Development Rights is not specifically identified, the plan acknowledges the need to continue seeking out strategies to preserve agricultural land and many of the concepts described are consistent with TDR. For example, recommendation 1: Agricultural Protection and Community Development includes text that is closely aligned with TDR: "The purpose of slowing the conversion of productive agricultural land is not to prevent development but to increase the quality of development, and to guide it toward those areas in which it is most appropriate and consistent with the Town's vision statement." This concept could be equally applied to the Town's sensitive environmental areas and open space resources.

More directly, the Comprehensive Plan update recommended creation of the Conservation Easement Team. The Conservation Easement Team has made a direct recommendation to the Town Board to explore implementation of a TDR program. This recommendation has been accepted by the Town Board via Town Board Resolution # 2015-274.

### **Padelford Brook Greenway Plan, 2015**

The Padelford Brook Greenway Plan represents an acknowledgement by the Town Board and Planning Board for the need to plan for the future of the north end of the Town. The study area includes primarily agricultural lands but there are also a great deal of streams, wetlands, floodplains, and tributaries. Commercial and residential development pressures have increased in this area in recent years, both in Canandaigua and in the Town of Farmington to the north. Adopted as an addendum to the Town's Comprehensive Plan, the greenway area has been considered as a response to these development pressures as a strategy to conserve and protect agricultural and environmental areas. Some parcels within the proposed Padelford Brook Greenway area have already been approved to enter into the New York State Department of Agriculture and Markets Purchase of Development Rights (PDR) program (e.g., Catalpa Acres ).

This TDR study explores the potential to use the Padelford Brook Greenway boundary as the TDR Sending Area. If successfully implemented, the Town could expand the Sending Area in the future to preserve additional areas within the Town.

### **Town of Canandaigua Agricultural Enhancement Plan, December 2016**

The Town's Agricultural Enhancement Plan, adopted in December 2016, outlines the high quality agricultural resources that the Town possesses and describes the ownership, land area, and value characteristics of Canandaigua's agricultural land. The Plan also details the development pressures that have begun to pose a greater threat to the Town's agricultural character in recent years. For example, the plan notes that the Town issued an average of about 119 building permits for residential units between 2004 and 2015, but issued more than double—283 building permits for residential units—in 2015.



### **Farmland and Open Space Conservation Program, 2004**

The Town of Canandaigua Open Space Committee created the Farmland and Open Space Conservation Program as an implementation phase of a comprehensive plan recommendation. The program is broken down into two phases. The first phase is the creation of a complete inventory of farmland and open space resources. The second phase is creation of the Lands of Conservation Interest map. The Farmland and Open Space Conservation Program recognizes growth along the west side of Canandaigua Lake and throughout the Route 332, corridor as well as the importance of maintaining working landscapes and scenic views. Issues identified in the comprehensive plan and in the Farmland and Open Space Conservation Program included conversion of farmland as well as conflicts with non-farm neighbors. The program identifies the need for innovative land use planning techniques to preserve farmland and open space in Canandaigua.

### **Prioritizing Farmland and Scenic Views, 2006**

Prioritizing Farmland and Scenic Views in the Town of Canandaigua was produced by the Environmental Conservation Commission to identify the parcels in the Town with the greatest conservation value. The report was created as a follow up to the Farmland and Open Space Conservation Program to provide guidance to the Town to focus conservation efforts on the most important parcels. The report developed a ranking methodology to evaluate farmland and scenic viewsheds and listed specific sites that ranked highly and suggested potential land use options to promote conservation.

### **Existing Zoning Code**

#### **AR-2 Rural Residential**

The bulk of the proposed Sending Area is currently zoned AR-1 Agricultural Rural Residential. While most of the permitted principal uses are related to agriculture, the district also allows single-family dwellings on a minimum lot size of two acres. This has created some development pressure in the past of property owners seeking to subdivide farms and redevelop for single-family homes. The objective of the TDR program would be to provide an incentive for farmers to preserve agricultural uses.

#### **Mixed-Use Overlay Districts**

The Town of Canandaigua's three Mixed-Use Overlay (MUO) districts provide additional regulations in three key growth nodes that were identified in the Town's Comprehensive Plan. The MUO districts allow for a mix of land uses within these three growth areas once final site plan approval has been obtained by the Town Planning Board. Although there are some dimensional requirements included in the zoning code that apply to the MUO districts, there is no maximum density established in the code. This appears to give some discretion to the Planning Board during site plan review. Given that the MUO-1 and MUO-3 areas are proposed in this report as potential Receiving Areas, the zoning regulations for these districts would need to be revised in order to promote a successful TDR program. Most importantly, the zoning code should include specific development regulations for the MUO districts as a baseline for development that opts into the overlay. With specific regulations established, the code can then also provide development incentives above that threshold for developments that participate in the TDR program.

#### **Incentive Zoning**

The Canandaigua Zoning Code features an incentive zoning district that can be used to protect farmland operations, preserve greenways and access to trails, high-quality scenic resources, historic and archaeological resources, and to provide a more desirable environment than what is possible under the existing zoning designation. Permitted incentives include an increase in residential density for a site, a change in lot area and dimensional requirement, and change of use. The community benefits or amenities

## **Section 2: Summary of Existing Materials**

received in exchange for incentive zoning include the conservation of agricultural land, land conservation, construction of recreation and public facilities above the costs required to mitigate the impacts, preservation and improvement of historic and cultural sites, transportation improvements, and other facilities and benefits as determined by the Town Board.

### **Purchase of Development Rights**

The Town's Purchase of Development Rights (PDR) program is funded by the New York State Department of Agriculture and Markets. The PDR program allows farm owners to sell or donate development rights on their land, resulting in a perpetual conservation easement on the property. PDR provides financial assistance to the property owner and protects farmland from being developed, even if it changes hands. The PDR program contains some similarities to a TDR program—the primary difference is that it relies on grant funding to purchase development rights, whereas the TDR program would be capitalized using fees paid by developers in designated receiving areas of the Town in exchange for development incentives. The TDR Fund would also be able to use grant funds from Ag and Markets to supplement its resources.

## 3.0 DESCRIPTION OF SENDING AND RECEIVING AREAS

### Proposed Sending Area

The proposed sending area is the Padelford Brook Greenway (Figure 1). The area currently consists of mostly rural and agricultural uses with some limited residential development and natural areas such as streams and wetlands. The most common existing land uses include vacant farmland, rural residential and agricultural uses (Table 1). Single family residential accounts for 13% of land area in the proposed sending area, which is greater than some agricultural uses, such as field crops and dairy farms. The prevalence of existing single family uses in the proposed Sending Area shows the importance of conserving open space within the Padelford Brook Greenway.

**Table 1: Padelford Brook Greenway – Proposed Sending Area Existing Land Use**

Land Use	Land Area (Acres)	Percent of Total Land Area	Parcels	Percent of Total Parcels
Vacant Farmland	2302	37%	36	10%
Rural Residential and Agriculture	1311	21%	14	4%
1 Family Residential	773	13%	224	62%
Field crops	389	6%	4	1%
Rural residential	244	4%	9	2%
Dairy farm	211	3%	1	0%
Horse Farm	203	3%	4	1%
Residential Vacant Land	167	3%	30	8%
Other	552	9%	40	11%
<b>Total</b>	<b>6,153</b>		<b>362</b>	

### Receiving Areas

The proposed Receiving Areas consist of the existing MUO-1 and MUO-3 Mixed-Use Overlay districts, including the recently adopted extension of the MUO-3 between Route 364 and the Town border (Figure 1).

The current MUO-1 area is a commercial corridor with several auto dealerships and other highway-related uses. Nearly one-quarter of the land area (more than 180 acres) is classified as vacant commercial—The MUO-1 district is a prime area of future development (Table 2). The area has the potential to be transformed into a mixed-use, walkable environment, directly adjacent to the Town border with the City of Canandaigua.

The MUO-3 area and the MUO-3 extension both have a substantial area of vacant commercial land with some single-family residential, outdoor recreation, and greenspace (Table 3 and Table 4). The amount of vacant land shows there is ample space for smart growth development.

### Section 3: Description of Sending and Receiving Areas

**Table 2: Existing Land Use in the MUO-1 Receiving Area**

Property Class	Area (acres)	% of Total Area	Parcels	% of Total Parcels
330 Vacant comm	180.5	24.9%	27	16.8%
210 1 Family Res	106.6	14.7%	47	29.2%
557 Outdr sport	83.4	11.5%	2	1.2%
311 Res vac land	58.0	8.0%	12	7.5%
431 Auto dealer	47.8	6.6%	13	8.1%
322 Rural vac>10	36.3	5.0%	1	0.6%
411 Apartment	31.6	4.4%	6	3.7%
452 Nbh shop ctr	24.4	3.4%	4	2.5%
240 Rural res	24.1	3.3%	2	1.2%
Other *	131.7	17.9%	47	28.6%
<b>Total Area</b>	<b>724.4</b>	<b>Total # of Parcels</b>	<b>161.0</b>	
* Other includes: Police/fire, Auto body, Multi-use bld, Office bldg., Supermarket, Rural vac<10, Mfg hsing pk, Manufacture, Motel, Kennel / vet, Other Storage, Mini-mart, Com vac w/imp, Large retail, 1 use sm bld, Retail srvc, Branch bank, Auto carwash, Dealer-prod., 2 Family Res, Restaurant, MiniWhseSelfSto, Mtor veh srv, Det row bldg., Spec. school, Sewage				

**Table 3: Existing Land Use in the MUO-3 Receiving Area**

Property Class	Area (acres)	% of Total Area	Parcels	% of Total Parcels
330 Vacant comm	205.3	20.7%	18	13.0%
210 1 Family Res	127.7	12.8%	45	32.6%
312 Vac w/imprv	111.7	11.2%	8	5.8%
531 Fairground	80.6	8.1%	1	0.7%
852 Landfill	68.8	6.9%	1	0.7%
240 Rural res	59.1	5.9%	3	2.2%
452 Nbh shop ctr	35.0	3.5%	3	2.2%
322 Rural vac>10	30.1	3.0%	2	1.4%
311 Res vac land	29.3	2.9%	8	5.8%
340 Vacant indus	28.7	2.9%	2	1.4%
Other *	217.7	21.8	47	33.0%
<b>Total Area</b>	<b>994.0</b>	<b>Total # of Parcels</b>	<b>138</b>	
* Other includes: Radio, Vac farmland, Rural vac<10, Athletic fld, Rec facility, Motel, Non-ceil. Rr, Auto Body, Oth Ind Sport, MiniWhseSelfSto, Sewage, Industrial, Library, >1use sm bld, Branch bank, Mfg hsing pk, Mfg housing, Retail srvc, Hotel, Highway gar, Supermarket, 1 use sm bld, Nursery, Diner/lunch, Office bldg., Res w/Comuse, Apartment, Kennel / vet, 2 Family Res, Res Multiple, Mini-mart, Fast food, Elec-Substation, Restaurant				

### Section 3: Description of Sending and Receiving Areas

<b>Table 4: Existing Land Use in the MUO-3 Extension Receiving Area</b>				
<b>Property Class</b>	<b>Area (acres)</b>	<b>% of Total Area</b>	<b>Parcels</b>	<b>% of Total Parcels</b>
511 Legit theatr	69.8	33.2%	1	3.6%
311 Res vac land	47.6	22.6%	4	14.3%
822 Water supply	40.7	19.3%	1	3.6%
416 Mfg hsing pk	26.9	12.8%	1	3.6%
210 1 Family Res	6.8	3.2%	8	28.6%
330 Vacant comm	6.7	3.2%	2	7.1%
415 Motel	5.0	2.4%	2	7.1%
270 Mfg housing	2.5	1.2%	4	14.3%
Other*	4.4	2.0%	5	17.6%
<b>Total Area</b>	<b>210.3</b>	<b>Total # of Parcels</b>	<b>28</b>	
* Other includes: Auto Body, 1 use sm bld, 2 Family Res, Apartment, Restaurant				



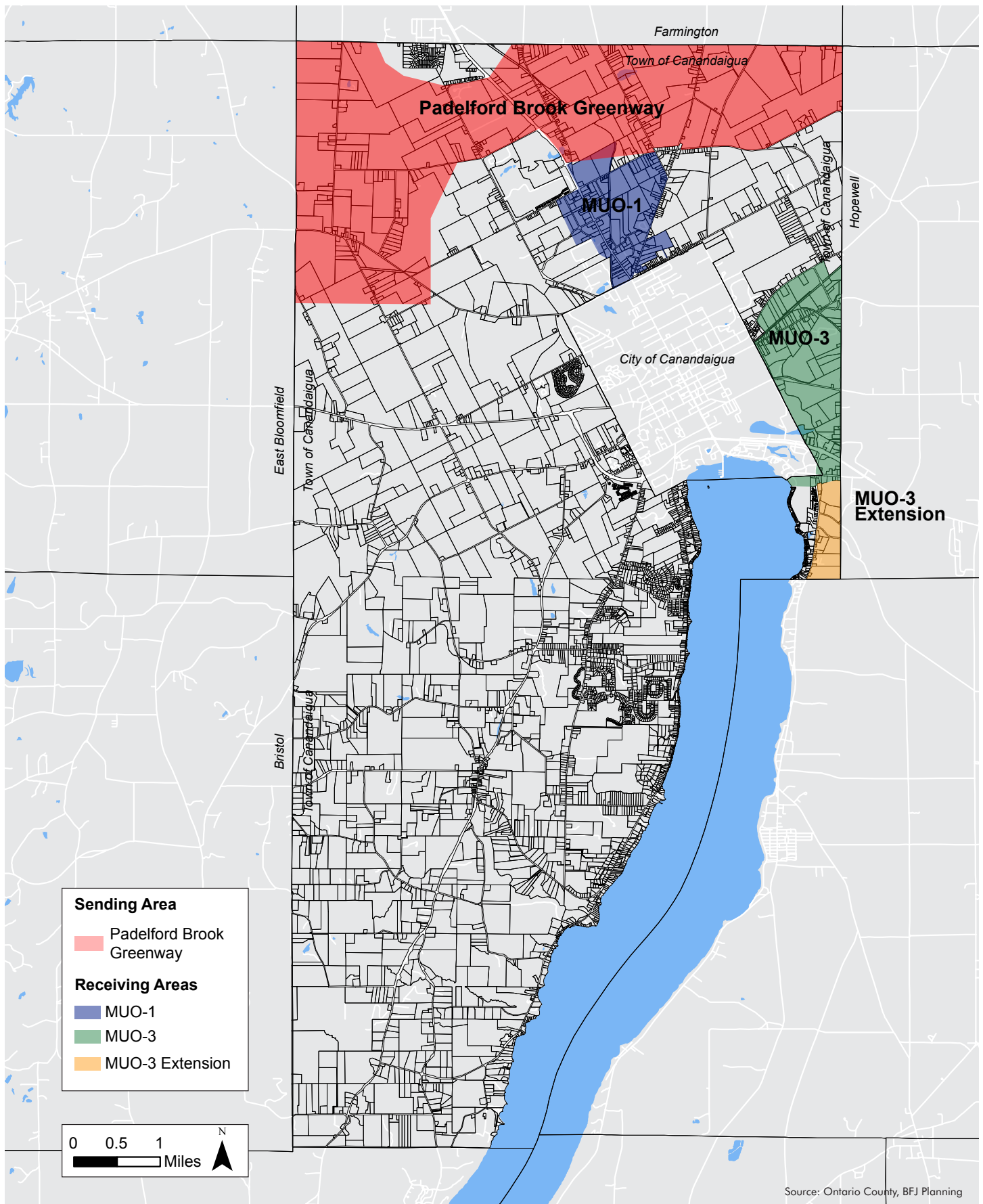


Figure 1: Proposed TDR Sending and Receiving Areas

## 4.0 DESCRIPTION OF TRANSFER PROCESS

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There are two basic types of TDR mechanisms, Traditional TDR and Density Transfer Charge. Municipalities can implement either type of program to incentivize Sending Area property owners to transfer development rights to preserve land and encourage more efficient development in Receiving Areas.

Traditional TDR involves a private transaction between two property owners. In this type of program, the owner of the Receiving Area property negotiates and purchases development rights directly from the owner of the Sending Area property. In exchange, the Receiving Area property is allowed additional development rights while a deed restriction is attached to the Sending Area property, creating a conservation easement.

A Density Transfer Charge program involves creation of a TDR Fund that serves as an intermediary between the two property owners. In this type of program, the Receiving Area property owner pays a fee to the TDR Fund in exchange for an incremental increase in development rights. The TDR Fund can then use the revenue generated to purchase development rights from Sending Area property owners.

Both types of programs have their own advantages, however this report proposes that the Town of Canandaigua pursue a Density Transfer Charge program with a TDR Fund. Traditional TDR tends to be more straightforward legislation, however it has some drawbacks that favor a TDR Fund. The reason that the TDR Fund is favored by this report is that it creates greater flexibility for property owners in both the Sending Area and Receiving Area. With the fund set up as an intermediary, a developer in the Receiving Area can easily purchase TDR credits without having to seek out multiple Sending Area property owners. Meanwhile, once the fund is capitalized, a Sending Area property owner can sell TDR credits to the fund at any time, without having to wait for a developer to come along. In addition, since the TDR is controlled by the Town, it allows the Town to prioritize and target those properties in the Sending Area that have the greatest preservation value.

In either type of program, participation by property owners in the Sending Area and in the Receiving Area is voluntary. If a Sending Area property owner chooses to take part in the TDR program, the property owner may transfer through sale or donation all or part of the development rights associated with the property to the TDR Fund. Meanwhile, a Receiving Area property owner may purchase TDR credits from the TDR Fund and apply those development rights to an approved Receiving Area parcel.

### Involved Parties

The following is a suggested outline of the roles for which each party involved in the TDR program would be responsible. This proposed framework is based on the operational needs of running a TDR program and discussion with Town staff on local administrative processes. This outline, however, is not set in stone and the Town Board may consider revisions or alternative roles.

### Town of Canandaigua

#### **Town Board**

- Must adopt TDR legislation and serve as lead agency on the Generic Environmental Impact Statement.

#### **Citizen's Implementation Committee and Agricultural Advisory Committee**

- Reviews subdivision, site plan, or special permit application by Receiving Site owner.

## Section 4: Description of Transfer Process

- Coordinates with Town Manager and Assessor to verify Sending Site owner calculations and makes a determination (based on recommendation by Zoning Officer) on the accuracy of the TDR credit application.
- Coordinates with Town Manager and Assessor to verify Receiving Site owner calculations and makes a determination on the accuracy of the TDR credit application.

### **Planning Board/Zoning Board of Appeals/Planning Board Attorney**

- Verifies draft deed restrictions/conservation easements submitted by Sending Site owner.
- Records deed restrictions/conservation easements.

### **Town Manager, Assessor, Zoning Inspector, Planning Aide**

- Verifies Sending Site owner calculations for site area and number of TDR credits.
- Verifies Receiving Site owner calculations for density bonus and TDR credit use.

### **Zoning Inspector**

- Assists Sending Site owners in preparing TDR application.

### **Transfer of Development Rights Fund**

- Operated by the Town, with the Town Manager as Executive Director.
- Negotiates purchase and sale price of TDR credits.
- Seeks outside funding sources to support TDR program operations.
- Identifies priority sites in the Sending Area to target for TDR credit purchase.

### **Finger Lakes Land Trust (in partnership with Town staff)**

- Provides informational materials to Sending Site owners with information on the TDR program with assistance from the Environmental Conservation Board.
- Acts as a liaison between Sending Site owners, Receiving Site owners, and the TDR Fund.
- Assists TDR Fund in determining Sending Site TDR value.

### **Property Owner—Sending Area**

- Submits application for transfer of development rights to the Agricultural Advisory Committee and the CIC with estimated number of credits. The Agricultural Advisory Committee will process applications with help from the CIC, the Zoning Inspector, and Planning Aide & make recommendations to the Planning Board.
- The application shall include basic landowner information, property information, a map of the proposed sending area parcel, and an estimated area calculation.
- Submits draft deed restrictions/conservation easements to the TDR Fund.

### **Property Owner—Receiving Area**

- Submits application for use of TDR credits to the Agricultural Advisory Committee and the CIC as part of site plan review. The Agricultural Advisory Committee will process applications with help from the CIC, the Zoning Inspector, and Planning Aide.
- The application shall include a zoning analysis that demonstrates the property area, total number of units, calculation of units per acre, and demonstration of intent to purchase required number of transfer credits to achieve the density increase.

### TDR Process

The following section describes the step-by-step process of transferring development rights from Sending Area sites to Receiving Area sites (Figure 2 and Figure 3). This process was developed in coordination with the Development Office and with input from the CIC. However, specific roles and details of the process could be revised to reflect preferences of the Town Board, Planning Board, and/or Development Office.

### Sale of Sending Site Development Rights

#### Phase 1: TDR Application

##### Step 1: Sending Site Owner Submits TDR Application to Agricultural Advisory Committee and Citizens Implementation Committee

In order to receive payment for the sale of development rights, Sending Site owners must complete a TDR Application. The application (which should be a standard form developed by the Town) shall include basic landowner information, property information, a map of the proposed sending area parcel, an estimated area calculation, and preliminary calculation of TDR credits.

The Sending Site owner may retain, at maximum, the ability to build one residential dwelling unit for every 50 acres of land area to be preserved. Any development rights retained by the Sending Site owner shall be subtracted from the total number of certified development rights for that parcel. Such unencumbered areas shall be delineated in the conservation easement survey.

The goal of allowing Sending Site owners the right to retain a single dwelling unit per 50 acres is to allow a large farm to be split up into smaller farms and preserve the ability for a small farmer to live on-site. The tradeoff this creates is that there may still be a risk that a large farm is subdivided and converted into large-lot residential development with no agricultural component. However, this may be a low-risk scenario and this type of development would still preserve open space and prevent smaller lot subdivisions.

When finalizing TDR zoning text, the Town has three options in determining how net site area is calculated. The difference between these three options is finding the appropriate balance of accurately valuing real development potential versus further incentivizing participation in the TDR program. Many sites in the Sending Area may have site area that is encumbered, for example by existing conservation easements, wetlands or water bodies, environmental areas, steep slopes, etc. The Town may choose to allow Sending Site owners to value encumbered lands in full, in part, or not at all. Below is a summary of each of these options.

1. The TDR program can deduct portions of the site with limited development potential from the sending site area calculation. Deducting existing conservation easements, submerged lands, environmental areas, wetlands, steep slopes, etc. is a more accurate reflection of development potential, but also reduces the number of TDR credits for some sites.
2. The TDR program can weigh the value of portions of the site differently, depending on development potential. For example, prime agricultural land may be valued at two credits per dwelling unit, while areas with steep slopes or wetlands are assigned a fraction of a credit (e.g., 0.25 credits per dwelling unit). This strategy allows a Sending Site owner to receive some financial return for land with limited development potential.
3. The TDR program can count site area with limited development potential towards the sending site area with no discount. Including these areas in the site area calculation overestimates development potential but provides an added incentive to sending site owners and also places an added value on ecologically important land (e.g., wetlands, steep slopes, streams, etc.).



## Section 4: Description of Transfer Process

The total number of development rights available for transfer is determined by multiplying the sending site area by the base density for the zone in question.

The Sending Area applicant submits the completed application to the Agricultural Advisory Committee and CIC, including TDR Sending Area Application Fee to be used for administration and recording of the TDR credits.

### **Step 2: Agricultural Advisory Committee and Citizens Implementation Committee determine if agricultural, environmental, and/or open space value warrants approval of TDR credits.**

The Agricultural Advisory Committee and the Citizens Implementation Committee serve as the first review of the application. The role of these two groups is to verify that the site in question has agricultural, environmental, and/or open space value. The committees also verify that the map submitted with the application for the proposed Sending Area parcel is of sufficient detail to show its general location, streets, available infrastructure, and agricultural or sensitive environmental features. If less than the full area of the parcel is being used for transfer of development rights, the committees will review the application map to confirm that it shows the specific area of the parcel subject to conservation.

If the Sending Site owner is using less than the full site area for sale of development rights, the Agricultural Advisory Committee and the CIC shall determine if future development on the area excluded from the transfer of development rights would degrade the value of agricultural uses on the portion of the site proposed for conservation easement. The Agricultural Advisory Committee and CIC has discretion to reject the application if they determine that agricultural value is degraded by the non-encumbered portion of the site.

### **Step 3: Agricultural Advisory Committee and Citizens Implementation Committee forward application to the Town Manager for review of accuracy and zoning compliance.**

The Agricultural Advisory Committee with the CIC shall forward the application to the Town Manager. The Town Manager shall review the application for accuracy and compliance with density allowance under the Town zoning ordinance.

## **Phase 2: Planning Board Approval**

### **Step 4: Town Manager advises Planning Board of findings and any required adjustments to the application**

The Town Manager shall advise the Planning Board of findings and required adjustments to the application if necessary.

### **Step 5: Planning Board verifies and approves the number of TDR credits in writing to the TDR Fund**

The number of TDR credits that qualify for the transfer shall be verified and approved by the Planning Board, who provides the determination in writing to the applicant and the TDR Fund.

## **Phase 3: TDR Fund Valuation**

### **Step 6: TDR Fund Executive Board reviews application and determines valuation of TDR Credits based on TDR Transfer Formula**

Valuation of Sending Site Credits is based on reverse engineering the Transfer Formula (described below). The formula determines how many TDR credits a Sending Site is worth. The value of TDR credits is determined based on appraisal of Receiving Area parcels. Therefore the TDR Fund should value Sending Sites with knowledge of recent transactions in the Receiving Area or understanding of the value of development credits in the Receiving Area.

## Section 4: Description of Transfer Process

### Step 7: Sending Site Owner conducts title search to verify clear title and submits conservation easement to the Town Attorney

The Sending Site owner shall conduct a title search to verify the owner has clear title. Sending Site owner submits a draft deed restriction/conservation easement to the Town Attorney. The Town should provide a model deed restriction/conservation easement for the Sending Site owner to complete.

### Phase 4: Recording of Conservation Easement and Payment

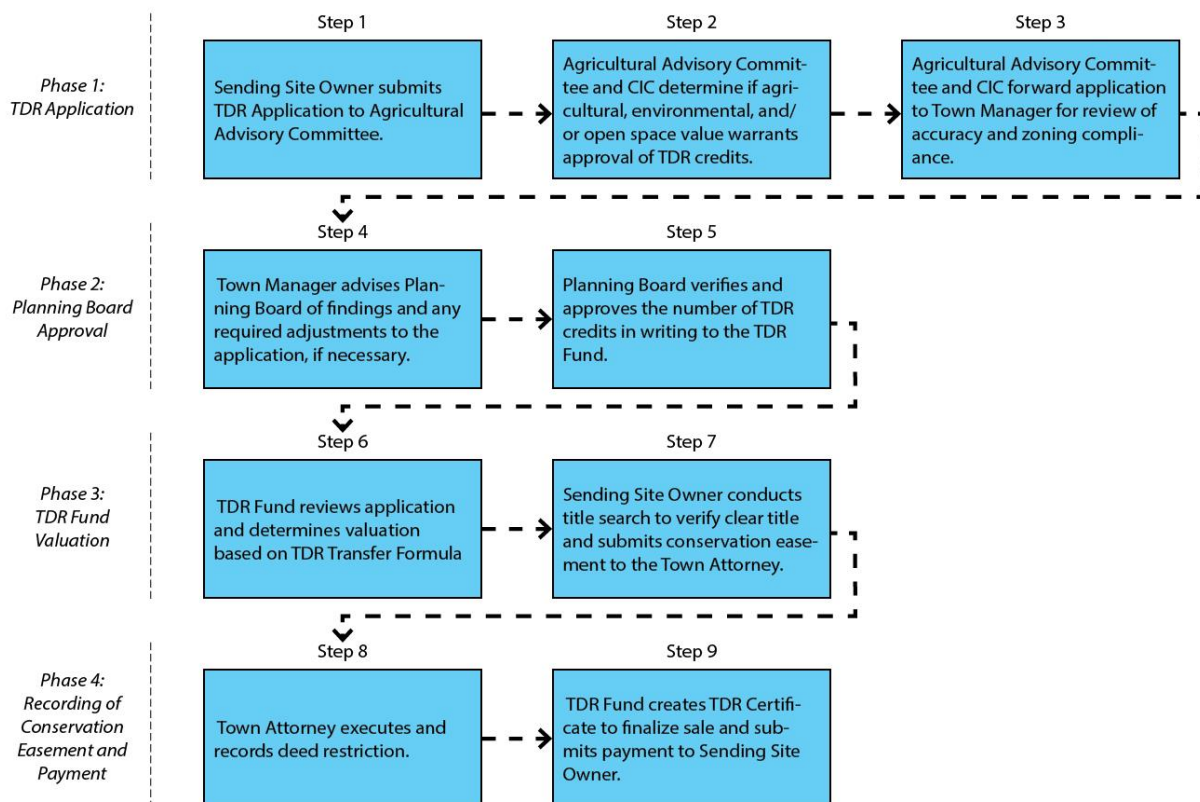
#### Step 8: Town Attorney executes and records deed restriction

After verifying the information submitted by the Sending Site owner, the Town Attorney executes and records the deed restriction.

#### Step 9: TDR Fund creates TDR Certificate to finalize sale and submits payment to Sending Site Owner

When the deed restriction/conservation easement is recorded, a TDR certificate is issued to the Sending Site owner by the TDR Fund. The TDR certificate is transferred to the TDR Fund and payment is submitted to the Sending Site owner by the TDR Fund. The TDR Fund holds the TDR certificate until it is redeemed by a Receiving Site owner. Easements could be held by the Town or by a third party, such as the Finger Lakes Land Trust.

Figure 2: Sending Site Process



## **Purchase of Receiving Site Development Rights**

### **Phase 1: TDR Application**

#### **Step 1: Receiving Site Owner submits appraisal with analysis of development costs of bonus development**

In order to be eligible for bonus development in exchange for purchase of TDR credits, Receiving Site owners must complete an appraisal and TDR Application. It is assumed that the bonus density allowed in the Receiving Area through the transfer of development rights will provide additional value to the Receiving Site owner. This additional value is used to determine the value of the TDR credits transferred. The value of the TDR credits shall be determined at the time of application for the use of such rights.

An appraisal and analysis of the incremental increase in value of the Receiving Area parcel shall be performed by an agreeable third party real estate appraiser. The appraisal and development value analysis must be approved by the TDR Fund. The development cost analysis shall include a comparative estimate of the costs involved to develop the Receiving Area parcel at the base density and at the increased density using TDR credits.

The difference between the value of the undeveloped property at the base density and the value of the undeveloped property with TDR credits represents the fair market value of the development rights to be transferred. The value of each TDR credit must be less than the fair market value of the development rights (if the credits cost more than the value of the incremental increase in development rights, the developer would have no incentive to purchase TDR credits). For example, the TDR Fund could set the cost of TDR credits at 50% of the incremental increase in value.

#### **Step 2: Receiving Site Owner submits appraisal and application to Agricultural Advisory Committee and Citizens Implementation Committee with zoning analysis and required TDR credits**

Once the Receiving Site owner has completed the appraisal, the property owner should submit their application to the Agricultural Advisory Committee and the CIC. This application should include the appraisal as well as a zoning analysis that demonstrates the property area, total number of units, calculation of units per acre, and demonstration of intent to purchase required number of TDR credits to achieve the density increase.

This application informs the Agricultural Advisory Committee and the CIC of the Receiving Site owner's intent to use TDR credits.

#### **Step 3: Agricultural Advisory Committee and Citizens Implementation Committee review application and forward to the Town Manager for review of accuracy and zoning compliance**

After their review, the Agricultural Advisory Committee with the CIC shall forward the application to the Town Manager. The Town Manager shall review the application for accuracy and compliance with density allowance under the Town zoning ordinance.

### **Phase 2: Planning Board Approval**

#### **Step 4: Town Manager advises Planning Board of findings and any required adjustments to the application**

The Town Manager shall advise the Planning Board of findings and required adjustments to the application if necessary.

#### **Step 5: Planning Board reviews TDR application to ensure coordination with application for subdivision, site plan review, or special permit**

After the Town Manager signs off on the application, it is sent to the Planning Board for review along with subdivision, site plan, or special permit review.

## Section 4: Description of Transfer Process

In exchange for purchasing TDR credits, a Receiving Site development is eligible for development bonuses in the form of increased density, additional uses (e.g. multi-family residential or mixed-use), reduced parking requirements, and/or revised area and bulk requirements. The Planning Board reviews the development application to verify that the proposed development bonuses are consistent with the number of TDR credits being purchased.

Receiving Site owners may use any number of TDR credits on a project, as long as the development does not exceed the allowable development bonuses for the site. The Receiving Site owner's application must demonstrate the allowable number of units based on underlying density, the allowable number of units based on TDR credit density, and the number of TDR credits proposed. The maximum density in the Receiving Area shall be based upon an approved subdivision, site plan or special use permit.

### **Phase 3: TDR Fund Valuation**

#### **Step 6: Planning Board verifies and approves the number of TDR credits in writing to the TDR Fund**

Upon approval of development plans and the TDR application, the Planning Board shall notify the TDR Fund in writing and forward the application to the TDR Fund. This alerts the TDR Fund to determine the valuation of the TDR credits being purchased.

#### **Step 7: TDR Fund reviews application and determines valuation based on approved appraisal**

Once it has received the application, the TDR Fund shall review the application, the number of TDR credits proposed for purchase, and the appraisal completed by the Receiving Site owner. Based on the appraisal of the incremental increase in value of the development and the number of TDR credits required to achieve the proposed development bonuses, the TDR Fund shall determine the appropriate valuation of the TDR credits.

As described above, the TDR Fund should work from a common formula for determining value of TDR credits. The value of TDR credits must be less than the increase in value of the development. For example, if the incremental increase value per unit of the bonus development is \$10,000, the cost per TDR credit could be 50% of this incremental increase per unit, or \$5,000.

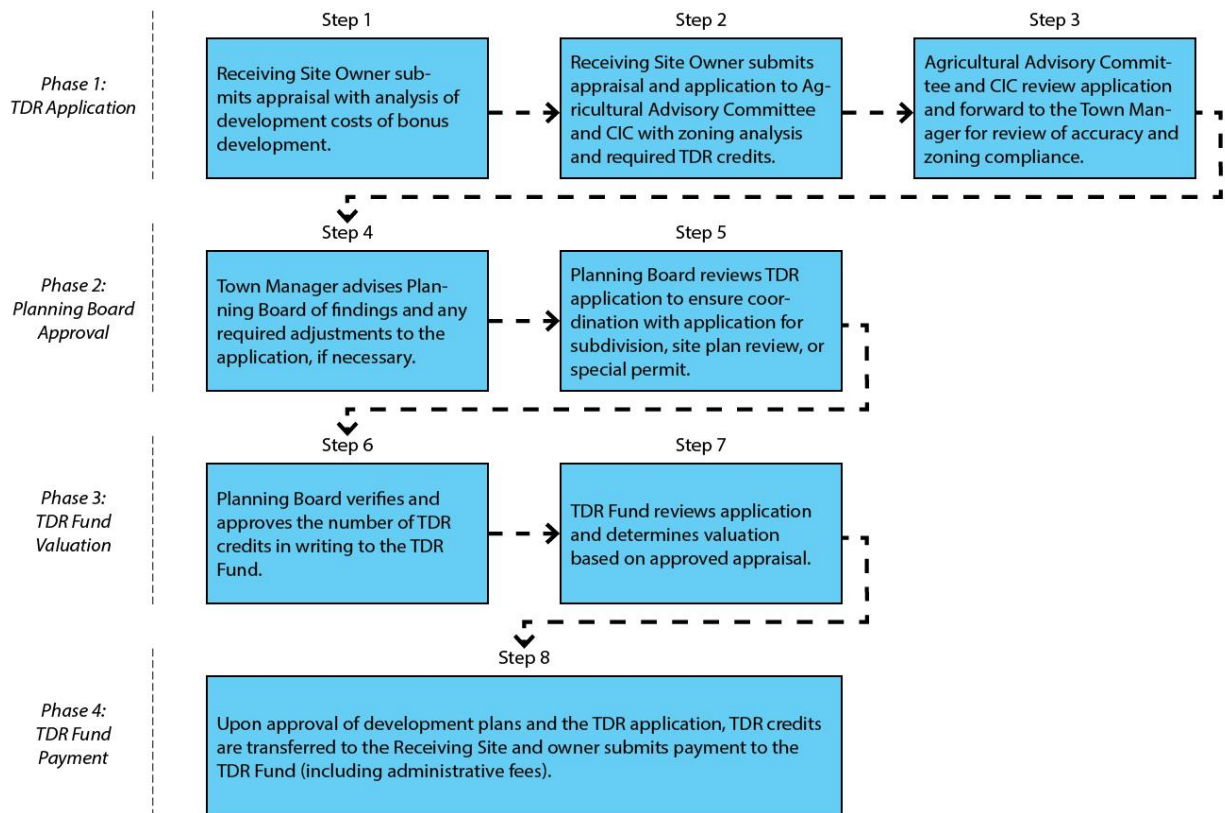
### **Phase 4: TDR Fund Payment**

#### **Step 8: Upon approval of development plans and the TDR application, TDR credits are transferred to the Receiving Site and owner submits payment to the TDR fund (including administrative fees)**

TDR credits will be transferred to the parcel in the Receiving Area and the Receiving Site owner shall submit payment to the TDR Fund in the amount of the cost per credit times the number of credits, plus associated administrative fees.

## Section 4: Description of Transfer Process

**Figure 3: Receiving Site Process**



## Review Costs

The Receiving Site owner shall be responsible for all costs associated with the review of the TDR credit transfer application in addition to any costs associated with normal subdivision, site plan, or special use permit review, including all professional fees authorized by Town staff.

## TDR Fund Administration and Funding

The purpose of the TDR Fund is to assist in the implementation of the TDR program by purchasing and selling TDR credits. The TDR Fund may acquire development rights only from property located within the designated Sending Area. TDR credits purchased from the TDR Fund may only be used for properties located within the designated Receiving Areas. Sending and Receiving Areas must be adopted in the Town Zoning Code by the Town Board. As such, they are subject to future expansion or addition if the Town determines that there are agricultural, environmentally sensitive, and open space areas that are priorities to be preserved through the TDR program.

## Administration

The TDR Fund shall be administered by the Town with the Town Manager serving as Executive Director. The responsibilities of administering the TDR Fund include:

- Managing the TDR Fund.



## Section 4: Description of Transfer Process

- Authorizing and monitoring expenditures.
- Recording dates, amounts, and locations of development rights purchases and sales.
- Executing development rights purchases and sales.
- Providing periodic summary reports of TDR Fund activity.

The TDR Fund may select prospective purchasers based on the price offered for the TDR credits, the number of credits offered to be purchased, and the potential for the sale to achieve the objectives of the TDR program.

The Town Board may establish a TDR Fund executive board to monitor and oversee activity of the TDR Fund. The executive board could be made up of the directors of appropriate agencies within the Town, e.g., the Development Office, Town Supervisor, Environmental Conservation Board, Agricultural Advisory Committee, Planning Board, and representatives of the Citizens Implementation Committee.

## Funding and Expenditures

The primary role of the TDR Fund is to serve as a conduit to transfer development rights from Sending Area sites to Receiving Area sites. The TDR Fund may purchase development rights from qualified Sending Area sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR Fund may accept donations of development rights from qualified TDR Sending Sites.

The TDR Fund may also use funds to facilitate development rights transfers. These expenditures could include establishing and maintaining a web site, marketing the TDR program, procuring title reports and appraisals, and reimbursing costs incurred by the Town for administering the TDR Fund and executing development rights purchases and sales.

The TDR Fund may use revenue from TDR credit sales to cover the cost of providing staff support for operation of the program.

The TDR Fund may be funded through a combination of purchases by Receiving Site owners, fees collected by Receiving Site and/or Sending Site owners, and outside funding sources.

Outside funding sources may include:

- New York State Department of Agriculture and Markets grants and matching funds
- Other grant funding sources
- Sending Site owners who choose to donate development credits to the TDR Fund

Depending on the balance of potential development between the Sending Area and the Receiving Area, outside funding sources may be necessary to ensure that the TDR Fund has enough funding to purchase all available development rights in the Sending Area. If there are substantially fewer potential TDR credits that can be purchased in the Receiving Area, these outside funding sources can be used to make up the difference.

### Zoning Approach

Transfer of Development Rights must be adopted in the Town's zoning code to designate the Sending Area and Receiving Areas on the Town's zoning map. The zoning code will also include specific development incentives in the Receiving Area.

### Sending Area

The proposed Sending Area, which is defined by the Padelford Brook Greenway boundary, is largely zoned AR-2 Agricultural Rural Residential. This zoning district has a minimum lot area of two acres per dwelling unit for single-family residential homes (Table 5). The proposed TDR program for the Town of Canandaigua does not suggest any revisions to the underlying zoning in the Sending Area. Rather, the mapped Sending Area would allow property owners in this area to sell TDR credits to the TDR fund. After this sale, a conservation easement would be placed on the property, preventing future development.

Note that the Sending Area can be expanded or revised in the future. For example, if a substantial amount of development rights are purchased in the initial sending area, or if the Town identifies other areas that are priorities for preservation (whether agricultural land or environmental areas), the Sending Area can be expanded.

**Table 5: Base Density of Sending Site Zoning Districts**

<b>AR-2 Agricultural Rural Residential</b>	2 acres/d.u.
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There are about 5,000 acres of eligible parcels in the proposed Sending Area (this figure excludes sites that are already developed as residential, commercial, or public facility use). Of this site area, about 850 acres are considered "constrained," meaning that they have steep slopes, are in flood zones, or include streams, wetlands, and associated buffers (Table 6). This proposed TDR program suggests discounting constrained lands, valuing them at the equivalent of 0.25 dwelling units. Constrained lands would not be developable in a subdivision, however giving them a discounted value provides an extra incentive for Sending Area property owners to participate in the TDR program.

**Table 6: Total Development Potential in Sending Area Sites**

	<b>Acres</b>	<b>Dwelling Units per Acre (existing zoning)<sup>2</sup></b>	<b>TDR Credits per Dwelling Unit<sup>3</sup></b>	<b>Total Available Credits in Proposed Sending Area</b>
<b>Unconstrained Acres</b>	4,157	0.5	1.0	2,123
<b>Constrained Acres<sup>1</sup></b>	848	0.5	0.25	106
<b>Total</b>	5,006			2,229

1. Constrained acre calculations were made by calculating the area of each parcel that is constrained by natural features (steep slopes, flood zone, streams, wetlands, and associated buffers). Not all land uses would be eligible to sell their development rights for TDR. Land uses that were excluded include most non-agricultural residential, commercial, and public facility uses.

2. Underlying zoning varies, however the vast majority of the area is zoned 1 d.u. per 2 acres.

3. Underlying zoning permits 0.5 d.u. per acre, constrained acres are given 0.25 credits per d.u.

## Section 4: Description of Transfer Process

### Receiving Area

The proposed Receiving Areas are the MUO-1, MUO-3, and newly extended MUO-3. These parts of the Town have a variety of underlying zoning districts. The overlay gives the Development Office some discretion in approving development that would not be permitted by the underlying zoning. However, the MUO zoning text does not specify maximum development densities. In order for the TDR program to provide an adequate incentive for Receiving Area property owners, the zoning text should be revised to provide a specific maximum density for the underlying MUO (without participation in the TDR program), as well as an additional development incentive for participation in the TDR program.

The zoning approach recommended in this report is different for the MUO-1 and the MUO-3. The MUO-1 has a tiered structure that allows a property owner to opt into the overlay district and choose whether or not to participate in the TDR program. However, if the development does not take advantage of the TDR program by purchasing TDR credits, the maximum density is capped at eight units per acre. If the development does include the use of TDR credits, the maximum density is increased to 16 units per acre. In the MUO-3, on the other hand, there is no tiered structure. Opting in to the overlay requires participation in the TDR program, with a maximum of 12 units per acre.

**Table 7: Density of Receiving Sites in MUO-1 Zoning Districts**

Zone	Area of Underlying Zoning District (Acres)	Existing Maximum Underlying Density	Proposed MUO-1 Density	Proposed Max. Density with TDR
CC	305	0.5	8	16
I	29	0	8	16
MR	27	8	8	16
R-1-20	10	2	8	16
R-1-30	240	1.5	8	16
RB-1	79	0	8	16

**Table 8: Density of Receiving Sites in MUO-3 Zoning Districts**

Zone	Area of Underlying Zoning District (Acres)	Existing Maximum Underlying Density	Proposed Max MUO-3 / TDR Density
AR-1	211	2	12
CC	300	0.5	12
I	204	0	12
MH	4	6	12
R-1-30	162	1.5	12

**Table 9: Density of Receiving Sites in MUO-3 Extension Zoning Districts**

Zone	Area of Underlying Zoning District (Acres)	Existing Maximum Underlying Density	Proposed Max MUO-3 / TDR Density
MH	27	6	12
R-1-20	175	2	12

## Section 4: Description of Transfer Process

### ***Receiving Area Incentives to Promote TDR***

#### **Density Bonus**

The Town of Canandaigua can implement a successful TDR program by combining the TDR concept with density bonuses. These bonuses will provide increased density over existing zones in the proposed Receiving Area. The Town should keep the existing zoning in place and only provide Receiving Site owners with the benefit of these bonuses if they purchase TDR credits. Proposed density bonuses for the MUO-1, MUO-3, and MUO-3 extension are outlined in Tables 7-9.

#### **Expedited Approvals**

The TDR program zoning text could include strict time limits on the review process to provide additional incentive to developers to participate in the program. TDR applications could be considered as part of the site plan review process and processed per the time limits set in the TDR legislation. To receive expedited approvals, the TDR legislation would specify that the application package must be fully complete, including complete SEQR package. This stipulation protects the Town in the event that delays occur due to an incomplete application. In other words, if delays are the result of an incomplete application, the Town cannot be held to time limits for the review process until the application is complete.

#### **Permitted Uses**

There may be interest by the Town in allowing uses in the Receiving Area that are not currently permitted by existing zoning in underlying districts, such as multifamily residential, mixed-use commercial/residential, hotels, etc. Therefore, participation in the TDR program could provide additional permitted uses with site plan review.

#### **Reduced Parking Requirements**

Parking requirements, particularly for multi-family buildings, are often designed with low-density, auto-focused communities in mind. However, the Town could consider reduced parking requirements as a development incentive for participation in the TDR program. In this application, a development could be eligible for reduced parking requirements in exchange for purchase of TDR credits and if the application can demonstrate reduced car ownership and vehicle trips.

#### **Revised Area and Bulk Regulations**

The Town could also provide revised area and bulk regulations as a development incentive. Area and bulk regulations include building height, building coverage and setback requirements. In particular, minimum setbacks could be a regulation that is relaxed for applications that participate in the TDR program. For example, in the CC Community Commercial district, which is mapped along the Route 332 corridor in the MUO-1 area, principal building uses have a minimum front setback of 100 feet to 200 feet. If one goal of the TDR program is to promote smart growth development in more walkable communities, one could argue for reduced setbacks that bring building frontages closer to the street.

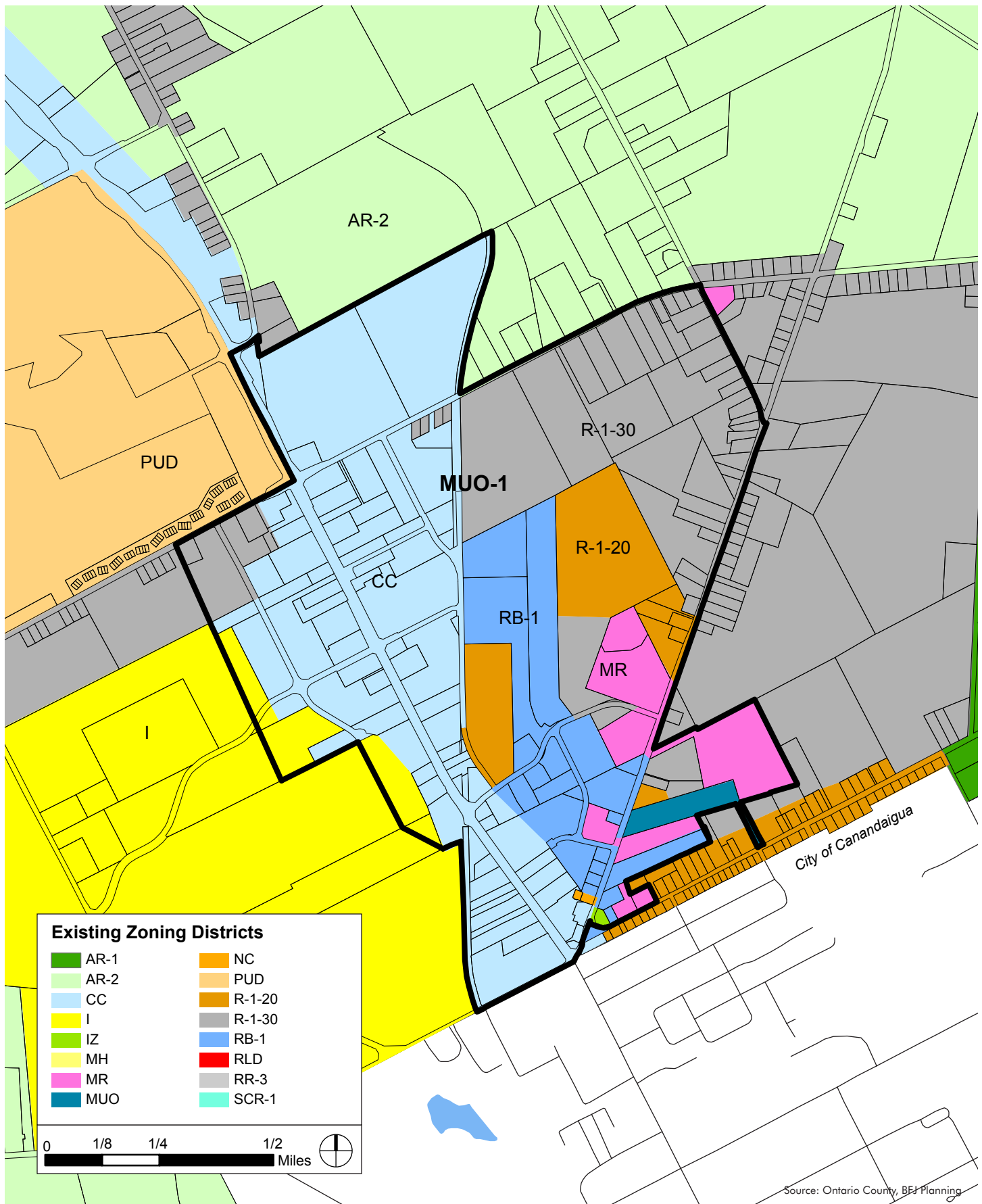


Figure 4: Existing MUO-1 Zoning



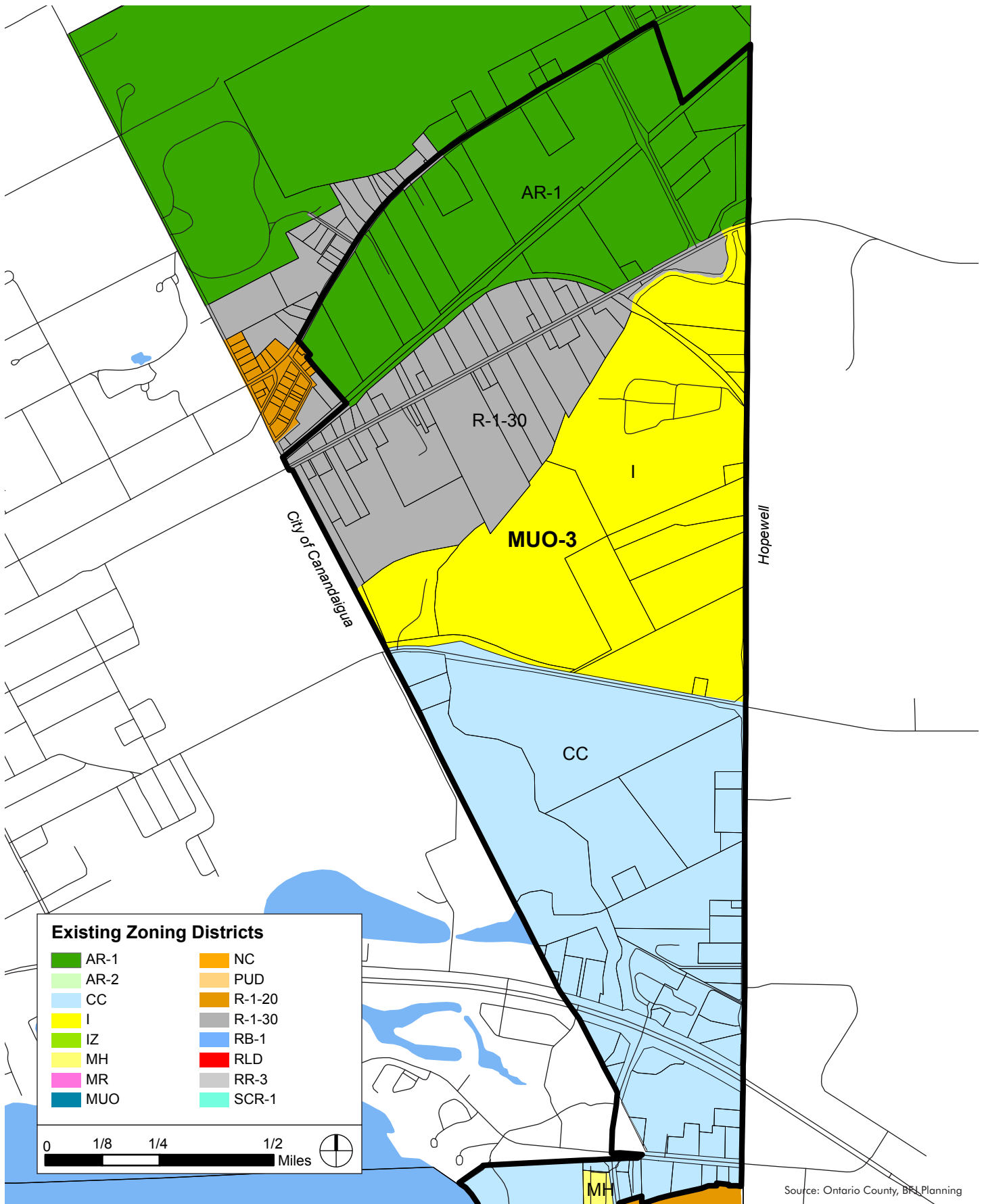


Figure 5: Existing MUO-3 Zoning

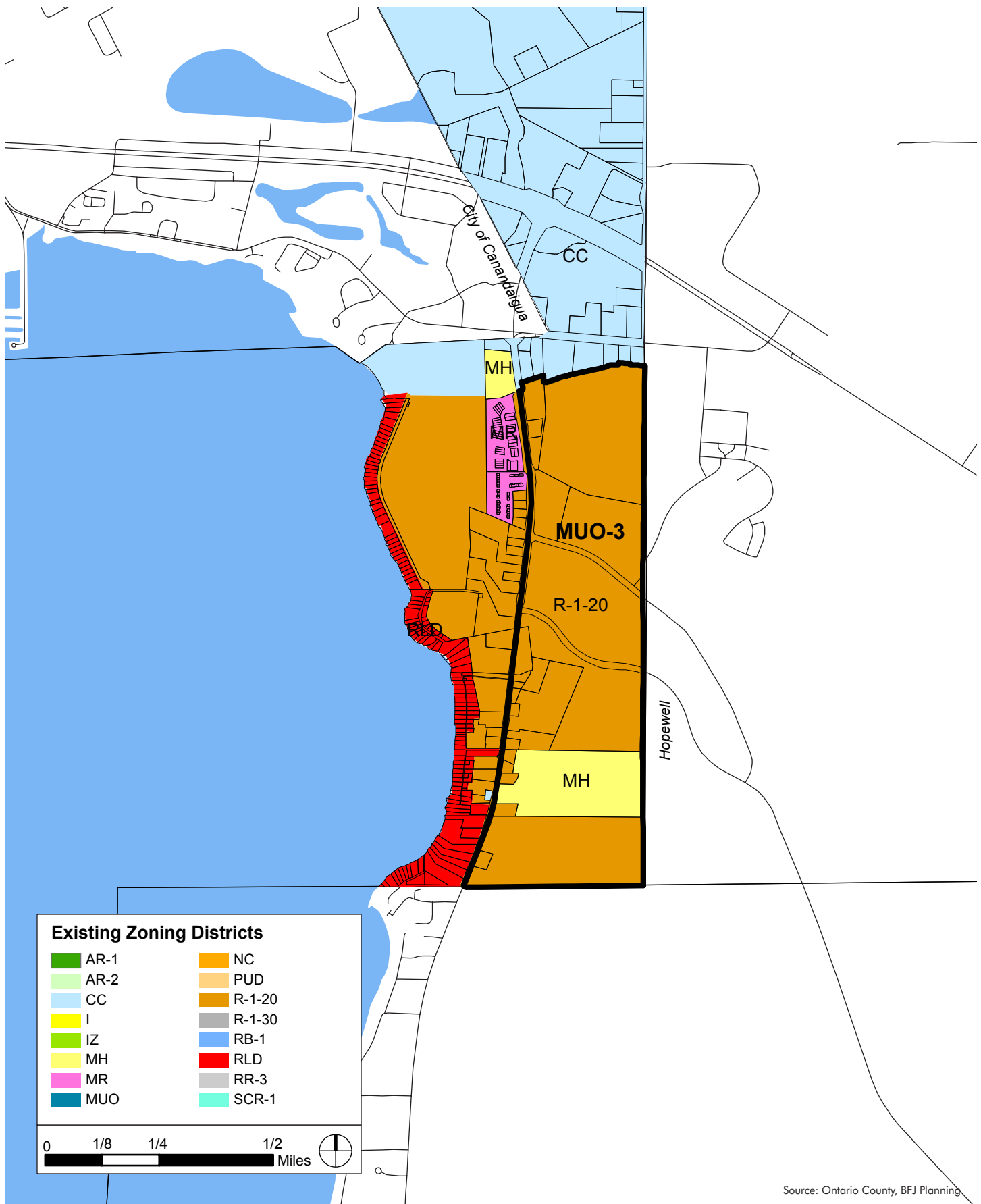


Figure 6: Existing MUO-3 Extension Zoning

## Transfer Formula

### Potential Transfer Ratio

The transfer formula determines how potential development in the Sending Area is converted into bonus development in the Receiving Area. In Canandaigua, the Sending Area is primarily made up of agricultural land that is zoned for low density residential development. The Receiving Area is made up of the Mixed Use Overlay District, which has three different sub areas with varying levels of allowable density in the underlying zoning. The objective of the transfer formula is to establish a transaction that converts development rights sold by Sending Site owners into TDR credits that can be used by Receiving Site owners. The Mixed Use Overlay District sub areas should allow for greater densities and/or allowable uses for developments taking advantage of the TDR program than the underlying zone allows. These greater allowable densities ensure that the TDR program provides a benefit to Receiving Site owners that incentivizes them to participate, while also respecting the existing character of the areas.

For this preliminary formula, Sending Area densities are based on the AR-2 zoning district. Additionally, for this calculation, it is assumed that moderate density development in the Receiving Area should be favored over low density development in the Sending Area. Therefore each Sending Area dwelling unit is converted into two TDR credits. This transfer ratio benefits property owners in both the Sending Area and the Receiving Area.

Finally, Sending Area land that is encumbered by wetlands, steep slopes, or other development restrictions is discounted to reflect the limited development value on this type of land. For this calculation, encumbered area is valued at a transfer ratio of 0.25 TDR credits per dwelling unit.

<b>Table 10: Preliminary Sending Area Transfer Ratio</b>			
<b>Sending Area Zoning District</b>	<b>Sending Area Density</b>	<b>Transfer Ratio</b>	
		<b>Unencumbered d.u./credit</b>	<b>Encumbered d.u./credit (Wetlands, steep slopes, etc.)</b>
AR-2 Agricultural Rural Residential	0.5 d.u./acre	1 d.u. : 2 TDR credits	1 d.u. : 0.25 TDR credits

<b>Table 11: Preliminary Transfer Formula</b>					
Area	*	Sending Area Density	*	Transfer Ratio	= TDR Credits

The following example demonstrates how the transfer formula would be applied in the Sending Area. In this case, a 50 acre site in the AR-2 district is made up of 40 acres of agricultural land and 10 acres of wetlands/steep slopes. To calculate the number of TDR credits, the Sending Site owner would first multiply the area of agricultural land by the underlying allowable density (40 acres times 0.5 d.u./acre). Since each dwelling unit in the low density Sending Area is transferred to two TDR credits in the Receiving Area, this number is then multiplied by the transfer ratio of two to arrive at 40 TDR credits. Then, the owner would calculate how many credits they can earn from the 10 acres of wetlands/steep slopes. The formula is the same, except that the transfer ratio for encumbered land is 0.25. Therefore, the 10 acres is multiplied by 0.5 d.u./acre, then the 0.25 transfer ratio to arrive at 1.25 TDR credits. The total amount of TDR credits that this site qualifies for is the sum of these two figures, or 41.25 TDR credits.

## Section 4: Description of Transfer Process

<b>Table 12: Sample Sending Area TDR Credit Calculation</b>						
Example: 50 Acre site in the AR-2 district, 10 acres of wetlands/steep slopes.						
40 acres	*	0.5 d.u./acre	*	2 TDR credits/d.u.	=	40 TDR Credits
10 acres	*	0.5 d.u./acre	*	0.25 TDR credits/d.u.	=	1.25 TDR Credits
Total					=	41.25 TDR Credits

## Receiving Area: Potential Maximum TDR Bank Sale Capacity

### Sample Receiving Area TDR Credit Calculation

To explore the development potential under TDR for a sample site in the receiving district, this report looked at the parcel located at 3535 State Route 364. Note that these calculations are only an example, not reflective of a pending application.

The site is located at the southern border of the Town, just west of Route 364. This area is included in the recent extension of the MUO-3 overlay district. The underlying zoning is R-1-20, which allows single family residential with a minimum lot size of 20,000 square feet (approximately two units per acre). The total area of the site is 33.2 acres.

Under existing zoning, a single-family residential subdivision on this site could build up to 72 units. However, if this property were to opt to participate in the proposed TDR program, the development could purchase TDR credits to achieve 12 units per acre, which would allow for up to 398 units. The incremental increase in units in this scenario is 326. In order to be eligible for that development bonus, the developer would be required to purchase 326 TDR credits.

Based on the estimate of an incremental increase in value of \$10,000 per dwelling unit, and a TDR credit valuation of 50% of the incremental increase in value, each credit would cost the development \$5,000, for a total of \$1,630,000. In exchange for this increase in development on Route 364, the TDR Fund would then have over \$1.6 million to put towards purchasing conservation easements in the Sending Area.

<b>Table 13: Total Potential Development in Receiving Area Sites</b>						
<b>MUO District</b>	<b>Total Acres</b>	<b>Developable Acres<sup>1</sup></b>	<b>Units Under Existing Zoning</b>	<b>Units Under Proposed MUO Density</b>	<b>Units Under Proposed TDR Density</b>	<b>Incremental Increase in Units (from Existing to TDR Density)</b>
MUO-1	760	624	730	4,990	9,979	9,249
MUO-3	1,013	577	413	6,926	6,926	6,513
MUO-3 Ext.	300	262	506	2,402	2,402	1,896
1. Developable acres are unconstrained areas with a land use that is likely to be developed. Not all land uses were assumed to be developable. These non-developable uses include community facilities, public utilities, and parks.						

### Important Note:

Although the above calculations show a substantial potential increase in units in the MUO districts with TDR, the actual number of units is limited by how many credits are available for purchase in the Sending Area.

#### Section 4: Description of Transfer Process

These calculations are based on applying the TDR density to all units in the Receiving Area, but once the TDR credits in the Sending Area are exhausted, there would be no more TDR-related development bonuses available for use in the Receiving Area.

In addition, there is currently no specific maximum density in MUO districts in the Town Zoning Code. The above proposed Zoning Approach would apply a maximum density in these areas, providing guidance to potential developers and Town planning staff.

Based on the above calculations and the existing 2,230 Single Family Credits that would be available for purchase in the Sending Area and based on a 2:1 Transfer Ratio, there would be 4,460 potential additional units that could be constructed in the Receiving Areas. Additional Receiving Area credits could be made available in the future if the Sending Area were expanded.



## 5.0 CONCLUSION

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The proposed TDR program outlined here for the Town of Canandaigua would provide a land use mechanism that supports the Town's goal of preserving agricultural and environmental areas while clarifying development incentives in the mixed-use overlay areas. The intent of this report is to provide an overview of a potential program, but if the Town is interested in pursuing this strategy, many of the details contained here could be revised to be consistent with general town policies.

The approach in the proposed Sending Areas is similar to existing programs in the Town, including the Purchase of Development Rights program and efforts by the Finger Lakes Land Trust to purchase conservation easements. The proposed approach in the Receiving Area is also similar to existing zoning programs in the Town, but this report attempts to provide some clarity to MUO regulations while also providing a nexus between development fees that the Town collects and the development bonuses that are provided in exchange for those fees. This program would create a connection between fees paid for increased development in parts of the Town where greater development is more appropriate, while using funds generated to preserve agricultural and environmental lands from future subdivision.

There are currently over 5,000 acres of land in the proposed Sending Area that this program could preserve from development. If this program is successful in the Town, it also could provide a model that could be expanded to other parts of Canandaigua to preserve additional agricultural and environmental areas.

At a presentation to the Town Board on a draft of this report, the Town Board raised a series of reasonable concerns that should be considered as the Town continues to pursue potential TDR legislation. These concerns are outlined below:

### **Is there a market for conservation easements?**

The Town's existing Purchase of Development Rights program has been successful, indicating that there is a market for the sale of conservation easements in the agricultural community (including by some agricultural landowners who do not have the minimum 50 acres to be eligible for a PDR). There is also some interest by other types of landowners, for example those with environmental resources on their property. In Receiving Areas, the Town has been experiencing a steady increase in building permits and requests by larger developers who are interested in moderate density, mixed-use development in the MUO districts.

### **What controls can be put in place to ensure managed development in Receiving Areas?**

Some potential Receiving Area sites could conceivably see substantial development under the existing MUO zoning as well as under a potential TDR program. Since this potential exists under the current code, the Town could look at establishment of a TDR program as a well to formalize a few checks on overdevelopment in these areas. Some examples could include:

- Limit on the number of TDR credits that a single project could use
- Design guidelines in the MUO districts (for participation in the TDR program and for the underlying MUO zoning).
- Require a special permit for use of TDR credits to give the Planning Board an additional role in site plan review.

### **Will developers think they are receiving unequal treatment?**

Given the current discretion that is allowed in the existing code, the TDR program should improve the sense of balance and fairness in developing in the MUO districts. The transfer formula would be standardized, as would the specific development bonuses available the MUO districts.

### Next Steps

Following BFJ's presentation to the Town Board on August 21, 2017, it will be up to the Town to determine the best way to proceed. The process to implement TDR legislation is similar to adopting any zoning code revision, including compliance with SEQRA and the Town will also have to establish the TDR Fund. The Town could consider conducting stakeholder outreach to refine details of the proposed TDR program in this report. Stakeholders could include property owners in the proposed Sending Area and local developers who may be interested in participating in the program in the Receiving Area.

Following consideration by the Town Board and Town Manager, as well as any potential stakeholder outreach, the Town could proceed to drafting the local law that would establish the TDR program in the local zoning code and initiate the SEQR process.

The Town Board formally accepted this report on March 19, 2018 (Resolution No. 2018-101). The resolution expressed that the Town Board wishes to further consider a TDR program based on this report and directed the Citizens Implementation Committee to conduct an analysis of the report and provide recommendations to the Town Board by July 16, 2018.

# ATTACHMENT 17



This Amendment constitutes the changes to the Commodity Master Agreement (“CMA”) by and between Town of Canandaigua and Direct Energy Business Marketing, LLC d/b/a Direct Energy Business entered into and effective \_\_\_\_\_, copy attached hereto as Exhibit 1. Any inconsistency in the Agreement shall be resolved by giving precedence in the following order of priority: (1) the Transaction Confirmation (2) this Amendment and (3) the CMA.

1. Section 4 is amended by deleting the second sentence and replacing it with the following:  
“Payment is due within twenty five ( 25 ) days of the date of the invoice.”

This Amendment is governed under the laws as indicated in the Agreement, constitutes the entire agreement and understanding of the Parties with respect to its subject matter and supersedes all prior oral and written communications with respect thereto. The remaining terms of the Agreement are unchanged.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment on the respective dates specified below with effect as of the latest date specified in the signatures below (the “Effective Date”).

Buyer: Town of Canandaigua

Seller: **Direct Energy Business Marketing, LLC**  
**d/b/a Direct Energy Business**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit 1

[CMA dated \_\_\_\_\_]





## NEW YORK CUSTOMER DISCLOSURE

Price	Fixed Price : \$3.642 per Dth Variable Price : \$0.644 per Dth
Fixed or Variable and, if variable, how the price is determined	Fixed\Nymex: Refer to Purchase Price on Transaction Confirmation and Special Provisions section on Transaction Confirmation.
Length of the agreement and end date	36 Months
Process customer may use to rescind the agreement without penalty	Rescission without penalty not permitted
Amount of Early Termination Fee and method of calculation	Non-defaulting party has the right to terminate and liquidate all Transactions, calculate a settlement amount by calculating the Close-Out Value for each Transaction and aggregate all amounts owing - See section 12 for more information
Amount of Late Payment Fee and method of calculation	Interest will be assessed on the late balance at the lower of 1.5% per month or the maximum amount permitted by law - See Section 4 for more information
Provisions for renewal of the agreement	Automatically renews in successive one-month terms unless affirmatively renewed or terminated by either party.
Conditions under which savings to the customer are guaranteed	Savings compared to the Host Utility rate are not guaranteed.



**Direct Energy Business Marketing, LLC  
d/b/a Direct Energy Business**

**194 Wood Avenue South, Second Floor,  
Iselin, NJ 08830**

**Phone: 1-888-925-9115  
[business.directenergy.com](http://business.directenergy.com)**

Proposal Id 51664321

Marketer Name Loucks, Todd Date 6/21/2018 Time 10:06:35AM

**CUSTOMER INFORMATION**

Customer Name Town of Canandaigua ☒ New ☐ Renewal

Contact Name Doug Finch Billing Contact

Address 5440 ROUTE 5 AND 20  
CANANDAIGUA, NY  
14424 Billing Address

Telephone 585-394-1120 Fax Telephone Fax

Email

**NATURAL GAS TRANSACTION CONFIRMATION AND CUSTOMER DISCLOSURES**

This Transaction Confirmation confirms the terms of the Gas Transaction entered into between Direct Energy Business Marketing, LLC d/b/a Direct Energy Business ("Seller"), and the customer above ("Buyer" or "Customer") pursuant to the terms of the Commodity Master Agreement ("CMA") between Buyer and Seller dated June 21, 2018 as may be amended. The Purchase Price excludes Utility distribution charges and Taxes that are or may be the responsibility of Buyer. Gas volumes will be adjusted for Utility line loss, where applicable. The prices listed below are based on market conditions as of the time, stated above, that this Transaction Confirmation was issued and may be adjusted by Seller to reflect market conditions as of the date it is executed and returned by Buyer. THIS TRANSACTION CONFIRMATION WILL NOT BE EFFECTIVE UNTIL SIGNED BY BOTH PARTIES.

Service Locations (Additional pages may be attached if necessary)	Service Address	Utility Account No	Rate
	4965X W LAKE RD SHOP	N0-200-00-022424-36	SC2
	4965 W LAKE RD BATH HSE	N0-200-00-035223-49	SC2
	4965 W LAKE RD	N0-200-00-083242-61	SC2
	5440 STATE ROUTE 5 AND 20 TOWN HALL	N0-200-00-593375-19	SC2

	3178 WEST ST PUMP STN 3650 W LAKE RD 4965 W LAKE RD BATHROOMS 2550 outhouse rd 5440 STATE ROUTE 5 AND 20 TOWN BARN	N0-200-00-593437-49 N0-200-00-595807-04 N0-200-00-596347-90 N0-200-00-602875-13 N0-200-00-611613-86	SC2 SC2 SC2 SC2 SC2
<b>Delivery Period</b>	Begin: 08/01/2018                      End: 07/31/2021  The service start date hereunder will be the date that the Utility enrolls Customer for Seller's service. Seller will request the Utility to enroll Customer on the first meter read date within the Delivery Period.  Upon the expiration of the Delivery Period, this Transaction shall continue for successive one month terms (collectively the "Renewal Term") until either Party notifies the other Party in writing of its intention to terminate, at least 15 days prior to (1) the end of the Delivery Period or (2) during the Renewal Term, the earlier of the end of each successive month Renewal Term or the next cycle read date. After notice is given as contemplated in the previous sentence, the date of termination ("Termination Date") shall be the next effective drop date permitted by the Utility. The Purchase Price for delivery to the Delivery Point during the Renewal Term or for any period outside of the Delivery Period, shall be the then Market Price for delivery to the Delivery Point, unless otherwise agreed to in writing.		
<b>Delivery Point</b>	NY State Electric & Gas/CNG DCQ		
<b>Contract Quantity (Dth)</b>	Buyer and Seller agree that the Contract Quantity purchased and received means a positive volume up to or greater than the estimated quantities listed below, provided, that for purposes of determining whether a Material Usage Deviation has occurred and for purposes of calculating Contract Quantities remaining to be delivered under Section 12 of the Agreement, Contract Quantity shall be determined by reference to the applicable estimated quantity(ies) listed below.  _____ Daily        ___x___ Monthly		

	<table><tr><td>August</td><td>101</td><td>February</td><td>369</td></tr><tr><td>September</td><td>151</td><td>March</td><td>355</td></tr><tr><td>October</td><td>323</td><td>April</td><td>433</td></tr><tr><td>November</td><td>287</td><td>May</td><td>222</td></tr><tr><td>December</td><td>403</td><td>June</td><td>98</td></tr><tr><td>January</td><td>449</td><td>July</td><td>98</td></tr></table>	August	101	February	369	September	151	March	355	October	323	April	433	November	287	May	222	December	403	June	98	January	449	July	98
August	101	February	369																						
September	151	March	355																						
October	323	April	433																						
November	287	May	222																						
December	403	June	98																						
January	449	July	98																						
Purchase Price	<p>Please initial option desired:</p> <p>Fixed Price : \$3.642 /Dth_____      Nymex Plus : \$0.644/Dth_____</p>																								
Special Provisions	<p>Change in Utility Account Numbers: The account number for a Service Location shall be the Utility Account Number set forth in the Service Locations section above or as attached, as applicable, or any replacement account number issued by the Utility from time to time.</p> <p>Buyer acknowledges that it is acting for its own account, and that it has made its own independent decisions with respect to this Transaction Confirmation and that Seller is not acting as a fiduciary, financial, investment or commodity trading advisor for it in connection with the negotiation and execution of this Transaction.</p> <p>Full Plant Requirement – No GSA</p> <p>For inquiries related to your purchase, or for any other questions or complaints against Seller, please contact Seller at the address above. For general inquiries related to the sale and delivery of Gas you may contact the New York Public Service Commission, Department of Public Service ESCO hotline at 1-888-697-7728; write the PSC at the Office of Consumer Education &amp; Advocacy, Three Empire State Plaza, Albany, NY 12223, or visit the PSC’s website at <a href="http://www.dps.state.ny.us">http://www.dps.state.ny.us</a>. Buyer represents and acknowledges that:</p> <p>(a) any rights to a rescission period, longer grace periods or notice periods afforded to residential Buyers do not apply; and (b) upon any discontinuance of service by Seller, Seller will return Buyer to full Utility service by the next effective drop date permitted by the Utility, upon at least fifteen (15) days prior notice, provided that the utility has not already disconnected delivery of the service. If the Utility disconnects delivery of the service, then, effective immediately, Seller will not be responsible to provide Gas or any service under this Transaction. Buyer represents and warrants that (i) it will provide, to Seller,</p>																								

information reasonably required to substantiate its Gas usage, including information regarding its business, locations, meter/account numbers, historical/projected usage, time of use, hours of operation, utility rate classes, agreements, schedules, which in substantial part form the basis for the calculation of charges for the Transaction hereunder; (ii) acceptance of this Transaction Confirmation constitutes an authorization for release of such usage information; (iii) it will assist Seller in taking all actions necessary to effectuate transactions, including, if requested, executing an authorization form permitting Seller to obtain its usage information from third parties; (iv) the usage information provided is true and accurate as of the date furnished and as of the effective date of the Transaction; (v) it may rescind the authorization for release of such information at any time, upon prior written notice; provided however, that such rescission will be considered an Event of Default by Buyer under Section 11(iv) of the CMA; and (vi) neither it, nor any transaction, has been solicited through “door-to-door sales” (as such term is defined under the Uniform Business Law § 349-d, and Buyer acknowledges that this representation is a material inducement to Seller entering into this Transaction. \*According to the State of New York Public Service Commission’s Uniform Business Practices residential Buyers have the right to cancel a sales agreement, without penalty, within three business days after its receipt. \*\*According to the State of New York Public Service Commission’s Uniform Business Practices and the State of New York General Business Law § 349-d for transactions solicited through “door-to-door sales” Buyers may not be charged a termination or early cancellation fee in excess of the greater of: (i) \$100 if the remaining term is 12 months or less and \$200 if the remaining term exceeds 12 months, or (ii) twice the estimated commodity supply bill for an average month, provided that an estimate of an average monthly bill was provided to the Buyer when the offer was made by the Seller along with the amount of any early termination fee based on such estimate.

NYMEX Plus with Trigger: For each month of the Delivery Period, the Purchase Price for the Contract Quantity, subject to the Gas Settlement Adjustment provision, will equal a fixed Basis charge of \$0.644/Dth, plus the Commodity charge for that month. Unless the Commodity charge has been set by agreement of the Parties in accordance with the instructions detailed below, the Commodity charge shall be the per Dth price equal to the settlement price on the expiration date for that month’s New York Mercantile Exchange Henry Hub natural gas futures contract (“NYMEX Contract”). Buyer may fix the Commodity charge for blocks of Commodity through a Buyer-initiated trigger process (“Trigger Order”). Trigger Orders may be initiated for a specific individual month (“Monthly Order”) or for a specific set of contiguous months within the duration of the Delivery Period (“Strip Order”). Trigger Orders are filled on a best efforts basis during operating hours. The Commodity charge may be fixed by agreement of the Parties at any time prior to 1:00 PM on the expiration date of the applicable month’s NYMEX Contract. Buyer acknowledges that the



	<p>Commodity charge may be set (fixed) for a period up to, but in no event beyond the “Max Commodity Date”. The Max Commodity Date is defined as the latest date up to which the Parties may fix the Commodity charge, and is posted on your online account portal. Seller reserves the right to amend these date restrictions at its sole discretion. Buyer’s “Responsible Trigger Contact(s)” have been identified as Doug Finch [dfinch@townofcanandaigua.org]. Seller will generate a confirmation to be sent to Buyer’s Responsible Trigger Contact each time the Commodity charge is fixed (“Trigger Confirmation”). Each such Trigger Confirmation will be made a part of, and is not a replacement for, this Transaction Confirmation. All orders are binding upon being filled. Any notices regarding Trigger Confirmations must be sent to trigger@directenergy.com. Changes to the Responsible Trigger Contact must be communicated in writing through your Direct Energy Business Development Manager.</p> <p>Fixed Price: The Purchase Price for the Contract Quantity, unless otherwise specified in this Transaction Confirmation is \$3.642 /Dth.</p>
<b>Tax Exemption Status</b>	<p>[ <input type="checkbox"/> ] Non-Exempt</p> <p>[ <input type="checkbox"/> ] Exempt (e.g. Residential, Non-Profit Organization, Manufacturing, Small Business, Agricultural, Resale, etc.)</p> <p><b><u>If exempt, must attach certificate.</u></b></p>
<p align="center"><b>PLEASE SIGN AND RETURN THIS TRANSACTION CONFIRMATION LETTER BY FACSIMILE TO 315-423-0964</b></p>	
<p>BUYER: Town of Canandaigua</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>SELLER: Direct Energy Business Marketing, LLC</p> <p>By: _____ d/b/a Direct Energy Business</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>



This Commodity Master Agreement ("CMA") among Direct Energy Business, LLC, Direct Energy Business Marketing, LLC d/b/a Direct Energy Business (Collectively "Seller"), each a Delaware limited liability company, and Town of Canandaigua ("Buyer" or "Customer") (each a "Party" and collectively, the "Parties") is entered into and effective as of 06/21/2018 .

- 1. Transactions:** The terms of this CMA apply to all end-use sales of electric power ("Electricity") and/or natural gas ("Gas") as applicable (each a "Commodity" and collectively, the "Commodities"), by the applicable Seller party to Buyer (each sale a "Transaction") which will be memorialized in a writing signed by both Parties (each a "Transaction Confirmation"). Each Transaction Confirmation shall set forth the Seller party providing service to Customer for such Transaction. If a conflict arises between the terms of this CMA and a Transaction Confirmation, the Transaction Confirmation will control with respect to that particular Transaction. This CMA, any amendments to this CMA and related Transaction Confirmation(s) (together, a single integrated, "Agreement") is the entire understanding between Parties with respect to the Commodities and supersedes all other communication and prior writings with respect thereto; no oral statements are effective.
- 2. Performance:** The Parties' obligations under this Agreement are firm. Buyer is obligated to purchase and receive, and Seller is obligated to sell and provide, the Contract Quantity of Commodity specified in a Transaction Confirmation in accordance with the terms of this Agreement. Buyer will only use the Commodity at the listed Service Locations in the applicable Transaction Confirmation and will not resell the Commodity or use it at other locations without Seller's prior written consent.
- 3. Purchase Price:** Buyer will pay the Purchase Price stated in each Transaction Confirmation. If the Purchase Price incorporates an index and the index is not announced or published on any day for any reason or if the Seller reasonably determines that a material change in the formula for or the method of determining the Purchase Price has occurred, then the Parties will use a commercially reasonable replacement price that is calculated by the Seller. If Seller concludes that a change in any Law(s) increases Seller's costs, the Purchase Price may be adjusted by Seller to reflect such costs. "Law(s)" mean all tariffs, laws, orders, rules, decisions, taxes, regulations, transmission rates, and Utility changes to Buyer's monthly capacity and/or transmission obligations.
- 4. Billing and Payment:** Seller will invoice Buyer for the Actual Quantity of Commodity and for any other amounts incurred by Buyer under this Agreement. Payment is due within fifteen (15) days of the date of the invoice. If an invoice is issued and the Actual Quantity cannot be verified by the time, the invoice will be based on Seller's good faith estimate of the Actual Quantity. Seller will adjust Buyer's account following (i) confirmation of the Actual Quantity, (ii) any Utility discrepancy or adjustment or (iii) any other corrections or adjustments, including adjustments to, or re-calculation of, Taxes. Buyer will pay interest on late payments at 1.5% per month or, if lower, the maximum rate permitted by law ("Interest Rate"). Buyer is also responsible for all costs and fees, including reasonable attorney's fees, incurred in collecting payment. "Actual Quantity" means the actual quantity of Commodity that is either delivered or metered, as applicable, to Buyer's account. "Utility" means a state regulated entity engaged in the distribution of Gas or Electricity.
- 5. Taxes:** Buyer is responsible for paying any Taxes associated with the Actual Quantity of Commodity sold under this Agreement that may become due at and after the Delivery Point. The Purchase Price does not include Taxes that are or may be the responsibility of the Buyer, unless such inclusion is required by Law. Buyer will reimburse Seller for any Taxes that Seller is required to collect and pay on Buyer's behalf and will indemnify, defend and hold Seller harmless from any liability against all Buyer's Taxes. Buyer will furnish Seller with any necessary documentation showing its exemption from Taxes, if applicable, and Buyer will be liable for any Taxes assessed against Seller because of Buyer's failure to timely provide or properly complete any such documentation. "Taxes" means all applicable federal, state and local taxes, including any associated penalties and interest and any new taxes imposed in the future during the term of this Agreement. Liabilities imposed in this Section will survive the termination of this Agreement.
- 6. Disputes:** If either Party in good faith disputes amounts owed under Sections 3, 4, 5 and 8, the disputing Party will contact the non-disputing Party promptly and pay the undisputed amount by the payment due date. The Parties will negotiate in good faith regarding such dispute for a period of not more than fifteen (15) Business Days. In the event the Parties are unable to resolve such dispute, the disputing Party will pay the balance of the original invoice and either Party may exercise any remedy available to it in law or equity pursuant to this Agreement. In the event of a dispute other than for an invoiced amount, the Parties will use their best efforts to resolve the dispute promptly. Actions taken by a Party exercising its contractual rights will not be

construed as a dispute for purposes of this Section. "Business Day" means any day on which banks are open for commercial business in New York, New York; any reference to "day(s)" means calendar days.

7. **Title and Risk of Loss:** Title to, possession of and risk of loss to the Commodity will pass to Buyer at the Delivery Point specified in the applicable Transaction Confirmation.

**8. Buyer's Usage Obligations**

**A. Material Usage Deviation:** If there is a Material Usage Deviation, Buyer will be responsible for the losses and costs, including the costs of obtaining and/or liquidating the applicable volume, based upon the difference between the applicable Contract Quantity and Actual Quantity. Buyer will pay the amount of such losses and costs to Seller within fifteen (15) Business Days of Seller's invoice. "Material Usage Deviation" means any deviation in Actual Quantity at the Service Location(s) stated in the related Transaction Confirmation from Contract Quantity (or, as applicable, estimated Contract Quantities) stated in that Transaction Confirmation of +/- 25% or more, which is not caused by weather..

**B. Balancing Charges:** For Transactions involving the purchase and sale of Gas only, Buyer will be responsible for Balancing Charges unless Prior Notice of a material variation in usage is provided to Seller and actual usage is consistent with that Prior Notice. "Balancing Charges" means Utility fees, costs or charges and penalties assessed for failure to satisfy the Utility's balancing and/or nomination requirements. "Prior Notice" is defined as forty-eight (48) hours before the start of the Gas Day for which the material variation in usage will apply. "Gas Day" means a period of 24 consecutive hours as defined by the Utility. Buyer will make any payment due pursuant to this Section within five (5) Business Days of the date of Seller's invoice.

**C. Curtailments:** For Transactions involving the purchase and Sale of Gas only, if Buyer is directed by its Utility to curtail its usage, in whole or in part, Buyer will curtail as directed. If Buyer fails to curtail as directed, Buyer will pay or reimburse Seller for all Balancing Charges assessed by the Utility. Payment by Buyer of any Balancing Charges will be due within five (5) Business Days of the date of Seller's invoice.

9. **Force Majeure:** A Party claiming Force Majeure will be excused from its obligations under Section 2 as long as it provides prompt notice of the Force Majeure and uses due diligence to remove its cause and resume performance as promptly as reasonably possible. During a Force Majeure, Buyer will not be excused from its responsibility for Balancing Charges nor from its responsibility to pay for Commodity received. "Force Majeure" means a material, unavoidable occurrence beyond a Party's control, and does not include inability to pay, an increase or decrease in Taxes or the cost of Commodity, the economic hardships of a Party, or the full or partial closure of Buyer's facilities, unless such closure itself is due to Force Majeure.

10. **Financial Responsibility:** Seller's entry into this Agreement and each Transaction is conditioned on Buyer, its parent, any guarantor or any successor maintaining its creditworthiness during the Delivery Period and any Renewal Term. When Seller has reasonable grounds for insecurity regarding Buyer's ability or willingness to perform all of its outstanding obligations under any agreement between the Parties, Seller may require Buyer to provide adequate assurance, which may include, in the Seller's discretion, security in the form of cash deposits, prepayments, letters of credit or other guaranty of payment or performance ("Credit Assurance").

11. **Default:** "Default" means: (i) failure of either Party to make payment by the applicable due date and the payment is not made within three (3) Business Days of a written demand; (ii) failure of Buyer to provide Credit Assurance within two (2) Business Days of Seller's demand; (iii) either Party, its parent or guarantor, becomes Bankrupt or fails to pay its debts generally as they become due; (iv) failure of a Party to satisfy any of its representations and warranties; or (v) failure of a Party to fulfill its material obligations. The Parties will have 15 Business Days following written demand to cure any failures under (iv) or (v), provided that no cure period or demand for cure applies to a default arising under (iii) or any early termination of this Agreement. "Bankrupt" means an entity (a) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause of action under any bankruptcy, insolvency, reorganization or similar law, or has any such petition filed or commenced against it, (b) makes an assignment or any general arrangement for the benefit of creditors, (c) otherwise becomes bankrupt or insolvent, however evidenced, (d) has a liquidator, administrator, receiver, trustee, conservator or similar official appointed with respect to it or any substantial portion of its property or assets, (e) has a secured party take possession of all or any substantial portion of its assets or (f) is dissolved or has a resolution passed for its winding-up, official management or liquidation (other than pursuant to a consolidation, amalgamation or merger).

12. **Remedies:** In the event of a Default, the non-defaulting Party may: (i) withhold any payments or suspend performance; (ii) upon written notice, provided that no notice is required with respect to Section 11(iii) or a breach of Section 13A(c), accelerate any or all amounts owing between the Parties and terminate any or all Transactions and/or this Agreement; (iii) calculate a settlement amount by calculating all amounts due to Seller for Actual Quantity and the Close-out Value for each Transaction being terminated; and/or (iv) net or aggregate, as appropriate, all settlement amounts and all other amounts owing between the Parties and their affiliates under this Agreement and other energy-related agreements between them and their affiliates, whether or not then due and whether or not subject to any contingencies, plus costs incurred, into one single amount ("Net Settlement Amount"). Any Net Settlement Amount due from the defaulting Party to the non-defaulting Party will be paid within three (3)

Business Days of written notice from the non-defaulting Party. Interest on any unpaid portion of the Net Settlement Amount will accrue daily at the Interest Rate. "Close-out Value" is the sum of (a) the amount due to the non-defaulting Party regarding the Contract Quantities (or, as applicable, estimated Contract Quantities) remaining to be delivered as stated in the applicable Transaction Confirmation(s) during the Delivery Period or, if applicable, the current Renewal Term, calculated by determining the difference between the Purchase Price and the Market Price for such quantities; and (b) without duplication, any net losses or costs incurred by the non-defaulting Party for terminating the Transaction(s), including costs of obtaining, maintaining and/or liquidating commercially reasonable hedges, Balancing Charges and/or transaction costs. "Market Price" means the price for similar quantities of Commodity at the Delivery Point during the Delivery Period or Renewal Term, as applicable. For purposes of determining Close-out Value, (i) Market Price will be determined by the non-defaulting Party in good faith as of a date and time as close as reasonably practical to the date and time of termination or liquidation of the applicable Transaction(s), and (ii) Market Price may be ascertained through reference to quotations provided by recognized energy brokers or dealers, market indices, bona-fide offers from third-parties, or by reference to commercially reasonable forward pricing valuations. The Parties agree that the Close-out Value constitutes a reasonable approximation of damages, and is not a penalty or punitive in any respect. Seller may, but need not, physically liquidate a Transaction or enter into a replacement transaction to determine Close-out Value or Net Settlement Amount. The defaulting Party is responsible for all costs and fees incurred for collection of Net Settlement Amount, including, reasonable attorney's fees and expert witness fees.

**13. Representations and Warranties:** Each of the following are deemed to be repeated each time a Transaction is entered into:

**A.** Each Party represents that: (a) it is duly organized, validly existing and in good standing under the laws of the jurisdiction of its formation and is qualified to conduct its business in those jurisdictions necessary to perform to this Agreement; (b) the execution of this Agreement is within its powers, has been duly authorized and does not violate any of the terms or conditions in its governing documents or any contract to which it is a party or any law applicable to it; and (c) it is not Bankrupt.

**B.** Buyer represents and warrants that: (a) it is not a residential customer; (b) it will promptly notify Seller of any merger or acquisition of Buyer where Buyer will not be the surviving legal entity; (c) execution of this Agreement initiates enrollment and service for the Delivery Period and any Renewal Term; (d) no communication, written or oral, received from the Seller will be deemed to be an assurance or guarantee as to any results expected from this Agreement; (e) if it is executing this Agreement in its capacity as an agent, such Party represents and warrants that it has the authority to bind the principal to all the provisions contained herein and agrees to provide documentation of such agency relationship, and (f) (i) it will provide, to Seller, information reasonably required to substantiate its usage requirements, including information regarding its business, locations, meter/account numbers, historical/projected usage, time of use, hours of operation, utility rate classes, agreements, schedules, which in substantial part form the basis for the calculation of charges for the transactions hereunder; (ii) acceptance of this Agreement constitutes an authorization for release of such usage information; (iii) it will assist Seller in taking all actions necessary to effectuate Transactions, including, if requested, executing an authorization form permitting Seller to obtain its usage information from third parties; and (iv) the usage information provided is true and accurate as of the date furnished and as of the effective date of the Agreement.

**C.** Each Party acknowledges that: (a) this Agreement is a forward contract and a master netting agreement as defined in the United States Bankruptcy Code ("Code"); (b) this Agreement shall not be construed as creating an association, trust, partnership, or joint venture in any way between the Parties, nor as creating any relationship between the Parties other than that of independent contractors for the sale and purchase of Commodity; (c) Seller is not a "utility" as defined in the Code; (d) Commodity supply will be provided by Seller under this Agreement, but delivery will be provided by the Buyer's Utility; and (e) Buyer's Utility, and not Seller, is responsible for responding to leaks or emergencies should they occur.

**14. Other:**

(a) This Agreement, and any dispute arising hereunder, is governed by the law of the state in which the Service Locations are located, without regard to any conflict of rules doctrine. (b) Each Party waives its right to a jury trial regarding any litigation arising from this Agreement. (c) No delay or failure by a Party to exercise any right or remedy to which it may become entitled under this Agreement will constitute a waiver of that right or remedy. (d) Seller warrants that (i) it has good title to Commodity delivered, (ii) it has the right to sell the Commodity, and (iii) the Commodity will be free from all royalties, liens, encumbrances, and claims. ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, ARE DISCLAIMED. (e) Buyer will be responsible for and indemnify Seller against all losses, costs and expenses, including court costs and reasonable attorney's fees, arising out of claims for personal injury, including death, or property damage from the Commodity or other charges which attach after title passes to Buyer. Seller will be responsible for and indemnify Buyer against any losses, costs and expenses, including court costs and reasonable attorneys' fees, arising out of claims of title, personal injury, including death, or property damage from the Commodity or other charges which attach before title passes to Buyer. (f) NEITHER PARTY WILL BE LIABLE TO THE OTHER UNDER THE

AGREEMENT FOR CONSEQUENTIAL, INDIRECT OR PUNITIVE DAMAGES, LOST PROFITS OR SPECIFIC PERFORMANCE, EXCEPT AS EXPRESSLY PROVIDED IN THIS AGREEMENT. (g) All notices and waivers will be made in writing and may be delivered by hand delivery, first class mail (postage prepaid), overnight courier service or by facsimile and will be effective upon receipt; provided, however, that any termination notice may only be sent by hand or by overnight courier service, and, if sent to Seller, a copy delivered to: Direct Energy Business, Attn: Customer Services Manager, 1001 Liberty Avenue, Pittsburgh, PA 15222, Phone: (888) 925-9115; Fax: (866) 421-0257; Email: CustomerRelations@directenergy.com. (h) If Buyer and Direct Energy Business Marketing, LLC entered into Commodity transactions prior to the execution of this Agreement ("Existing Transactions"), the Parties agree that these Existing Transactions shall be Transactions governed under the terms of this Agreement. This Agreement supersedes and replaces any other agreement that may have applied to the Existing Transactions. Note that this subsection (h) shall not apply to any Commodity transactions or agreements entered into between Buyer and Direct Energy Business, LLC (i) No amendment to this Agreement will be enforceable unless reduced to writing and executed by both Parties. (j) Seller may assign this Agreement without Buyer's consent. Buyer may not assign this Agreement without Seller's consent; which consent will not be unreasonably withheld. In addition, Seller may pledge, encumber, or assign this Agreement or the accounts, revenues, or proceeds of this Agreement in connection with any financing or other financial arrangements without Buyer's consent; in which case Seller shall not be discharged from its obligations to Buyer under this Agreement. (k) This Agreement may be executed in separate counterparts by the Parties, including by facsimile, each of which when executed and delivered shall be an original, but all of which shall constitute one and the same instrument. (l) Any capitalized terms not defined in this CMA are defined in the Transaction Confirmation or shall have the meaning set forth in the applicable Utility rules, tariffs or other governmental regulations, or if such term is not defined therein then it shall have the well-known and generally accepted technical or trade meanings customarily attributed to it in the natural gas or electricity generation industries, as applicable. (m) The headings used in this Agreement are for convenience of reference only and are not to affect the construction of or to be taken into consideration in interpreting this Agreement. (n) Any executed copy of this Agreement and other related documents may be digitally copied, photocopied, or stored on computer tapes and disks ("Imaged Agreement"). The Imaged Agreement will be admissible in any judicial, arbitration, mediation or administrative proceedings between the Parties in accordance with the applicable rules of evidence; provided that neither Party will object to the admissibility of the Imaged Agreement on the basis that such were not originated or maintained in documentary form. (o) Where multiple parties are Party to this Agreement with Seller and are represented by the same agent, it is agreed that this Agreement will constitute a separate agreement with each such Party, as if each such Party had executed a separate Agreement, and that no such Party shall have any liability under this document for the obligations of any other Parties. (p) This CMA may be terminated by either Party upon at least thirty (30) days' prior written notice; provided, however, that this CMA will remain in effect with respect to Transactions entered into prior to the effective date of the termination until both Parties have fulfilled all of their obligations with respect to the outstanding Transactions. (q) Buyer will not disclose the terms of this Agreement, without prior written consent of the Seller, to any third party, other than Buyer's employees, affiliates, agents, auditors and counsel who are bound by substantially similar confidentiality obligations, trading exchanges, governmental authorities, courts, adjudicatory proceedings, pricing indices, and credit ratings agencies; provided that if Buyer receives a demand for disclosure pursuant to court order or other proceeding, it will first notify Seller, to the extent practicable, before making the disclosure.

IN WITNESS WHEREOF, this CMA is entered into and effective as of the date written above.

Town of Canandaigua

BUYER: \_\_\_\_\_

SELLER: Direct Energy Business, LLC  
Direct Energy Business Marketing, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_





## NEW YORK CUSTOMER DISCLOSURE

Price	Your price is \$0.776 per Dth
Fixed or Variable and, if variable, how the price is determined	Variable: Refer to Purchase Price on Transaction Confirmation and Special Provisions section on Transaction Confirmation.
Length of the agreement and end date	36 Months
Process customer may use to rescind the agreement without penalty	Rescission without penalty not permitted
Amount of Early Termination Fee and method of calculation	Non-defaulting party has the right to terminate and liquidate all Transactions, calculate a settlement amount by calculating the Close-Out Value for each Transaction and aggregate all amounts owing - See section 12 for more information
Amount of Late Payment Fee and method of calculation	Interest will be assessed on the late balance at the lower of 1.5% per month or the maximum amount permitted by law - See Section 4 for more information
Provisions for renewal of the agreement	Automatically renews in successive one-month terms unless affirmatively renewed or terminated by either party.
Conditions under which savings to the customer are guaranteed	Savings compared to the Host Utility rate are not guaranteed.



**Direct Energy Business Marketing, LLC  
d/b/a Direct Energy Business**

**194 Wood Avenue South, Second Floor,  
Iselin, NJ 08830**

**Phone: 1-888-925-9115  
[business.directenergy.com](http://business.directenergy.com)**

Proposal Id 51664321

Marketer Name Loucks, Todd Date 7/10/2018 Time 2:37:59PM

**CUSTOMER INFORMATION**

Customer Name Town of Canandaigua ☒ New ☐ Renewal

Contact Name Doug Finch Billing Contact

Address 5440 ROUTE 5 AND 20  
CANANDAIGUA, NY  
14424 Billing Address

Telephone 585-394-1120 Fax Telephone Fax

Email

**NATURAL GAS TRANSACTION CONFIRMATION AND CUSTOMER DISCLOSURES**

This Transaction Confirmation confirms the terms of the Gas Transaction entered into between Direct Energy Business Marketing, LLC d/b/a Direct Energy Business ("Seller"), and the customer above ("Buyer" or "Customer") pursuant to the terms of the Commodity Master Agreement ("CMA") between Buyer and Seller dated July 10, 2018 as may be amended. The Purchase Price excludes Utility distribution charges and Taxes that are or may be the responsibility of Buyer. Gas volumes will be adjusted for Utility line loss, where applicable. The prices listed below are based on market conditions as of the time, stated above, that this Transaction Confirmation was issued and may be adjusted by Seller to reflect market conditions as of the date it is executed and returned by Buyer. THIS TRANSACTION CONFIRMATION WILL NOT BE EFFECTIVE UNTIL SIGNED BY BOTH PARTIES.

Service Locations (Additional pages may be attached if necessary)	Service Address	Utility Account No	Rate
	4965X W LAKE RD SHOP	N0-200-00-022424-36	SC2
	4965 W LAKE RD BATH HSE	N0-200-00-035223-49	SC2
	4965 W LAKE RD	N0-200-00-083242-61	SC2
	5440 STATE ROUTE 5 AND 20 TOWN HALL	N0-200-00-593375-19	SC2

	3178 WEST ST PUMP STN 3650 W LAKE RD 4965 W LAKE RD BATHROOMS 2550 outhouse rd 5440 STATE ROUTE 5 AND 20 TOWN BARN	N0-200-00-593437-49 N0-200-00-595807-04 N0-200-00-596347-90 N0-200-00-602875-13 N0-200-00-611613-86	SC2 SC2 SC2 SC2 SC2
<b>Delivery Period</b>	Begin: 08/01/2018                      End: 07/31/2021  The service start date hereunder will be the date that the Utility enrolls Customer for Seller's service. Seller will request the Utility to enroll Customer on the first meter read date within the Delivery Period.  Upon the expiration of the Delivery Period, this Transaction shall continue for successive one month terms (collectively the "Renewal Term") until either Party notifies the other Party in writing of its intention to terminate, at least 15 days prior to (1) the end of the Delivery Period or (2) during the Renewal Term, the earlier of the end of each successive month Renewal Term or the next cycle read date. After notice is given as contemplated in the previous sentence, the date of termination ("Termination Date") shall be the next effective drop date permitted by the Utility. The Purchase Price for delivery to the Delivery Point during the Renewal Term or for any period outside of the Delivery Period, shall be the then Market Price for delivery to the Delivery Point, unless otherwise agreed to in writing.		
<b>Delivery Point</b>	NY State Electric & Gas/CNG DCQ		
<b>Contract Quantity (Dth)</b>	Buyer and Seller agree that the Contract Quantity purchased and received means a positive volume up to or greater than the estimated quantities listed below, provided, that for purposes of determining whether a Material Usage Deviation has occurred and for purposes of calculating Contract Quantities remaining to be delivered under Section 12 of the Agreement, Contract Quantity shall be determined by reference to the applicable estimated quantity(ies) listed below.  _____ Daily        ___x___ Monthly		

	August101February369 September151March355 October323April433 November287May222 December403June98 January449July98
Purchase Price	Nymex Plus: \$0.776 /Dth
Special Provisions	<p>Change in Utility Account Numbers: The account number for a Service Location shall be the Utility Account Number set forth in the Service Locations section above or as attached, as applicable, or any replacement account number issued by the Utility from time to time.</p> <p>Buyer acknowledges that it is acting for its own account, and that it has made its own independent decisions with respect to this Transaction Confirmation and that Seller is not acting as a fiduciary, financial, investment or commodity trading advisor for it in connection with the negotiation and execution of this Transaction.</p> <p>Full Plant Requirement – No GSA</p> <p>For inquiries related to your purchase, or for any other questions or complaints against Seller, please contact Seller at the address above. For general inquiries related to the sale and delivery of Gas you may contact the New York Public Service Commission, Department of Public Service ESCO hotline at 1-888-697-7728; write the PSC at the Office of Consumer Education &amp; Advocacy, Three Empire State Plaza, Albany, NY 12223, or visit the PSC’s website at <a href="http://www.dps.state.ny.us">http://www.dps.state.ny.us</a>. Buyer represents and acknowledges that: (a) any rights to a rescission period, longer grace periods or notice periods afforded to residential Buyers do not apply; and (b) upon any discontinuance of service by Seller, Seller will return Buyer to full Utility service by the next effective drop date permitted by the Utility, upon at least fifteen (15) days prior notice, provided that the utility has not already disconnected delivery of the service. If the Utility disconnects delivery of the service, then, effective immediately, Seller will not be responsible to provide Gas or any service under this Transaction. Buyer represents and warrants that (i) it will provide, to Seller, information reasonably required to substantiate its Gas usage, including information regarding its business, locations, meter/account numbers, historical/projected usage, time of use, hours of operation, utility rate classes, agreements, schedules, which in substantial part form the basis for the calculation of charges for the Transaction hereunder; (ii) acceptance of this Transaction Confirmation constitutes an authorization for release of such usage</p>

information; (iii) it will assist Seller in taking all actions necessary to effectuate transactions, including, if requested, executing an authorization form permitting Seller to obtain its usage information from third parties; (iv) the usage information provided is true and accurate as of the date furnished and as of the effective date of the Transaction; (v) it may rescind the authorization for release of such information at any time, upon prior written notice; provided however, that such rescission will be considered an Event of Default by Buyer under Section 11(iv) of the CMA; and (vi) neither it, nor any transaction, has been solicited through "door-to-door sales" (as such term is defined under the Uniform Business Law § 349-d, and Buyer acknowledges that this representation is a material inducement to Seller entering into this Transaction. \*According to the State of New York Public Service Commission's Uniform Business Practices residential Buyers have the right to cancel a sales agreement, without penalty, within three business days after its receipt. \*\*According to the State of New York Public Service Commission's Uniform Business Practices and the State of New York General Business Law § 349-d for transactions solicited through "door-to-door sales" Buyers may not be charged a termination or early cancellation fee in excess of the greater of: (i) \$100 if the remaining term is 12 months or less and \$200 if the remaining term exceeds 12 months, or (ii) twice the estimated commodity supply bill for an average month, provided that an estimate of an average monthly bill was provided to the Buyer when the offer was made by the Seller along with the amount of any early termination fee based on such estimate.

NYMEX Plus with Trigger: For each month of the Delivery Period, the Purchase Price for the Contract Quantity, subject to the Gas Settlement Adjustment provision, will equal a fixed Basis charge of \$0.776/Dth, plus the Commodity charge for that month. Unless the Commodity charge has been set by agreement of the Parties in accordance with the instructions detailed below, the Commodity charge shall be the per Dth price equal to the settlement price on the expiration date for that month's New York Mercantile Exchange Henry Hub natural gas futures contract ("NYMEX Contract"). Buyer may fix the Commodity charge for blocks of Commodity through a Buyer-initiated trigger process ("Trigger Order"). Trigger Orders may be initiated for a specific individual month ("Monthly Order") or for a specific set of contiguous months within the duration of the Delivery Period ("Strip Order"). Trigger Orders are filled on a best efforts basis during operating hours. The Commodity charge may be fixed by agreement of the Parties at any time prior to 1:00 PM on the expiration date of the applicable month's NYMEX Contract. Buyer acknowledges that the Commodity charge may be set (fixed) for a period up to, but in no event beyond the "Max Commodity Date". The Max Commodity Date is defined as the latest date up to which the Parties may fix the Commodity charge, and is posted on your online account portal. Seller reserves the right to amend these date restrictions at its sole discretion. Buyer's "Responsible Trigger Contact(s)" have been identified as Doug Finch [dfinch@townofcanadaigua.org]. Seller will



generate a confirmation to be sent to Buyer's Responsible Trigger Contact each time the Commodity charge is fixed ("Trigger Confirmation"). Each such Trigger Confirmation will be made a part of, and is not a replacement for, this Transaction Confirmation. All orders are binding upon being filled. Any notices regarding Trigger Confirmations must be sent to [trigger@directenergy.com](mailto:trigger@directenergy.com). Changes to the Responsible Trigger Contact must be communicated in writing through your Direct Energy Business Development Manager.

Price Protection: For each month of the Delivery Period, the Purchase Price for the Contract Quantity, subject to the Gas Settlement Adjustment provision, will equal a fixed Basis charge of \$0.776//Dth, plus the Commodity charge for that month. Buyer acknowledges that the Basis charge includes costs associated with setting the Commodity charge. Unless the Commodity charge has been set by agreement of the Parties in accordance with the instructions detailed below, the Commodity charge shall be the per Dth price equal to the lesser of (1) \$4.000 or (2) the settlement price on the expiration date for that month's New York Mercantile Exchange Henry Hub natural gas futures contract ("NYMEX Contract"). Buyer may fix the Commodity charge for blocks of Commodity through a Buyer-initiated trigger process ("Trigger Order"). Trigger Orders may be initiated for a specific individual month ("Monthly Order") or for a specific set of contiguous months within the duration of the Delivery Period ("Strip Order"). Trigger Orders are filled on a best efforts basis during operating hours. The Commodity charge may be fixed by agreement of the Parties at any time prior to 1:00 PM on the expiration date of the applicable month's NYMEX Contract. Buyer acknowledges that the Commodity charge may be set (fixed) for a period up to, but in no event beyond the "Max Commodity Date". The Max Commodity Date is defined as the latest date up to which the Parties may fix the Commodity charge, and is posted on your online account portal. Seller reserves the right to amend these date restrictions at its sole discretion. Buyer's "Responsible Trigger Contact(s)" have been identified as Doug Finch

[[dfinch@townofcanadaigua.org](mailto:dfinch@townofcanadaigua.org)]. Seller will generate a confirmation to be sent to Buyer's Responsible Trigger Contact each time the Commodity charge is fixed ("Trigger Confirmation"). Each such Trigger Confirmation will be made a part of, and is not a replacement for, this Transaction Confirmation. All orders are binding upon being filled. Any notices regarding Trigger Confirmations must be sent to [trigger@directenergy.com](mailto:trigger@directenergy.com). Changes to the Responsible Trigger Contact must be communicated in writing through your Direct Energy Business Development Manager.

**Tax Exemption  
Status**

[ ☐ ] Non-Exempt

[ ☐ ] Exempt (e.g. Residential, Non-Profit Organization, Manufacturing,  
Small Business, Agricultural, Resale, etc.)

**If exempt, must attach certificate.**

**PLEASE SIGN AND RETURN THIS TRANSACTION CONFIRMATION LETTER BY  
FACSIMILE TO 315-423-0964**

BUYER: Town of Canandaigua

SELLER: Direct Energy Business  
Marketing, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_ d/b/a Direct Energy Business

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



This Commodity Master Agreement ("CMA") among Direct Energy Business, LLC, Direct Energy Business Marketing, LLC d/b/a Direct Energy Business (Collectively "Seller"), each a Delaware limited liability company, and Town of Canandaigua ("Buyer" or "Customer") (each a "Party" and collectively, the "Parties") is entered into and effective as of 07/10/2018 .

- 1. Transactions:** The terms of this CMA apply to all end-use sales of electric power ("Electricity") and/or natural gas ("Gas") as applicable (each a "Commodity" and collectively, the "Commodities"), by the applicable Seller party to Buyer (each sale a "Transaction") which will be memorialized in a writing signed by both Parties (each a "Transaction Confirmation"). Each Transaction Confirmation shall set forth the Seller party providing service to Customer for such Transaction. If a conflict arises between the terms of this CMA and a Transaction Confirmation, the Transaction Confirmation will control with respect to that particular Transaction. This CMA, any amendments to this CMA and related Transaction Confirmation(s) (together, a single integrated, "Agreement") is the entire understanding between Parties with respect to the Commodities and supersedes all other communication and prior writings with respect thereto; no oral statements are effective.
- 2. Performance:** The Parties' obligations under this Agreement are firm. Buyer is obligated to purchase and receive, and Seller is obligated to sell and provide, the Contract Quantity of Commodity specified in a Transaction Confirmation in accordance with the terms of this Agreement. Buyer will only use the Commodity at the listed Service Locations in the applicable Transaction Confirmation and will not resell the Commodity or use it at other locations without Seller's prior written consent.
- 3. Purchase Price:** Buyer will pay the Purchase Price stated in each Transaction Confirmation. If the Purchase Price incorporates an index and the index is not announced or published on any day for any reason or if the Seller reasonably determines that a material change in the formula for or the method of determining the Purchase Price has occurred, then the Parties will use a commercially reasonable replacement price that is calculated by the Seller. If Seller concludes that a change in any Law(s) increases Seller's costs, the Purchase Price may be adjusted by Seller to reflect such costs. "Law(s)" mean all tariffs, laws, orders, rules, decisions, taxes, regulations, transmission rates, and Utility changes to Buyer's monthly capacity and/or transmission obligations.
- 4. Billing and Payment:** Seller will invoice Buyer for the Actual Quantity of Commodity and for any other amounts incurred by Buyer under this Agreement. Payment is due within fifteen (15) days of the date of the invoice. If an invoice is issued and the Actual Quantity cannot be verified by the time, the invoice will be based on Seller's good faith estimate of the Actual Quantity. Seller will adjust Buyer's account following (i) confirmation of the Actual Quantity, (ii) any Utility discrepancy or adjustment or (iii) any other corrections or adjustments, including adjustments to, or re-calculation of, Taxes. Buyer will pay interest on late payments at 1.5% per month or, if lower, the maximum rate permitted by law ("Interest Rate"). Buyer is also responsible for all costs and fees, including reasonable attorney's fees, incurred in collecting payment. "Actual Quantity" means the actual quantity of Commodity that is either delivered or metered, as applicable, to Buyer's account. "Utility" means a state regulated entity engaged in the distribution of Gas or Electricity.
- 5. Taxes:** Buyer is responsible for paying any Taxes associated with the Actual Quantity of Commodity sold under this Agreement that may become due at and after the Delivery Point. The Purchase Price does not include Taxes that are or may be the responsibility of the Buyer, unless such inclusion is required by Law. Buyer will reimburse Seller for any Taxes that Seller is required to collect and pay on Buyer's behalf and will indemnify, defend and hold Seller harmless from any liability against all Buyer's Taxes. Buyer will furnish Seller with any necessary documentation showing its exemption from Taxes, if applicable, and Buyer will be liable for any Taxes assessed against Seller because of Buyer's failure to timely provide or properly complete any such documentation. "Taxes" means all applicable federal, state and local taxes, including any associated penalties and interest and any new taxes imposed in the future during the term of this Agreement. Liabilities imposed in this Section will survive the termination of this Agreement.
- 6. Disputes:** If either Party in good faith disputes amounts owed under Sections 3, 4, 5 and 8, the disputing Party will contact the non-disputing Party promptly and pay the undisputed amount by the payment due date. The Parties will negotiate in good faith regarding such dispute for a period of not more than fifteen (15) Business Days. In the event the Parties are unable to resolve such dispute, the disputing Party will pay the balance of the original invoice and either Party may exercise any remedy available to it in law or equity pursuant to this Agreement. In the event of a dispute other than for an invoiced amount, the Parties will use their best efforts to resolve the dispute promptly. Actions taken by a Party exercising its contractual rights will not be

construed as a dispute for purposes of this Section. "Business Day" means any day on which banks are open for commercial business in New York, New York; any reference to "day(s)" means calendar days.

7. **Title and Risk of Loss:** Title to, possession of and risk of loss to the Commodity will pass to Buyer at the Delivery Point specified in the applicable Transaction Confirmation.

**8. Buyer's Usage Obligations**

**A. Material Usage Deviation:** If there is a Material Usage Deviation, Buyer will be responsible for the losses and costs, including the costs of obtaining and/or liquidating the applicable volume, based upon the difference between the applicable Contract Quantity and Actual Quantity. Buyer will pay the amount of such losses and costs to Seller within fifteen (15) Business Days of Seller's invoice. "Material Usage Deviation" means any deviation in Actual Quantity at the Service Location(s) stated in the related Transaction Confirmation from Contract Quantity (or, as applicable, estimated Contract Quantities) stated in that Transaction Confirmation of +/- 25% or more, which is not caused by weather..

**B. Balancing Charges:** For Transactions involving the purchase and sale of Gas only, Buyer will be responsible for Balancing Charges unless Prior Notice of a material variation in usage is provided to Seller and actual usage is consistent with that Prior Notice. "Balancing Charges" means Utility fees, costs or charges and penalties assessed for failure to satisfy the Utility's balancing and/or nomination requirements. "Prior Notice" is defined as forty-eight (48) hours before the start of the Gas Day for which the material variation in usage will apply. "Gas Day" means a period of 24 consecutive hours as defined by the Utility. Buyer will make any payment due pursuant to this Section within five (5) Business Days of the date of Seller's invoice.

**C. Curtailments:** For Transactions involving the purchase and Sale of Gas only, if Buyer is directed by its Utility to curtail its usage, in whole or in part, Buyer will curtail as directed. If Buyer fails to curtail as directed, Buyer will pay or reimburse Seller for all Balancing Charges assessed by the Utility. Payment by Buyer of any Balancing Charges will be due within five (5) Business Days of the date of Seller's invoice.

9. **Force Majeure:** A Party claiming Force Majeure will be excused from its obligations under Section 2 as long as it provides prompt notice of the Force Majeure and uses due diligence to remove its cause and resume performance as promptly as reasonably possible. During a Force Majeure, Buyer will not be excused from its responsibility for Balancing Charges nor from its responsibility to pay for Commodity received. "Force Majeure" means a material, unavoidable occurrence beyond a Party's control, and does not include inability to pay, an increase or decrease in Taxes or the cost of Commodity, the economic hardships of a Party, or the full or partial closure of Buyer's facilities, unless such closure itself is due to Force Majeure.

10. **Financial Responsibility:** Seller's entry into this Agreement and each Transaction is conditioned on Buyer, its parent, any guarantor or any successor maintaining its creditworthiness during the Delivery Period and any Renewal Term. When Seller has reasonable grounds for insecurity regarding Buyer's ability or willingness to perform all of its outstanding obligations under any agreement between the Parties, Seller may require Buyer to provide adequate assurance, which may include, in the Seller's discretion, security in the form of cash deposits, prepayments, letters of credit or other guaranty of payment or performance ("Credit Assurance").

11. **Default:** "Default" means: (i) failure of either Party to make payment by the applicable due date and the payment is not made within three (3) Business Days of a written demand; (ii) failure of Buyer to provide Credit Assurance within two (2) Business Days of Seller's demand; (iii) either Party, its parent or guarantor, becomes Bankrupt or fails to pay its debts generally as they become due; (iv) failure of a Party to satisfy any of its representations and warranties; or (v) failure of a Party to fulfill its material obligations. The Parties will have 15 Business Days following written demand to cure any failures under (iv) or (v), provided that no cure period or demand for cure applies to a default arising under (iii) or any early termination of this Agreement. "Bankrupt" means an entity (a) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause of action under any bankruptcy, insolvency, reorganization or similar law, or has any such petition filed or commenced against it, (b) makes an assignment or any general arrangement for the benefit of creditors, (c) otherwise becomes bankrupt or insolvent, however evidenced, (d) has a liquidator, administrator, receiver, trustee, conservator or similar official appointed with respect to it or any substantial portion of its property or assets, (e) has a secured party take possession of all or any substantial portion of its assets or (f) is dissolved or has a resolution passed for its winding-up, official management or liquidation (other than pursuant to a consolidation, amalgamation or merger).

12. **Remedies:** In the event of a Default, the non-defaulting Party may: (i) withhold any payments or suspend performance; (ii) upon written notice, provided that no notice is required with respect to Section 11(iii) or a breach of Section 13A(c), accelerate any or all amounts owing between the Parties and terminate any or all Transactions and/or this Agreement; (iii) calculate a settlement amount by calculating all amounts due to Seller for Actual Quantity and the Close-out Value for each Transaction being terminated; and/or (iv) net or aggregate, as appropriate, all settlement amounts and all other amounts owing between the Parties and their affiliates under this Agreement and other energy-related agreements between them and their affiliates, whether or not then due and whether or not subject to any contingencies, plus costs incurred, into one single amount ("Net Settlement Amount"). Any Net Settlement Amount due from the defaulting Party to the non-defaulting Party will be paid within three (3)

Business Days of written notice from the non-defaulting Party. Interest on any unpaid portion of the Net Settlement Amount will accrue daily at the Interest Rate. "Close-out Value" is the sum of (a) the amount due to the non-defaulting Party regarding the Contract Quantities (or, as applicable, estimated Contract Quantities) remaining to be delivered as stated in the applicable Transaction Confirmation(s) during the Delivery Period or, if applicable, the current Renewal Term, calculated by determining the difference between the Purchase Price and the Market Price for such quantities; and (b) without duplication, any net losses or costs incurred by the non-defaulting Party for terminating the Transaction(s), including costs of obtaining, maintaining and/or liquidating commercially reasonable hedges, Balancing Charges and/or transaction costs. "Market Price" means the price for similar quantities of Commodity at the Delivery Point during the Delivery Period or Renewal Term, as applicable. For purposes of determining Close-out Value, (i) Market Price will be determined by the non-defaulting Party in good faith as of a date and time as close as reasonably practical to the date and time of termination or liquidation of the applicable Transaction(s), and (ii) Market Price may be ascertained through reference to quotations provided by recognized energy brokers or dealers, market indices, bona-fide offers from third-parties, or by reference to commercially reasonable forward pricing valuations. The Parties agree that the Close-out Value constitutes a reasonable approximation of damages, and is not a penalty or punitive in any respect. Seller may, but need not, physically liquidate a Transaction or enter into a replacement transaction to determine Close-out Value or Net Settlement Amount. The defaulting Party is responsible for all costs and fees incurred for collection of Net Settlement Amount, including, reasonable attorney's fees and expert witness fees.

**13. Representations and Warranties:** Each of the following are deemed to be repeated each time a Transaction is entered into:

**A.** Each Party represents that: (a) it is duly organized, validly existing and in good standing under the laws of the jurisdiction of its formation and is qualified to conduct its business in those jurisdictions necessary to perform to this Agreement; (b) the execution of this Agreement is within its powers, has been duly authorized and does not violate any of the terms or conditions in its governing documents or any contract to which it is a party or any law applicable to it; and (c) it is not Bankrupt.

**B.** Buyer represents and warrants that: (a) it is not a residential customer; (b) it will promptly notify Seller of any merger or acquisition of Buyer where Buyer will not be the surviving legal entity; (c) execution of this Agreement initiates enrollment and service for the Delivery Period and any Renewal Term; (d) no communication, written or oral, received from the Seller will be deemed to be an assurance or guarantee as to any results expected from this Agreement; (e) if it is executing this Agreement in its capacity as an agent, such Party represents and warrants that it has the authority to bind the principal to all the provisions contained herein and agrees to provide documentation of such agency relationship, and (f) (i) it will provide, to Seller, information reasonably required to substantiate its usage requirements, including information regarding its business, locations, meter/account numbers, historical/projected usage, time of use, hours of operation, utility rate classes, agreements, schedules, which in substantial part form the basis for the calculation of charges for the transactions hereunder; (ii) acceptance of this Agreement constitutes an authorization for release of such usage information; (iii) it will assist Seller in taking all actions necessary to effectuate Transactions, including, if requested, executing an authorization form permitting Seller to obtain its usage information from third parties; and (iv) the usage information provided is true and accurate as of the date furnished and as of the effective date of the Agreement.

**C.** Each Party acknowledges that: (a) this Agreement is a forward contract and a master netting agreement as defined in the United States Bankruptcy Code ("Code"); (b) this Agreement shall not be construed as creating an association, trust, partnership, or joint venture in any way between the Parties, nor as creating any relationship between the Parties other than that of independent contractors for the sale and purchase of Commodity; (c) Seller is not a "utility" as defined in the Code; (d) Commodity supply will be provided by Seller under this Agreement, but delivery will be provided by the Buyer's Utility; and (e) Buyer's Utility, and not Seller, is responsible for responding to leaks or emergencies should they occur.

**14. Other:**

(a) This Agreement, and any dispute arising hereunder, is governed by the law of the state in which the Service Locations are located, without regard to any conflict of rules doctrine. (b) Each Party waives its right to a jury trial regarding any litigation arising from this Agreement. (c) No delay or failure by a Party to exercise any right or remedy to which it may become entitled under this Agreement will constitute a waiver of that right or remedy. (d) Seller warrants that (i) it has good title to Commodity delivered, (ii) it has the right to sell the Commodity, and (iii) the Commodity will be free from all royalties, liens, encumbrances, and claims. ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, ARE DISCLAIMED. (e) Buyer will be responsible for and indemnify Seller against all losses, costs and expenses, including court costs and reasonable attorney's fees, arising out of claims for personal injury, including death, or property damage from the Commodity or other charges which attach after title passes to Buyer. Seller will be responsible for and indemnify Buyer against any losses, costs and expenses, including court costs and reasonable attorneys' fees, arising out of claims of title, personal injury, including death, or property damage from the Commodity or other charges which attach before title passes to Buyer. (f) NEITHER PARTY WILL BE LIABLE TO THE OTHER UNDER THE



AGREEMENT FOR CONSEQUENTIAL, INDIRECT OR PUNITIVE DAMAGES, LOST PROFITS OR SPECIFIC PERFORMANCE, EXCEPT AS EXPRESSLY PROVIDED IN THIS AGREEMENT. (g) All notices and waivers will be made in writing and may be delivered by hand delivery, first class mail (postage prepaid), overnight courier service or by facsimile and will be effective upon receipt; provided, however, that any termination notice may only be sent by hand or by overnight courier service, and, if sent to Seller, a copy delivered to: Direct Energy Business, Attn: Customer Services Manager, 1001 Liberty Avenue, Pittsburgh, PA 15222, Phone: (888) 925-9115; Fax: (866) 421-0257; Email: CustomerRelations@directenergy.com. (h) If Buyer and Direct Energy Business Marketing, LLC entered into Commodity transactions prior to the execution of this Agreement ("Existing Transactions"), the Parties agree that these Existing Transactions shall be Transactions governed under the terms of this Agreement. This Agreement supersedes and replaces any other agreement that may have applied to the Existing Transactions. Note that this subsection (h) shall not apply to any Commodity transactions or agreements entered into between Buyer and Direct Energy Business, LLC (i) No amendment to this Agreement will be enforceable unless reduced to writing and executed by both Parties. (j) Seller may assign this Agreement without Buyer's consent. Buyer may not assign this Agreement without Seller's consent; which consent will not be unreasonably withheld. In addition, Seller may pledge, encumber, or assign this Agreement or the accounts, revenues, or proceeds of this Agreement in connection with any financing or other financial arrangements without Buyer's consent; in which case Seller shall not be discharged from its obligations to Buyer under this Agreement. (k) This Agreement may be executed in separate counterparts by the Parties, including by facsimile, each of which when executed and delivered shall be an original, but all of which shall constitute one and the same instrument. (l) Any capitalized terms not defined in this CMA are defined in the Transaction Confirmation or shall have the meaning set forth in the applicable Utility rules, tariffs or other governmental regulations, or if such term is not defined therein then it shall have the well-known and generally accepted technical or trade meanings customarily attributed to it in the natural gas or electricity generation industries, as applicable. (m) The headings used in this Agreement are for convenience of reference only and are not to affect the construction of or to be taken into consideration in interpreting this Agreement. (n) Any executed copy of this Agreement and other related documents may be digitally copied, photocopied, or stored on computer tapes and disks ("Imaged Agreement"). The Imaged Agreement will be admissible in any judicial, arbitration, mediation or administrative proceedings between the Parties in accordance with the applicable rules of evidence; provided that neither Party will object to the admissibility of the Imaged Agreement on the basis that such were not originated or maintained in documentary form. (o) Where multiple parties are Party to this Agreement with Seller and are represented by the same agent, it is agreed that this Agreement will constitute a separate agreement with each such Party, as if each such Party had executed a separate Agreement, and that no such Party shall have any liability under this document for the obligations of any other Parties. (p) This CMA may be terminated by either Party upon at least thirty (30) days' prior written notice; provided, however, that this CMA will remain in effect with respect to Transactions entered into prior to the effective date of the termination until both Parties have fulfilled all of their obligations with respect to the outstanding Transactions. (q) Buyer will not disclose the terms of this Agreement, without prior written consent of the Seller, to any third party, other than Buyer's employees, affiliates, agents, auditors and counsel who are bound by substantially similar confidentiality obligations, trading exchanges, governmental authorities, courts, adjudicatory proceedings, pricing indices, and credit ratings agencies; provided that if Buyer receives a demand for disclosure pursuant to court order or other proceeding, it will first notify Seller, to the extent practicable, before making the disclosure.

IN WITNESS WHEREOF, this CMA is entered into and effective as of the date written above.

Town of Canandaigua

BUYER: \_\_\_\_\_

SELLER: Direct Energy Business, LLC  
Direct Energy Business Marketing, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

# ATTACHMENT 18

## **RETAINER AGREEMENT**

1. **IDENTIFICATION OF PARTIES.** This Agreement, effective on January 1, 2018, is made between the LAW OFFICES OF CHRISTIAN M. NADLER, hereafter referred to as "Law Firm," and the TOWN OF CANANDAIGUA, hereafter referred to as the "Town."
2. **LEGAL SERVICES TO BE PROVIDED.** The legal services to be provided by Law Firm are as follows:
  - a. **Planning Board Services.** Law Firm shall serve as Attorney for the Planning Board of the Town of Canandaigua. Law Firm will provide legal advice and counsel to the Planning Board, and shall represent the Planning Board in any litigation to which it is a party.
  - b. **Zoning Board Services.** Law Firm shall serve as Attorney for the Zoning Board of Appeals of the Town of Canandaigua. Law Firm will provide legal advice and counsel to the Zoning Board of Appeals, and shall represent the Zoning Board of Appeals in any litigation to which it is a party.
  - c. **Municipal Counsel.** Law Firm shall serve as Attorney for the Town, including all of its departments, offices, and boards. Law Firm shall provide general legal counsel services to the Town as directed by the Town Board or the Town Manager.
3. **FEES, COSTS, & EXPENSES**
  - a. **Hourly Rate.** Unless otherwise agreed, Law Firm will bill the Town for legal services at a rate of \$130.00 per hour except for legal services rendered in connection with litigation, which will be billed at a rate of \$150.00 per hour.
  - b. **Costs & Expenses.** The Town agrees to pay all costs and expenses in connection with Law Firm's representation under this Agreement. Such costs and expenses include, but are not limited to, court filing fees, deposition costs, expert fees and expenses, investigation costs, messenger fees, photocopying expenses, printing fees, and process server fees.
4. **TERM.** This Agreement shall remain in effect for a term of twelve (12) consecutive months commencing on January 1, 2018, and ending on December 31, 2018.
5. **TERMINATION.** The Town of Law Firm may terminate this Agreement at any time on sixty (60) days written notice, in which case Law Firm's services under

this Agreement will cease effective as of the 60<sup>th</sup> day after receipt of such notice. Any such notice shall be delivered by certified mail at the addresses listed below.

6. **NO GUARANTEE**. The Town acknowledges that Law Firm has not promised any specific result in this matter, and understands that there are no guarantees of a successful disposition in any of the Town's legal matters.
7. **ARBITRATION**. Any dispute over legal fees shall be resolved with arbitration pursuant to Part 137 of the Rules of the Chief Administrator of Courts.

The foregoing is agreed to by:

TOWN OF  
CANANDAIGUA

LAW OFFICES OF  
CHRISTIAN M. NADLER

---

Doug Finch, Town Manager  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424

---

Christian M. Nadler, Esq.  
9 Mima Circle  
Fairport, NY 14450

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



LAWOFFI-40

KKUGLER

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/06/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> License # BR-904760 <b>Lawley-Andolina-Verdi, LLC</b> 30 North Union Street Rochester, NY 14607	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No, Ext):</b> 1 (585) 454-1600	<b>FAX (A/C, No):</b> 1 (866) 211-4683
<b>INSURED</b>  <b>Law Offices of Christian M Nadler</b> 9 Mima Circle Fairport, NY 14450	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A : Arch Insurance Company</b>	
	<b>NAIC #</b>	
	<b>11150</b>	
	<b>INSURER B :</b>	
<b>INSURER C :</b>		
<b>INSURER D :</b>		
<b>INSURER E :</b>		
<b>INSURER F :</b>		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b>						
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						EACH OCCURRENCE \$
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$
							MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
							GENERAL AGGREGATE \$
							PRODUCTS - COMP/OP AGG \$
							\$
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR						EACH OCCURRENCE \$
	<b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
A	Professional Liab			11LPL12981400	06/01/2018	06/01/2019	Each Claim 1,000,000
A	Professional Liab			11LPL12981400	06/01/2018	06/01/2019	Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

PROOF OF INSURANCE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



## Request for Taxpayer Identification Number and Certification

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
requester. Do not  
send to the IRS.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

**LAW OFFICES OF CHRISTIAN M NADLER**

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☒ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

**Note:** Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

**9 MIMA CIRCLE**

6 City, state, and ZIP code

**FAIRPORT, NY 14450**

7 List account number(s) here (optional)

Requester's name and address (optional)

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

\_\_\_\_ - \_\_\_\_ - \_\_\_\_

or

Employer identification number

4 5 - 2 9 8 7 9 7 6

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

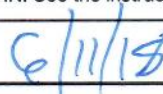
**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►



Date ►



## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

# ATTACHMENT 19

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Town of Canandaigua County Road 10 Watermain Improvements		
Project Location (describe, and attach a general location map): County Road 10, County Road 21 (Chapin Road), and Otetiana Point (Off County Road 364)		
Brief Description of Proposed Action (include purpose or need):  The proposed project will involve the installation of approximately 10,000 linear feet of 12" PVC SDR 14 watermain along County Road 10 and approximately 3,000 linear feet of 8" PVC SDR 14 watermain connection to Otetiana Point, which is located off of County Road 364. The total length of watermain to be installed is approximately 13,000 linear feet. Four (4) master meters will also be installed on State Route 21, County Road 4, and two (2) master meters south of NYS Routes 5 & 20 and north of Lakeshore Drive. Appropriate hydrants and valves will be provided as dictated by the NYS Department of Health. The supplier of water for the new infrastructure will be the City of Canandaigua. Ultimately, the completion of the system improvements will increase water pressure, flow and overall water quality for the area.		
Name of Applicant/Sponsor: Town of Canandaigua - Town Board (Greg Westbrook, Town Supervisor)		Telephone: (585) 394-1120 E-Mail: gwestbrook@townofcanandaigua.org
Address: 5440 Route 5 & 20 West		
City/PO: Canandaigua	State: New York	Zip Code: 14424
Project Contact (if not same as sponsor; give name and title/role): Doug Finch, Town Manager		Telephone: (585) 394-1120 x2224 E-Mail: dfinch@townofcanandaigua.org
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:



## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	(T) Canandaigua, (T) Palmyra, (V) Newark, (T) Hopewell	
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Canandaigua Department of Public Works, Town of Hopewell Water and Highway Depts	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Ontario County Planning Board, Ontario County Public Works Department	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOH, NYS DEC, NYS DOT	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	U.S. Army Corps of Engineers	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

## C. Planning and Zoning

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): <u>2014 Comprehensive Update of the Canandaigua Lake Watershed Management Plan</u> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): <u>Town of Canandaigua Strategic Farmland Protection Area (NYS Route 21 Master Meter only)</u> <hr/> <hr/>	

### C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
Residential Lakeshore (RLD), Neighborhood Commercial (NC), Community Commercial (CC), Mixed Use Overlay (MUO), Industrial (I), Agricultural Rural (RR)
- b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No
- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

- a. In what school district is the project site located? Canandaigua City School District
- b. What police or other public protection forces serve the project site?  
Ontario County Sheriff's Office, City of Canandaigua Police Department
- c. Which fire protection and emergency medical services serve the project site?  
Canandaigua Emergency Squad, City of Canandaigua Fire Department
- d. What parks serve the project site?  
N/A

### D. Project Details

#### D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Municipal public utility
- b. a. Total acreage of the site of the proposed action? 5.0+/- acres  
b. Total acreage to be physically disturbed? 5.0+/- acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? R.O.W. 5.0+/- acres
- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_
- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_
- e. Will proposed action be constructed in multiple phases? ☒ Yes ☐ No  
i. If No, anticipated period of construction: 6+/- months  
ii. If Yes:  
  - Total number of phases anticipated 2
  - Anticipated commencement date of phase 1 (including demolition) 12 month 2018 year
  - Anticipated completion date of final phase 6 month 2019 year
  - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
Phase 1: County Road 10 watermain and associated master meters; and NYS Route 21 master meter  
Phase 2: Otetiana Point watermain



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
<i>i.</i> Total number of structures _____ <i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length <i>iii.</i> Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
<i>i.</i> Purpose of the impoundment: _____ <i>ii.</i> If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ <i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____ <i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres <i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length <i>vi.</i> Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> What is the purpose of the excavation or dredging? _____ <i>ii.</i> How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? <ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul> <i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
<i>iv.</i> Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ _____	
<i>v.</i> What is the total area to be dredged or excavated? _____ acres <i>vi.</i> What is the maximum area to be worked at any one time? _____ acres <i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet <i>viii.</i> Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>ix.</i> Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
<i>i.</i> Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Stream - 898-194 (County Road 10)</u> _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
The proposed project included the construction of watermains primarily within the R.O.W. No disturbances to existing wetlands are anticipated, directional drilling underneath the stream may be required, which would result in minimal impacts.

---

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No  
 If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No  
 If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

---

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____ _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?              _____ Square feet or <u>5.0+/-</u> acres (impervious surface)              _____ Square feet or <u>5.0+/-</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>This is a utility project with no anticipated new point sources.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  <u>Drainage runoff will not change as a result of this project. Drainage runoff will continue to flow into the R.O.W. ditches, swales, off-site surface waters.</u></p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____ _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7AM-5PM (Work hours)</li> <li>• Saturday: _____ 7AM-5PM (Work hours)</li> <li>• Sunday: _____ N/A</li> <li>• Holidays: _____ N/A</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Continuous operation</li> <li>• Saturday: _____ Continuous operation</li> <li>• Sunday: _____ Continuous operation</li> <li>• Holidays: _____ Continuous operation</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7AM-5PM (Work hours)</li> <li>• Saturday: _____ 7AM-5PM (Work hours)</li> <li>• Sunday: _____ N/A</li> <li>• Holidays: _____ N/A</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Continuous operation</li> <li>• Saturday: _____ Continuous operation</li> <li>• Sunday: _____ Continuous operation</li> <li>• Holidays: _____ Continuous operation</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7AM-5PM (Work hours)</li> <li>• Saturday: _____ 7AM-5PM (Work hours)</li> <li>• Sunday: _____ N/A</li> <li>• Holidays: _____ N/A</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Continuous operation</li> <li>• Saturday: _____ Continuous operation</li> <li>• Sunday: _____ Continuous operation</li> <li>• Holidays: _____ Continuous operation</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>During construction operations only</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n.. Will the proposed action have outdoor lighting?</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day?</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)

☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>R.O.W. - Public utility project</u>	5.0+/- acres	5.0+/- acres	0.0 acres

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<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Vertebrates (variety) _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;"> <p style="font-size: 0.8em; color: red;">Yes - Should apply only to NYS Route 21 master meter, which will require a Pre/Final NOI. No - Applies to Oteliana Point and County Road 10</p> </div>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: <u>Proposed NYS Rt. 21 master meter - only project component w/in Agr. District (ONTA001)</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site    <input type="checkbox"/> Historic Building or District         </div> <div style="margin-left: 20px;">           ii. Name: _____         </div> <div style="margin-left: 20px;">           iii. Brief description of attributes on which listing is based: _____         </div>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Describe possible resource(s): _____         </div> <div style="margin-left: 20px;">           ii. Basis for identification: _____         </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Identify resource: _____         </div> <div style="margin-left: 20px;">           ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____         </div> <div style="margin-left: 20px;">           iii. Distance between project and resource: _____ miles.         </div>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Identify the name of the river and its designation: _____         </div> <div style="margin-left: 20px;">           ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?         </div>	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

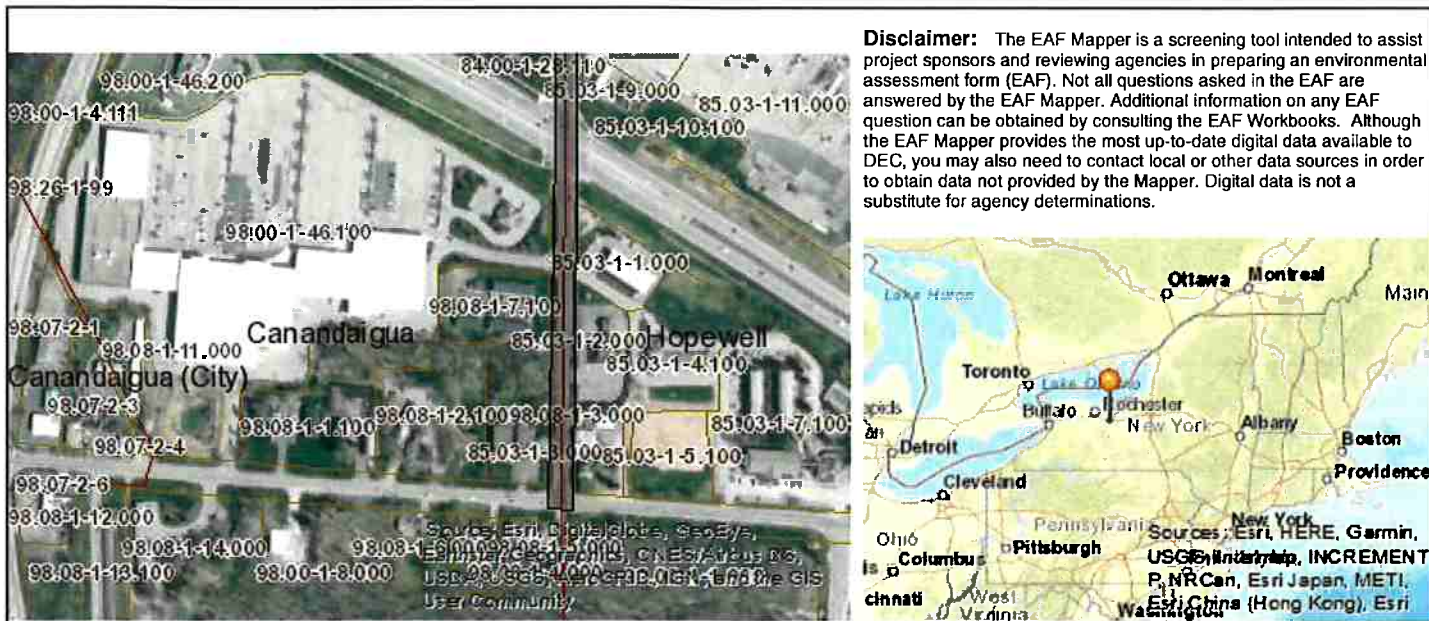
#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town Board / Greg Westbrook Date July 16, 2018

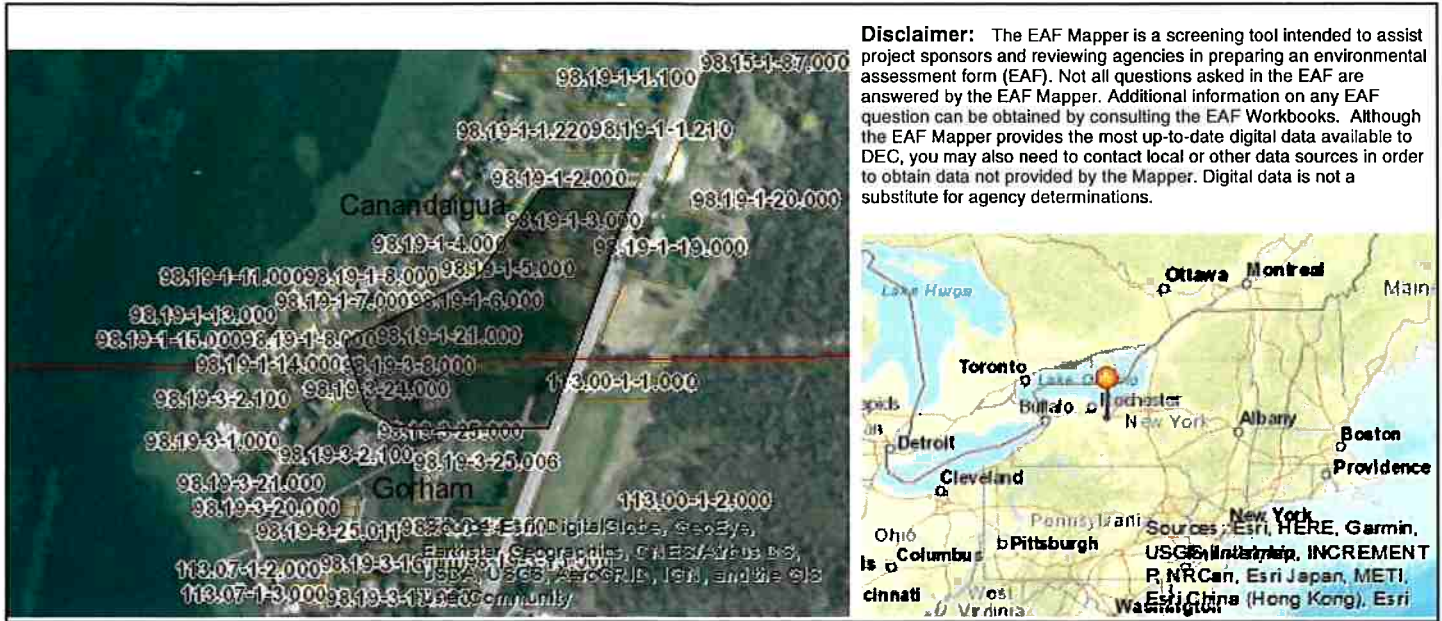
Signature \_\_\_\_\_ Title Town Supervisor





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	898-194
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

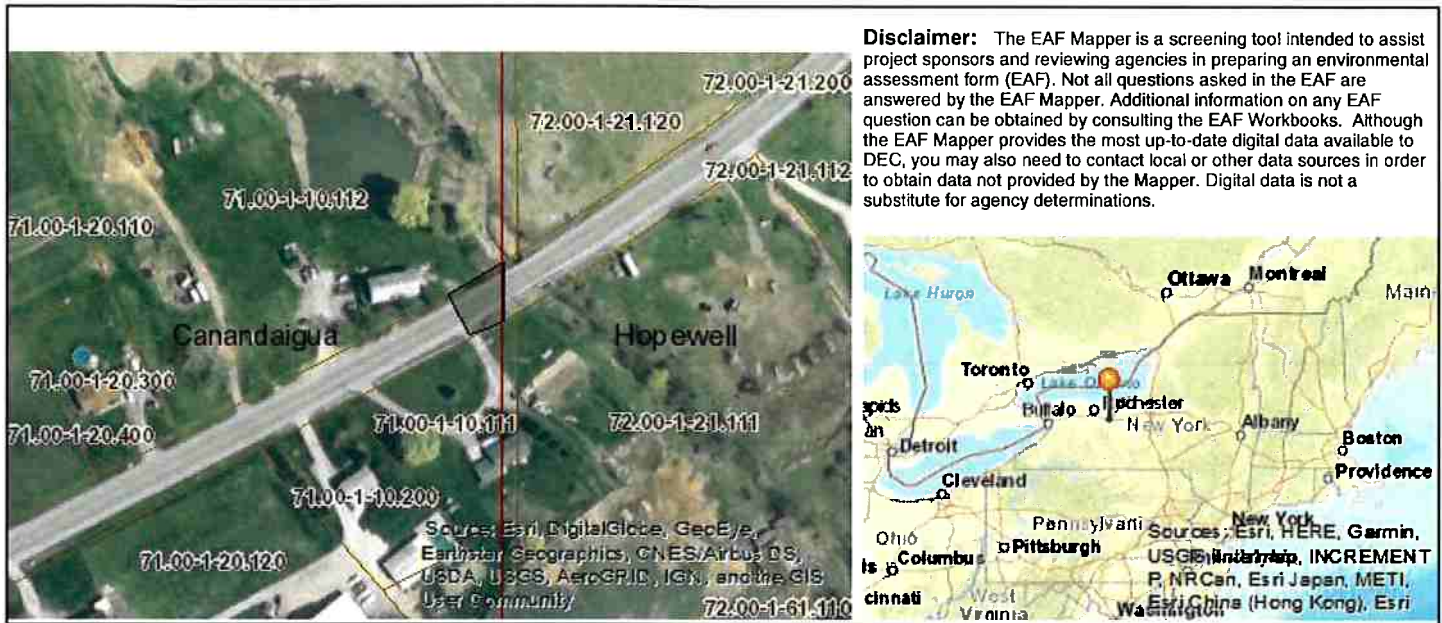
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



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E.2.h.i [Surface Water Features]	No
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E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
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E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
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E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No



E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ONTA001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Town of Canandaigua County Road 10 Watermain Improvement Project

Location: County Road 10, State Rt 21, and Otetiana Point, Canandaigua, NY 14424

Description of the Action: Installation of a watermain along County Road 10 and Otetiana Point and master meters installed on St. Rt. 21, County Rd. 4, and south of Rt. 5 & 20.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the Canandaigua Town Board (July 16, 2018), the Canandaigua Town Board will assume Lead Agency in accordance to 6 NYCRR Part 617.