

Canandaigua Town Board

Meeting Agenda for

July 22, 2024

Onnalinda Room - 6:00pm

ZOOM MEETING INFORMATION:

Please register in advance of this meeting using the following link:

https://us02web.zoom.us/meeting/register/tZYqc-GtgTotH92PBu15q7_hCirh9kEvA6VV

After registering, you will receive a confirmation email containing information about joining the meeting.

Please be aware all participants will be muted upon entry to the meeting and will only be able to speak after being acknowledged. Participants should use the "raise hand" feature or the chat box to request to speak. No screen sharing will be permitted. All meetings are recorded. Individuals will be removed from the meeting for inappropriate behavior.

- Call To Order and Pledge of Allegiance
 - Pledge led by Terry Fennelly
- Roll Call
 - Town Clerk Confirmation meeting was properly advertised
- Circulation of Written Communications and Correspondence – Most recent correspondence has been included in **Attachment 1**
- Privilege of the Floor
- Priority Business
 - Birthdays
- Presentations
 - Uptown Landing Presentation- Jeff Cook Properties

New Public Hearings:

- A PUBLIC HEARING ON THE PROPOSED CABLE TELEVISION FRANCHISE AGREEMENT OF SPECTRUM NORTHEAST LLC **(RESOLUTION NO. 2024-206)**
- A PUBLIC HEARING ON A LOCAL LAW TO AUTHORIZE BUDGET AMENDMENT AND INCREASE OF SALARY FOR HIGHWAY SUPERINTENDENT **(RESOLUTION NO. 2024-195)**
- A PUBLIC HEARING ON A TEXT CODE AMENDMENT TO CERTAIN TOWN CODE CHAPTERS THAT WILL CLARIFY FARM LABOR HOUSING PROTECTIONS. **(RESOLUTION NO. 2024-187)**
- Reports of Town Officials and Department Heads –(Attachment **#2**)
 - A. Highway / Water Superintendent
 - B. Assessor
 - C. Historian
 - D. Town Clerk
 - E. Planner
 - F. Human Resources & Parks Coordinator
 - G. Supervisor / Deputy Supervisor
 - 1. Monthly Financial Reports
 - a. Revenue & Expense Report and Cash Summary Report
 - b. Overtime Report – All Departments
 - c. Overtime Report – Highway & Water
- Reports of Town Board Standing Committees
 - A. Town Board Committees
 - a. Finance
 - b. Planning & Public Works
 - c. Ordinance
 - d. Economic Development

B. Reports of Citizen Boards, Committees and Commissions

- Privilege of the Floor
- Continuing Resolutions and Motions

RESOLUTION 2024-184: AUTHORIZING THE CREATION OF A DISTRICT MANAGEMENT ASSOCIATION FOR THE UPTOWN BUSINESS IMPROVEMENT DISTRICT

WHEREAS, on December 20, 2021 the Town Board adopted a local law to establish the Uptown Business Improvement District, subject to permissive referendum and otherwise in accordance with General Municipal Law Article 19-A; and

WHEREAS, on December 20, 2021 the Town Board adopted a District Plan for the Uptown Business Improvement District, also in accordance with General Municipal Law Article 19-A; and

WHEREAS, the Town Board exercises such local legislative powers for the Uptown Business Improvement District as are enumerated in General Municipal Law § 980-C, including (a) providing for the construction and installation of district improvements, (b) providing for the operation and maintenance of district improvements, (c) providing for additional maintenance or other additional services required for the enjoyment and protection of the public and the promotion and enhancement of the district whether or not in conjunction with improvements; and

WHEREAS, General Municipal Law § 980-M requires that a district management association be established for any business improvement district;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes and directs the creation of a district management association pursuant to General Municipal Law § 980-M; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Attorney shall take such steps as may be required to create said district management association in accordance with law.

- Resolutions and Motions

FINANCE

- **RESOLUTION NO. 2024-185: AUTHORIZING BUDGET AMENDMENTS AND INCREASE OF SALARY FOR SENIOR CLERK OF HIGHWAY AND WATER DEPARTMENTS**
- **RESOLUTION NO. 2024-186: ACKNOWLEDGEMENT AND AUTHORIZATION OF BUDGET TRANSFERS BY TOWN SUPERVISOR**

PLANNING / PUBLIC WORKS

ORDINANCE

- **RESOLUTION NO. 2024-187: SEQOR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO CERTAIN TOWN CODE CHAPTERS THAT WILL CLARIFY FARM LABOR HOUSING PROTECTIONS**
- **RESOLUTION NO. 2024-188: SETTING A PUBLIC HEARING ON A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR 2025 BUDGET**

ECONOMIC DEVELOPMENT / GENERAL

- **RESOLUTION NO. 2024-189: APPOINTMENT OF FULL TIME CLERK**
- **RESOLUTION NO. 2024-190: APPOINTMENT OF SEASONAL EMPLOYEES**
- **RESOLUTION NO. 2024-191: APPOINTING JOHN FALBO AS TOWN MANAGER**
- **RESOLUTION NO. 2024-192: ACCEPTING RESIGNATION OF TRANSFER STATION OPERATOR**

- **RESOLUTION NO. 2024-193: AMENDMENTS TO 2024 FEE SCHEDULE**
- **RESOLUTION NO. 2024-194: ADOPTING A LOCAL LAW TO INCREASE THE SALARY OF THE ELECTED HIGHWAY SUPERINTENDENT**
- **RESOLUTION NO. 2024-195: AUTHORIZING BUDGET AMENDMENTS TO INCREASE THE SALARY FOR HIGHWAY SUPERINTENDENT AND INCREASING THE SALARY OF THE HIGHWAY SUPERINTENDENT**
- **RESOLUTION NO. 2024-196: ACCEPTANCE OF MAINTENANCE BOND FOR MAE'S LANDING**
- **RESOLUTION NO. 2024-197: ACCEPTANCE OF DEDICATION OF MAE'S LANDING ROAD AND RIGHT OF WAY, AND RELATED EASEMENTS AND DIRECTING TOWN CLERK TO RECORD DOCUMENTS AT ONTARIO COUNTY CLERK'S OFFICE**
- **RESOLUTION NO. 2024-198: MAINTENANCE SURETY CHECK ACCEPTANCE FOR PIERCE BROOK PHASE 2A**
- **RESOLUTION NO. 2024-199: SURETY LETTER OF CREDIT ACCEPTANCE FOR PIERCE BROOK SUBDIVISION SECTION 2A (TAX MAP #97.02-1-52.100 & 97.00-2-2.100)**
- **RESOLUTION NO. 2024-200: MRB PROPOSAL FOR MS 4 ASSISTANCE WITH NYSDEC MS4 GENERAL PERMIT REQUIREMENTS**
- **RESOLUTION NO. 2024-201: MRB PROPOSAL FOR outhouse ROAD WEST STORM WATER MIDIGATION**
- **RESOLUTION 2024-202: REQUESTING PLANNING BOARD ADVISORY REPORT REGARDING A REQUEST TO REZONE PARCELS IN THE UPTOWN CANANDAIGUA FORM BASED CODE DISTRICT TO INCENTIVE ZONING**
- **RESOLUTION NO. 2024-203: ACCEPTANCE OF SOIL EROSION CONTROL SURETY**
- **RESOLUTION NO. 2024-204: SUPPORT & AUTHORIZATION FOR THE TOWN OF CANANDAIGUA 2024 NEW YORK STATE CONSOLIDATED FUNDING APPLICATION**
- **RESOLUTION NO. 2024-205: DECLARING CANANDAIGUA CITY SCHOOL DISTRICT SIGN AS CIVIC SIGN FOR ZONING COMPLIANCE PURPOSES**
- **RESOLUTION NO. 2024-206: GRANTING A CABLE TELEVISION FRANCHISE AGREEMENT HELD BY SPECTRUM NORTHEAST LLC IN THE TOWN OF CANANDAIGUA**

RESOLUTION NO. 2024-185: AUTHORIZING BUDGET AMENDMENTS AND INCREASE OF SALARY FOR SENIOR CLERK OF HIGHWAY AND WATER DEPARTMENTS

WHEREAS This Resolution replaces Resolution 2024-160 that was approved at the June 24th, 2024, Town Board Meeting to amend the account codes that were stated in that resolution; and

WHEREAS The Senior Clerk of the Highway and Water Departments Courtney Aten has consistently demonstrated exceptional performance, reliability, and beneficial contributions to the Town of Canandaigua and

WHEREAS the senior clerks' duties have lengthened significantly this current year, showcasing their commitment to taking on additional tasks and delivering results beyond expectations and

WHEREAS it is important to the Town of Canandaigua to retain leading talent, foster employee satisfaction, and maintain a positive work culture by fulfilling and recognizing outstanding performance; and

WHEREAS the Canandaigua Town Board is recommending an increase to the hourly rate from \$ 22.66 per hour to 26.66 per hour and

WHEREAS the following budget amendments are required to be completed to fund the increase in salary for the additional compensation:

Increase:

AA100.5010.131	Highway. Senior Clerk	\$ 2,080.00
SW500.8310.122	Water Admin. Senior Clerk	\$ 2,080.00
Decrease:		
AA100.5010.130	Highway. Clerk	\$ 2,080.00
SW500.8310.121	Water Admin. Clerk	\$ 2,080.00

THEREFORE, IT BE RESOLVED that the Town Board hereby approve the following increase to each budget line to be effective June 24, 2024, and that the Town Clerk will provide a resolution to the Human Resource and Payroll Coordinator and Highway and Water Superintendent.

BE FINALLY RESOLVED that the Town Clerk is hereby directly to provide a copy of this resolution to the Town Supervisor, Town Highway and Water Superintendent, Director of Human Resources and Finance Clerk II.

RESOLUTION NO. 2024-186: ACKNOWLEDGEMENT AND AUTHORIZATION OF BUDGET TRANSFERS BY TOWN SUPERVISOR

WHEREAS, the Town of Canandaigua Town Board (hereinafter referred to as “Town Board”) has authorized the Town Supervisor and/or Clerk (Finance) to make interfund transfers in an amount less than \$5,000 by Resolution No. 2023-015; and

WHEREAS, the Town Supervisor and/or Clerk (Finance) have made budget transfers to compensate for expenses that exceeded the budgeted amount; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby acknowledges and authorizes these budget transfers; and

BE IT FINALLY RESOLVED, the Town Board directs the Town Clerk to provide a copy of this resolution to the Finance Clerk II. (ATTACHMENT #4)

RESOLUTION NO. 2024-187: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO CERTAIN TOWN CODE CHAPTERS THAT WILL CLARIFY FARM LABOR HOUSING PROTECTIONS

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 Chapters §1-17, §220-14(B)(8), §220-18(c)(7), and §220-58 that would clarify regulations surrounding the use of farm labor housing in the Town of Canandaigua; and

WHEREAS, the Town of Canandaigua Town Board Ordinance Committee and the Planning Board have all reviewed the draft law at their respective meetings; and

WHEREAS, the Ontario County Planning Board has reviewed and provided comment on the draft law; and

WHEREAS, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on July 22, 2024; and

WHEREAS, the Town Board determines said proposed action is classified as a Type I 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 Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Full 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 Supervisor is hereby directed to sign the Full 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 2024; 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 2024 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. 2024-188: SETTING A PUBLIC HEARING ON A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR 2025 BUDGET

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

WHEREAS, the Town Board would like to hear from residents about the proposed Local Law; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby establishes a public hearing for the proposed Local Law to be held on August 26, 2024 at 6:00 pm via Zoom and at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

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

RESOLUTION NO. 2024-189 : APPOINTMENT OF FULL TIME CLERK

WHEREAS, the Town of Canandaigua Town Board (herein after referred to as ‘Town Board’) understands a vacancy exists in the Highway and Water Department for Full Time Clerk; and

WHEREAS, the Highway and Water Superintendent has determined a need to fill the position in order to continue to provide necessary services to the Town; and

WHEREAS, the Full Time Clerk position is a competitive position and required the successful completion on an exam through Ontario County, and

WHEREAS, the Human Resources and Payroll Coordinator requested the Eligibles List from Ontario County which contained three individuals on the list; and

WHEREAS, the Highway and Water Superintendent and the HR and Payroll Coordinator are recommending the hiring of Shena Edington-Bright who ranked number one on the Eligibles List; and

WHEREAS; Ms. Edington-Bright will be paid at a rate of \$20.00/hour evenly paid from budget lines AA100.5010.130 and SW500.8310.121; and

NOW THEREFORE BE IT RESOLVED, that the Canandaigua Town Board hereby approves the hiring of Ms. Edington-Bright at an hourly rate of \$20.00/hour with a start date of July 11, 2024; and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute all documents necessary; and

BE IT FINALLY RESOLVED, the Town Clerk is directed to provide a copy of this resolution to the Human and Resources and Payroll Coordinator.

RESOLUTION NO. 2024-190: APPOINTMENT OF SEASONAL EMPLOYEES

WHEREAS, the Human Resources and Payroll Coordinator is recommending the appointment of the following individuals for summer staff at our Parks; and

WHEREAS, the proposed hourly rate for each positions is identified in the following table:

Grace Fletcher	Laborer, Seasonal	\$16.50/hour	AA100.7010.143
Holly Thiel	Recreation Attendant	\$15.00/hour	AA100.7110.142

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

WHEREAS, hiring is contingent upon the Ontario County Department of Human Resources certifying the above individuals meet the required training, certification or experience standards, and the completion of the new hire paperwork prior to the first day of work; and

WHEREAS, the funding for this expense is included in the 2024 Adopted Town Budget; and

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

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute all documents necessary; and

BE IT FINALLY RESOLVED, the Town Clerk is directed to provide a copy of this resolution to the Human and Resource and Payroll Coordinator.

RESOLUTION NO. 2024-191: APPOINTING JOHN FALBO AS TOWN MANAGER

WHEREAS the position of Town Manager exists in the Town of Canandaigua to assist the Town Supervisor and The Town Board in the operations for the Town of Canandaigua; and

WHEREAS the Town Board has worked with an outside consultant, and conducted a thorough and competitive search process to identify and select a qualified candidate for the position of Town Manager; and

WHEREAS the Town Board has determined that John Falbo, who has recently served as Chief Deputy of the Ontario County Sheriff's Department, possesses the skills, experience, and qualifications necessary to perform the duties and responsibilities of the Town Manager; and

WHEREAS the Town Board and John Falbo have negotiated and agreed upon the terms and conditions of his employment as Manager, as set forth in his Employment Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby appoints John Falbo as Town Manager of the Town of Canandaigua, effective August 12, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Town Supervisor to execute the Employment Agreement with John Falbo on behalf of the Town; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes and directs the Human Resources Director to execute all other necessary documents pertaining to his employment; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby expresses its appreciation and gratitude to John Falbo for his willingness to serve the Town of Canandaigua as Manager and welcomes him to the Town government.

NOW THEREFORE, BE IT RESOLVED that copy of this resolution be provided to the Human Resources Director, Town Supervisor, and Mr. John Falbo.

(ATTACHMENT #7)

RESOLUTION NO. 2024-192: ACCEPTING RESIGNATION OF TRANSFER STATION OPERATOR

WHEREAS, Spencer Havens has resigned from the position of Transfer Station Operator effective June 17, 2024; and

WHEREAS, during their tenure with the Town of Canandaigua they assisted many of our Town Residents at the Transfer Station; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby accepts Mr. Havens resignation as Transfer Station Operator; and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute any and all personnel documents associated with the transition; and

BE IT FINALLY RESOLVED, the Town Board appreciates all of Mr. Havens hard work throughout their employment and thanks them for their service to the Town of Canandaigua and its residents and wishes them well with future endeavors.

RESOLUTION NO. 2024-193: AMENDMENTS TO 2024 FEE SCHEDULE

WHEREAS, there are multiple items in the Town of Canandaigua's 2024 Fee schedule that need to be edited across multiple departments; and

WHEREAS, the Town Parks Director along with support from the Parks and Recreation Committee and Inclusion in Motion are adding Motion Junction Pavilion to the fee schedule so the public has the option of renting out the picnic tables under the pavilion or the concession stand side; and

WHEREAS, the credit card processing fee is being increased to 3% for all park credit card transactions to cover the charges that the Town incurs from the credit card processing company; and

WHEREAS, the Town Clerk is recommending these amendments to the 2024 Adopted Fee Schedule; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Canandaigua has reviewed these recommendations and hereby approves these amendments to the adopted 2024 Fee Schedule effective July 22, 2024.

(ATTACHMENT #8)

RESOLUTION NO. 2024-194: ADOPTING A LOCAL LAW TO INCREASE THE SALARY OF THE ELECTED HIGHWAY SUPERINTENDENT

WHEREAS, The Town Highway and Water Superintendent James Fletcher has consistently demonstrated exceptional performance, dedication, and beneficial contributions to the Town of Canandaigua for more than fifteen years; and

WHEREAS, the Highway and Water Superintendent's responsibilities have expanded significantly showcasing his commitment to taking on additional tasks and delivering exceptional results resulting in significant financial savings in overall Town expenses; and

WHEREAS, currently the Highway and Water Superintendent receives a salary of \$60,000 as Highway Superintendent and a salary of \$75,000 for Water Superintendent per employment agreement dated August 21, 2023, for a combined compensation of \$135,000; and

WHEREAS, in April 2024 the Highway and Water Superintendent approached the Canandaigua Town Board requesting a salary increase to remain competitive and retain his services; and

WHEREAS, it is important to the Town of Canandaigua to retain leading talent with fair and competitive renumeration, foster employee satisfaction, and maintain a positive work culture by fulfilling and recognizing outstanding performance; and

WHEREAS, the Town Board held a public hearing on the proposed local law on July 22, 2024; and

WHEREAS, the Town Board has before it a local law pursuant to NYS Town Law 27(1) to increase the salary of elected Highway Superintendent James Fletcher for the remainder of the 2024 fiscal year by \$15,000.00 above the amount specified in the notice of hearing on the preliminary budget for 2024 from \$60,000.00 to \$75,000.00, bringing his combined compensation to \$150,000; and

WHEREAS, the Town Board is recommending a \$15,000 increase in budget line AA100.5010.110 Highway Superintendent Elected from \$60,000 to \$75,000; and

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

BE IT FURTHER RESOLVED, that the Town Board hereby adopts Local Law # ____ of the Year 2024; and

BE IT FURTHER RESOLVED, that pursuant to NYS Municipal Home Rule Law § 24(2)(h) this Local Law # ____ of 2024 is subject to a 45-day permissive referendum.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Human Resources Director, Highway and Water Superintendent, and Town Supervisor.

(ATTACHMENT #9)

RESOLUTION NO. 2024-195: AUTHORIZING BUDGET AMENDMENTS TO INCREASE THE SALARY FOR HIGHWAY SUPERINTENDENT AND INCREASING THE SALARY OF THE HIGHWAY SUPERINTENDENT

WHEREAS, the Town Board is recommending a \$15,000 salary increase for Town Highway Superintendent James Fletcher from \$60,000 to \$75,000; and

WHEREAS, the following budget amendment is required to be completed to fund the increase in salary:

Increase: AA100.5010.110 Highway Superintendent \$ 15,000.00
Decrease: AA100.0917.000 Unassigned fund balance \$ 15,000.00

BE IT FURTHER RESOLVED, that the Town Board hereby approves the following budget transfer to fund a contemplated increase to the Town Highway Superintendent salary in the event a local law to increase the salary of the elected Highway Superintendent is passed:

Increase: AA100.5010.110 Highway Superintendent \$ 15,000.00
Decrease: AA100.0917.000 Unassigned fund balance \$ 15,000.00

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this Resolution to the Human Resource and Payroll Coordinator, Finance Clerk II, and the Highway and Water Superintendent.

RESOLUTION NO. 2024-195: ACCEPTANCE OF MAINTENANCE BOND FOR MAE’S LANDING

WHEREAS, the Town Board is considering the acceptance of proposed dedication of the roadway known as Mae’s Landing (“Mae’s Landing”); and

WHEREAS, the proposed dedication requires that a two-year maintenance bond be provided by the developer and/or property owner’ and

WHEREAS, the Town Engineer has reviewed the proposed estimates and found them to be satisfactory to meet the needs of the Town of Canandaigua as they relate to acceptance of the proposed dedication; and

WHEREAS, the Town Board has received United Fire & Casualty Company Maintenance Bond # 54-257421 in the amount of \$30,817.50 (“Maintenance Bond”); and

NOW THEREFORE BE IT RESOLVED, that the Town Board accepts and approves the Maintenance Bond in the total amount of \$30,817.50. **(ATTACHMENT #10)**

RESOLUTION NO. 2024-197: ACCEPTANCE OF DEDICATION OF MAE’S LANDING ROAD AND RIGHT OF WAY, AND RELATED EASEMENTS AND DIRECTING TOWN CLERK TO RECORD DOCUMENTS AT ONTARIO COUNTY CLERK’S OFFICE

WHEREAS, the Town Board is considering the acceptance of dedication of the roadway known as Mae’s Landing (“Mae’s Landing”); and

WHEREAS, the owner of the property on which Mae’s Landing is located has made an offer of cession to the Town of Mae’s Landing; and

WHEREAS, the Highway Superintendent has inspected the roadway and no deficiencies were identified, and the Highway Superintendent has recommended that the Town Board accept the proposed dedication; and

WHEREAS, the Town Engineer has inspected the roadway and no deficiencies were identified and the Town Engineer has recommended that the Town Board accept the proposed dedication; and

WHEREAS, the Town Attorney has reviewed the documentation associated with the proposed dedication and has approved the same as to form; and

WHEREAS, the Town Highway and Water Superintendent has reviewed the proposed easements and recommends their acceptance by the Town Board; and

WHEREAS, the Town Engineer has approved the easements and recommends their acceptance by the Town Board; and

WHEREAS, the Town Attorney has approved the easements and recommends their acceptance by the Town Board; and

WHEREAS, the Town Board has accepted a two year maintenance bond related to the proposed dedication; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the proposed dedication of Mae's Landing; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to arrange for the filing of all necessary paperwork related to the proposed dedication at the Ontario County Clerk's Office. (ATTACHMENT #11)

RESOLUTION NO. 2024-198: MAINTENANCE SURETY CHECK ACCEPTANCE FOR PIERCE BROOK PHASE 2A

WHEREAS, the Town of Canandaigua Town Board (herein after referred to as 'Town Board') has requested a two-year Maintenance Bond to be provided as part of the dedication process for Section 2A of the Pierce Brook Subdivision; and

WHEREAS, the Town Board has determined that a Maintenance Surety is to be provided and accepted by the Town Board; and

WHEREAS, the Town Engineer (MRB Group) has reviewed the project estimate and provided a letter of recommendation dated June 18, 2024, recommending a maintenance surety be provided in the amount of \$19,975.00; and

WHEREAS, a two-year Maintenance Surety check in the amount of \$19,975.00 has been provided to the Town (Check #45573 submitted by S&J Morrell Inc) for the purposes of stabilization and grading of the dedicated section of Parrish Street associated with PIERCE BROOK SECTION 2A; and

NOW THEREFORE BE IT RESOLVED, the Town Board does hereby approve and accept a two-year Maintenance Surety Check in the total amount of \$19,975.00. (ATTACHMENT #12)

RESOLUTION NO. 2024-199: SURETY LETTER OF CREDIT ACCEPTANCE FOR PIERCE BROOK SUBDIVISION SECTION 2A (TAX MAP #97.02-1-52.100 & 97.00-2-2.100)

WHEREAS, Town of Canandaigua Town Board has requested a Surety Letter of Credit Estimate for Earthwork, Erosion Control, Watermain System, Sanitary Sewer System, Storm Sewer System, Roadway System, Landscaping, and Miscellaneous construction costs for the Pierce Brook Subdivision Section 2A, and Roadway System for Section 2B (Tax Map # 97.02-1-52.100 & 97.00-2-2.100), owned by Morrell Builders; and

WHEREAS, the Town of Canandaigua Town Board has determined that a Surety Letter of Credit is to be provided and accepted by the Town Board; and

WHEREAS, the Town Engineer (MRB Group) has reviewed the proposed estimates and found them to be satisfactory to meet the conditions of approval and the work to be completed; and

WHEREAS, the applicant has provided a Surety Letter of Credit in the amount of \$2,236,055.18 for the purposes of Earthwork, Erosion Control, Watermain System, Sanitary Sewer System, Storm Sewer System, Roadway System, Landscaping, and Miscellaneous construction costs for the Pierce Brook Subdivision Section 2A, and Roadway System for Section 2B which has been reviewed and approved by Town Attorney Chris Nadler; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby approves and accepts the Surety for the total amount of \$2,236,055.18 in the form of a Letter of Credit. (ATTACHMENT #13)

RESOLUTION NO. 2024-200: MRB PROPOSAL FOR MS 4 ASSISTANCE WITH NYSDEC MS4 GENERAL PERMIT REQUIREMENTS

WHEREAS, The NYS DEC has been updating the general permit requirements for municipalities that are designated Municipal Separate Storm Sewer Systems (MS 4) for several years and

WHEREAS In January of 2024 the NYS DEC informed all the municipalities that there are new requirements that will be mandatory to be accomplished and

WHEREAS the town of Canandaigua does have a MS 4 program that will need to be revised to meet the new requirements that is being obligated to be completed by the NYS DEC and

WHEREAS MRB Group has provided the Town of Canandaigua with a proposal to provide the professional services to assist with the town on meeting the timeline of items to be completed per the NYS DEC calendar for 2024 and 2025 and

WHEREAS the Planning and Public works committee has reviewed the proposal from MRB Group and approves of the proposal and is asking the town board to approve the proposal to hire MRB Group to proceed with assisting the town with meeting the requirements set forth by the NYS DEC for the MS 4 requirements and

WHEREAS, the MRB proposal will be paid from line HH100.8597.400.00018 in the amount not to exceed \$39,500.00

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby approves the proposal to hire MRB Group to provide the assistance needed to meet the requirement of the NYS DEC for municipal separate storm sewer systems MS 4 and the town supervisor to sign the agreement with MRB Group. (ATTACHMENT #14)

RESOLUTION NO. 2024-201: MRB PROPOSAL FOR OUTHOUSE ROAD WEST STORM WATER MIDIGATION

WHEREAS, On July 9, 2023, the town of Canandaigua had experienced a flooding event that caused significant damage to the area of Outhouse Road and

WHEREAS Motion Junction Park, Outhouse Park and Happiness house properties all received extensive damage to the facilities from the July 9, 2023, storm event and

WHEREAS, for the past year the Town of Canandaigua, the Canandaigua Lake Watershed council and Happiness house have been working to secure funding from FEMA to help with the cost of constructing storm water facilities to prevent future flooding of the properties and

WHEREAS MRB Group has provided the Town of Canandaigua with a proposal to provide the engineering on what to construct upland of the facilities to prevent future flooding in the amount of \$ 14,350.00 and

WHEREAS the Planning and Public works committee has reviewed the proposal from MRB Group and approves of the proposal and is asking the town board to approve the proposal to hire MRB Group to proceed with providing a plan to construct a storm water facility

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby approves the proposal for storm water services of the Outhouse Park West and the town supervisor to sign the agreement with MRB Group.

(ATTACHMENT #15)

RESOLUTION NO. 2024-202: REQUESTING PLANNING BOARD ADVISORY REPORT REGARDING A REQUEST TO REZONE PARCELS IN THE UPTOWN CANANDAIGUA FORM BASED CODE DISTRICT TO INCENTIVE ZONING

WHEREAS The Town Board of the Town of Canandaigua adopted a Form Based Code in 2021 in the Uptown are of the Town to promote mixed use development, walkability, and design standards that are compatible with the existing character of the area; and

WHEREAS The Town Board has received a petition to rezone certain parcels from Form Based Code zoning district to Incentive Zoning district which allows for flexibility in development standards in exchange for public benefits; and

WHEREAS The Uptown Landing project, “Uptown Landing,” is a proposed mixed use development that includes residential, commercial, and office uses; and

WHEREAS The Town Board has the authority to grant or deny incentive zoning requests, subject to the review and recommendation of the Planning Board; and

WHEREAS The Town Board wishes to refer the rezoning request to the Planning Board in order for them to provide an advisory report to the Town Board, which would include a thorough review and analysis of the proposed project, the public benefits, the potential impacts, and the consistency with the Town's Comprehensive Plan, Incentive Zoning code, the Uptown Feasibility Study and Uptown Form Based Code; and

NOW THEREFORE BE IT RESOLVED That the Town Board hereby refers the Uptown Landing request to rezone certain parcels from Form Based Code to Incentive Zoning to the Planning Board for an advisory opinion; and

BE IT FURTHER RESOLVED That the Planning Board shall review the Uptown Landing request to rezone to incentive zoning, and shall provide a written report to the Town Board with its findings and recommendations within; and

BE IT FURTHER RESOLVED That the Town Board shall not take any action on the Uptown Landing request to rezone to incentive zoning until it receives the report from the Planning Board; and

BE IT FINALLY RESOLVED That the Town Clerk shall forward a copy of this resolution and the Uptown Landing request to rezone to incentive zoning to the Planning Board Chair, the Town Planner, the Town Supervisor, The Town Highway Superintendent, and the applicant.

(ATTACHMENT #16)

RESOLUTION NO. 2024-203: ACCEPTANCE OF SOIL EROSION CONTROL SURETY

WHEREAS, the Town of Canandaigua Planning Board has granted a Site Plan approval for the property located at 3530 Middle Cheshire Rd (Tax Map #97.04-1-70.100), owned by Ron Cecere; and

WHEREAS, the Town of Canandaigua Planning Board has determined that soil erosion and sediment control sureties are to be provided and accepted by the Town Board prior to the issuance of building permits; and

WHEREAS, the Town Supervisor has reviewed the proposed estimates and found them to be satisfactory to meet the conditions of approval and the work to be completed; and

WHEREAS, the applicant has provided a check in the amount of \$19,312.50 for the purposes of the soil erosion and sediment control surety: (3530 Middle Cheshire Rd- Check 1001); and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby approves and accepts a soil erosion and sediment control surety payment in the total amount of \$19,312.50. (ATTACHMENT #17)

RESOLUTION NO. 2024-204: SUPPORT & AUTHORIZATION FOR THE TOWN OF CANANDAIGUA 2024 NEW YORK STATE CONSOLIDATED FUNDING APPLICATION

WHEREAS, the Town of Canandaigua, Ontario County, supports the submission of the 2024 Consolidated Funding Application (CFA) on behalf of the Town, for funding to improve accessibility and upgrade the infrastructure of Onanda Park; and

WHEREAS, the Town's and Finger Lakes Region's planning documents recognize the importance of our recreational assets and lays out a vision for modern and accessible parks throughout the Town; and

WHEREAS, the Town is dedicated to offering all residents an opportunity to enjoy our beautiful parks while fostering a sense of pride and community; the Town's offerings are a cornerstone of what makes Canandaigua special and encourage residents to participate to fully take advantage of our beautiful area; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board on behalf of the Town of Canandaigua, New York authorizes the Town Supervisor to submit a NYSOPRHP Environmental Protection Fund grant application for accessibility and infrastructure improvements to Onanda Park and be considered the authorized representative for the project, able to execute all necessary documents relative to this project; and

BE IT FURTHER RESOLVED, the Town Board understands that by accepting such a grant, the Town would be obligated to provide matching local 50% funds that would be appropriated from the General Fund Budget; and

BE IT FURTHER RESOLVED; that the Town of Canandaigua recognizes and fully supports the submission of this 2024 Park Grant CFA submission for improvements to Onanda Park so that residents of Canandaigua can continue to enjoy what the park has to offer.

RESOLUTION NO. 2024-205: DECLARING CANANDAIGUA CITY SCHOOL DISTRICT SIGN AS CIVIC SIGN FOR ZONING COMPLIANCE PURPOSES

WHEREAS, The Town Board of the Town of Canandaigua is aware that the Development Office is in receipt of a permit application to erect a sign on a building belonging to the Canandaigua City School District located at 5262 Parkside Drive in the Town of Canandaigua; and

WHEREAS, said facility is located in the Uptown Canandaigua Form Based Code zoning district of the Town of Canandaigua; and

WHEREAS, per the Uptown Canandaigua Form Based Code Section IV.D.4.B Civic or Community Signs, civic signs are exempt from the Form Based Code zoning district regulations if the Town Board finds those signs to be necessary to a civic service or otherwise necessary to serve the public interest; and

THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby declares the proposed signage for the Canandaigua City School District facility located at 5262 Parkside Drive to be necessary to a civic service and necessary to serve the public interest; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to provide a copy of this resolution to the Town Planner and Mr. Michael McClain with the Canandaigua City School District. (ATTACHMENT #18)

RESOLUTION 2024-206: GRANTING A CABLE TELEVISION FRANCHISE AGREEMENT HELD BY SPECTRUM NORTHEAST LLC IN THE TOWN OF CANANDAIGUA

WHEREAS, an application has been duly made to the Town Board of the **Town of Canandaigua, County of Ontario**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the NYS Public Service Commission; and

WHEREAS, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, the Town Board set a public hearing on this matter, and notice of said public hearing was duly published according to law; and

WHEREAS, a public hearing was held at the Canandaigua Town Hall, located at 5440 Routes 5 & 20 W, in the Town of Canandaigua, County of Ontario, State of New York on July 22, 2024 at 6:00 P.M.; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Canandaigua finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in the proposed Franchise Agreement; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED, that the Town Board of the **Town of Canandaigua** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Canandaigua** for fifteen (15) years commencing with the date of approval by the NYS Public Service Commission and expiring fifteen (15) years thereafter; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to execute the proposed Franchise Agreement on behalf of the **Town of Canandaigua, and to deliver same to the Town Clerk of the Town of Canandaigua.** (ATTACHMENT #19)

Approval of the following Town Board Meeting Minutes:

- 05/13/24 Town Board Meeting Minutes
- 05/14/24 Town Board Meeting Minutes
- 05/16/24 Town Board Staff Agenda Review
- 05/20/24 Town Board Meeting Minutes
- 06/10/24 Town Board Meeting Minutes
- 06/12/24 Town Board Meeting Minutes
- 06/20/24 Town Board Staff Agenda Review
- 06/24/24 Town Board Meeting Minutes
- 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)

HSA Special Abstract dated 06/25/2024 totaling \$ 53,000.00

General Fund	\$ 23,750.00
Highway Fund	\$ 24,250.00
Water Districts	\$ 5,000.00

Special Abstract (Sureties/Fireworks) dated 06/27/2024 totaling \$ 95,891.37
General Fund \$ 95,891.37

Utility Abstract dated 07/10/2024 totaling \$ 47,159.48

General Fund	\$ 19,063.69
Highway Fund	\$ 23,754.47
Capital Projects	\$ 509.35
Lighting Districts	\$ 1,206.10
Water Districts	\$ 2,625.87

Town Board Abstract dated 07/22/2024 totaling \$ 799,198.98

General Fund	\$ 157,694.04
Highway Fund	\$ 455,422.99
Capital Projects	\$ 17,682.61
Fire Protection	\$
Water Districts	\$ 168,399.34

- Other Business
- Privilege of the Floor
- Adjournment