

**A. CONVOCAATION:**

1. The Canadice Town Board Meeting was held on May 8, 2017 at 7:30 pm at the Canadice Town Hall.

2. Roll call showed the following-

- Present: Supervisor Kristine Singer
- Councilman John O’Connor
- Councilman William Hershey
- Councilman Mark Statt
- Councilman Mark Malmendier

Others Present: Thirteen (13) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of April 10, 2017 Regular Meeting Minutes-

Note: Minutes of the preceding meeting shall be approved without being read, unless the reading thereof is called for by a Member of this Board - the minutes are available for review at the Office of the Town Clerk.

Councilman O’Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to approve the minutes of the April 10, 2017 Town Board Meeting.

APPROVED           Ayes 5                   Singer, O’Connor, Hershey, Statt, Malmendier  
                          Nays 0

**B. PUBLIC HEARING:** To Entertain Comments Pertaining To Authorizing The Increase In The Maximum Amount To Be Expended On Canadice Water District #1.

\*Supervisor Singer opened the public hearing and provided an overview of the purpose for the public hearing. Due to the project cost increasing, a public hearing must be held before the increase in the maximum amount to be expended may be approved even though the revised annual expense to the typical property is less.

\*Mr. Jack Starke questioned what number was used for the estimate. Supervisor Singer indicated \$6,000,000 is the estimated figure. Mr. Schaffron confirmed that is the most current estimate.

\*Mr. Christian Mazzola asked if the construction bids would be written not to exceed a certain amount. Supervisor Singer indicated it would not be bid with an amount not to be exceeded.

\*There was no one else to be heard.

Councilman Statt motioned, Councilman Hershey seconded, and it was unanimously carried to close the public hearing.

APPROVED           Ayes 5                   Singer, O’Connor, Hershey, Statt, Malmendier  
                          Nays 0

**1. Resolution Number 18 of 2017 – Resolution And Order Of The Town Board Of The Town Of Canadice To Increase The Maximum Amount To Be Expended On Canadice Water District No. 1**

Councilman Malmendier motioned, Councilman O’Connor seconded, and it was unanimously carried to

approve the resolution.

APPROVED                   Ayes 5                   Singer, O'Connor, Hershey, Statt, Malmendier  
                                      Nays 0

WHEREAS, a Public Hearing was held on May 8, 2017, pursuant to Town Law §209-d and §209-h, and the Town Board heard public comments on whether it is in the public's interest to increase the maximum amount to be expended on Canadice Water District No. 1 from \$5,000,000 to \$6,000,000; and

WHEREAS, the Notice of Public Hearing was published and posted as required by law; and

WHEREAS, the original Map, Plan and Report estimated that the total cost of the District improvements, including the construction and maintenance of the distribution mains and associated appurtenances, machinery, apparatus and incidental improvements would be \$5,000,000 and also estimated the annual cost to the "typical property" would be \$1,049, and subsequently projected costs increased due to scheduling delays and design improvements and the Town was awarded a New York State Environmental Facilities ("EFC") grant in the amount of \$3,000,000; and

WHEREAS, an Amended Map, Plan and Report, dated April 10, 2017 ("2017 Report"), was prepared to evaluate the impact of these changes and this report concluded that the revised amount necessary to complete the District improvements is \$6,000,000, a \$1,000,000 increase; and

WHEREAS, the 2017 Report, which considered both the increased costs and the impact of the EFC grant, concludes that the estimated revised annual cost to the "typical property" is \$889, which is less than the original estimated annual cost to the "typical property" that was set forth in the 2014 Report, less than the amount approved by the New York State Comptroller and less than the amount that was approved by a majority of the property owners in the District at a referendum in August of 2011; and

WHEREAS, the method of funding the District improvements is an EFC grant in the amount of \$3,000,000 and low-interest loans from the USDA Rural Development in the amount of \$3,000,000, being financed at 2.125% for 38 years divided among the Equivalent Dwelling Units which results in annual debt service cost of approximately \$288 per unit and an annual cost of approximately \$601 per unit for water, operation and maintenance and surcharges per unit totaling \$889; and

WHEREAS, the property owners in the District desiring to obtain water services will also be responsible for a hook-up fee in the amount of \$100, and this fee is comprised of a \$25 account initiation fee and a \$75 water service and meter inspection fee; and

WHEREAS, property owners in the District desiring to obtain water services will also be responsible for the cost of extending the water service from the right of way to each structure, and the cost of doing so is estimated to be approximately \$600 (\$10/lineal foot x 60.00 feet) and will vary based on distance and topography, and property owners will also be responsible for the cost of disconnecting current water sources (well or lake supply) and making internal plumbing modifications which are estimated to be approximately \$450 and may also vary based on the particular property; and

WHEREAS, the costs to the "typical user" will not exceed the State Comptroller's Office's 2017 threshold for the average estimated cost of a "typical user" and State Comptroller approval is not required; and

WHEREAS, all Maps, Plans and Reports have been filed in the Town Clerk's Office and are available for public inspection; now, therefore, it is

RESOLVED, that the Town Board determines that the Notice of Hearing was published and posted as required by law and was sufficient; and it is further

RESOLVED, it is in the public's interest to increase the maximum amount to be expended for Canadice Water District No. 1 from \$5,000,000 to \$6,000,000; and it is further

RESOLVED, that the Town Board hereby adopts the ORDER set forth below, pursuant to Town Law §§209-d and 209-h and hereby directs the Town Clerk to:

- a. Enter the Order into the Town Board minutes, and
- b. Within ten days after the adoption post and publish, in the same manner as provided for notice of a special election, a Notice that sets forth the date of the adoption of the Resolution, the purpose and effect thereof and specifies that such Resolution was adopted subject to a permissive referendum.
- c. Cause a certified copy of the Order to be duly recorded in the Ontario County Clerk's Office within ten (10) days of the adoption pursuant to Town Law §209-g; and it is further

RESOLVED, that this Resolution shall be subject to a permissive referendum pursuant to Town Law §209-h; and it is further

RESOLVED, that if, after the expiration of the time for filing a Petition requesting that the matter be submitted to a referendum of the property owners of the District, no such Petition has been filed with the Town Clerk, the Town Clerk is directed to file a Certificate stating such fact in the office of the Ontario County Clerk.

**ORDER AUTHORIZING INCREASE IN THE MAXIMUM AMOUNT PROPOSED TO BE EXPENDED ON CANADICE WATER DISTRICT NO. 1**

1. The Town Board of the Town of Canadice ("Town") held a public hearing on Monday, May 8, 2017, at 7:30 p.m., at the Canadice Town Hall, 5949 County Road 37, Springwater, New York, to consider whether it is in the public's interest to authorize an increase in the proposed maximum amount to be expended on Canadice Water District No. 1 from \$5,000,000 to \$6,000,000.
2. After the hearing and due deliberation, the Town adopted a Resolution determining that it is in the public's interest to increase the maximum amount proposed to be expended for Canadice Water District No. 1 from \$5,000,000 to \$6,000,000.
3. The estimated revised annual cost to the "typical property" is \$889 per unit and estimated fees associated with connecting to the system are estimated to total \$700 in addition to the cost of disconnecting current water sources (well or lake supply) and making internal plumbing modifications which are estimated to be \$450 and may also vary based on the particular property. Due to a grant awarded to the Town, the estimated revised annual cost is less than the amounts approved by the State Comptroller's Office in June of 2015 and approved by the property owners in a prior referendum.
4. The method of funding the District improvements is a grant from the New York State Environmental Facilities Corporation in the amount of \$3,000,000 and low interest loans from the USDA Rural Development in the amount of \$3,000,000 (financed at 2.125% for 38 years) with a total annual debt service of \$288 per unit and an annual cost of approximately \$601 per unit for water, operation and maintenance and surcharges per unit totaling \$889.
5. Pursuant to Town Law §209-h, this Resolution authorizing this increase is subject to permissive referendum.
6. The boundaries of the District have not changed and are shown in the 2014 and 2017 Map, Plan and Report and Report on file with the Town Clerk's Office.

**C. PUBLIC HEARING:** To Entertain Comments Pertaining To Purchasing A Portion Of Land Located At 5431 County Road 36 And Accepting A Payment From The Owners Of 5409 Rainbow Lane.

\*Supervisor Singer provided an overview of the resolution that would authorize the purchase of land at 5431

County Road 36.

\*Superintendent Virgil questioned the purpose of a payment from the owners of 5409 Rainbow Lane. Supervisor Singer indicated the owners of 5409 Rainbow Lane offered to make a payment for costs incurred with changing the location of the pump station to 5431 County Road 36 since they did not want the pump station located on their property.

\*Mr. Tim McAuliffe questioned if this is the Cratsley property and Supervisor Singer indicated it is.

\*There was no one else to be heard.

Councilman Hershey motioned, Councilman Statt seconded, and it was unanimously carried to close the public hearing.

APPROVED                   Ayes 5                   Singer, O’Connor, Hershey, Statt, Malmendier  
                                      Nays 0

**1. Resolution Number 19 of 2017 – Authorizing The Purchase Of A Portion Of 5431 County Road 36 For Canadice Water District No. 1 Improvements And Accepting Payment From The Owner Of 5409 Rainbow Lane**

Councilman Malmendier motioned, Councilman O’Connor seconded, and it was unanimously carried to approve the resolution.

APPROVED                   Ayes 5                   Singer, O’Connor, Hershey, Statt, Malmendier  
                                      Nays 0

WHEREAS, a Public Hearing was held on May 8, 2017, pursuant to Town Law and the Town Board heard public comments on whether it is in the public’s interest to purchase a portion of 5431 County Road 36 and accept a payment from the owner of 5409 Rainbow Lane in order to obtain property necessary for infrastructure for Canadice Water District No.1; and

WHEREAS, the Notice of Public Hearing was published and posted as required by law; and

WHEREAS, all parties wishing to address the purchase and payment were allowed to speak; now, therefore, be it

RESOLVED, that this Board determined that the Notice of Hearing was published and posted as required by law and was sufficient; and, it is further

RESOLVED, that this Board deems it in the best interest of the residents within the proposed Canadice Water District No. 1 to purchase said portion of 5431 County Road 36 and accept the payment from the owner of 5409 Rainbow Lane; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Sheila Chalifoux, Esq. of Chalifoux Law, PC, Michael Schaffron at LaBella Associates and retain a copy in the Town records.

**D. PRIVILEGE OF THE FLOOR:**

\*Supervisor Singer indicated Bob Best’s official resignation is effective June 3<sup>rd</sup> when he begins his retirement. Councilman O’Connor questioned if the Board will hire a deputy for CEO Smith. Supervisor Singer indicated she is working with Human Resources for a job description that will include clerical duties.

\*Mr. Christian Mazzola from S Old Bald Hill Road had two items to address the Board with. He was pleased to see a reduced speed limit sign on Canadice Lake Road and would appreciate a change to the speed limit on S Old Bald Hill Road as he is very vulnerable crossing the road. Second item is the road signage change that is no longer N Old Bald Hill Road and S Old Bald Hill Road. Supervisor Singer indicated the reason Canadice Lake Road speed limit was finally changed was partially due to the DEC purchasing the

property around Canadice Lake Road and the increased use of the property. It still is not a Town decision even though it is a Town road. The road name is governed by 911 addressing. Mr. Mazzola indicated the sign on the north side is just Old Bald Hill Road and on the south side it reads S Old Bald Hill Road. Superintendent Virgil mentioned the State posted those signs since they intersect with State Route 15A. Supervisor Singer will still check with 911 addressing as they are ultimately responsible. Councilman Malmendier indicated a hazard sign could be placed while the issues are being looked into. Superintendent Virgil posted a tractor crossing sign in another location and could do the same for Mr. Mazzola. Mr. Mazzola felt there were two locations at his property that would benefit from the signs.

**E. COMMUNICATIONS:**

Note: Communications are filed with the Town Clerk. Discussion on any item may be called for by any Member of this Board.

**F. REPORTS:**

- 1. Town Clerk/Tax Collector- Mrs. Eileen Schaefer.
  - a. The financial report for the Town Clerk/Tax Collector for the month of April was submitted (see T. C. file).

Councilman Hershey motioned, Councilman Statt seconded, and it was unanimously carried to accept the Town Clerk/Tax Collector’s report.

APPROVED           Ayes 5           Singer, O’Connor, Hershey, Statt, Malmendier  
                              Nays 0

- 2. Historian- Mrs. Margaret Bott.
  - a. No report.
- 3. Code Enforcement Officer- Mr. Stephen Smith.
  - a. The written report for the month of April was submitted (see T. C. file).
- 4. Planning Board- Mr. Theodore Mayhood.
  - a. Draft minutes were submitted to the Town Board (see T. C. file).
  - b. From the County Planning report another solar farm is being built on 19 acres of a 53 acre parcel in Geneva. Three of the Planning Board members attended a solar workshop and will review some of that information to see if Canadice may need any additional requirements.
- 5. Zoning Board of Appeals- Mrs. Linda Moorhouse.
  - a. No meeting was held in April.
- 6. Highway Superintendent- Mr. Mike Virgil.
  - a. The written report for the month of April was submitted (see T. C. file).
  - b. Significant flooding on the 21<sup>st</sup> and May 1<sup>st</sup>. Repairs have already been made.
  - c. In the process of getting a permit with DEC for repairing/replacing the outflow pipe under Canadice Hollow Road. Coykendall needs repair also.
  - d. Attended the Municipal Summit seminar for Shared Services and Waste Reduction.



WHEREAS, it is necessary to increase the total project cost from \$5,000,000 to \$6,000,000 since the original budget projection was prepared for the project; and

WHEREAS, this Board was presented an updated budget with the individual expenses identified for the increased project cost; and

WHEREAS, after a review of expenses already incurred and anticipated expenses, it is necessary to adjust certain amounts within the \$6,000,000 budget; now, therefore, be it

RESOLVED, that this Board approves the amendments to the project budget as itemized in the Modified Budget column of FORM E attached and made a part hereto of this resolution; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Sheila Chalifoux Esq. of Chalifoux Law, PC, Michael Schaffron and Kathy Dear both of LaBella Associates, D.P.C. and retain a copy in the records of the Town.

**c. Resolution Number 21 of 2017 – Authorization To Amend Agreement For Legal Services From Chalifoux Law, PC**

Councilman Malmendier motioned, Councilman Hershey seconded, and it was unanimously carried to approve the resolution.

APPROVED           Ayes 5           Singer, O’Connor, Hershey, Statt, Malmendier  
                              Nays 0

WHEREAS, this Board is currently pursuing the creation of a water district along the County Road 36 corridor within the Town; and

WHEREAS, a referendum was presented to those within the district on August 20, 2011 and approved by the voters; and

WHEREAS, this Board executed an agreement with Chalifoux Law, PC on July 28, 2015; and

WHEREAS, costs associated with obtaining well over 200 easements and necessary property for infrastructure were under estimated in prior agreements; and

WHEREAS, it is necessary to execute an updated agreement based on the actual expenses incurred to date and include estimated future expenses in order to bring the project to completion; and

WHEREAS, this Board desires to continue having Sheila Chalifoux, Esq. represent the Town for legal matters associated with the creation of Canadice Water District No. 1; now, therefore, be it

RESOLVED, that this Board authorizes the Supervisor to execute the updated legal services agreement with Sheila Chalifoux, Esq. of Chalifoux Law, PC for legal services pertaining to the creation of Canadice Water District #1; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Sheila Chalifoux, Esq. of Chalifoux Law, PC, Michael Schaffron and Kathy Dear both of LaBella Associates, D.P.C. and retain a copy in the records of the Town.

10. Supervisor- Ms. Kristine Singer.

a. The financial report for the month of April was submitted (see T.C. file).

Councilman O’Connor motioned, Councilman Statt seconded, and it was carried to accept the Supervisor’s report.

APPROVED           Ayes 4           O’Connor, Hershey, Statt, Malmendier  
                              Abstained 1    Singer  
                              Nays 0

**G. UNFINISHED BUSINESS:****1. Resolution Number 22 of 2017 – Accepting The 2015 And 2016 Justice Court Audits**

Councilman Statt motioned, Councilman Malmendier seconded, and it was unanimously carried to approve the resolution.

APPROVED                   Ayes 5                   Singer, O'Connor, Hershey, Statt, Malmendier  
                                       Nays 0

WHEREAS, the New York State Justice Court Administration requires an annual audit of the courts of local towns and villages; and

WHEREAS, the Town Board of the Town of Canadice is committed to ensuring compliance with State mandated requirements; now, therefore, it is

RESOLVED, that the Town Board hereby accepts the audits of the two Justice Courts for 2015 and 2016 conducted on April 14, 2017; and, it is further

RESOLVED, that copies of these audits along with a certified copy of this resolution be sent to the New York State Office of Court Administration; and, it is further

RESOLVED, that a certified copy of this resolution along with a copy of the audits be sent to Honorable Russel Coon, Honorable Dale Schaefer, Justices for the Town of Canadice; and Steve Engard, Town of Canadice Court Clerk.

**H. NEW BUSINESS:****1. State Budget Countywide Shared Services Component**

a. Ontario County Plan – Supervisor Singer reported on the meeting held with the County and what might be involved with the Shared Services Component of the NYS Budget. Ontario County is planning on having some workshops to allow each municipality to participate. The chief operating officer of each town or city will be required to participate. A designee can attend until the final meeting when the plan will be voted on. Schools do not have to participate.

**2. Ontario County Solid Waste Management Plan**

a. Funds availability for programs – Supervisor Singer outlined the long-term plan, but the goal is to reduce municipal waste by 60% in Ontario County in addition to promoting recycling and composting. Funds could not be used for existing programs. Ontario County will also develop publications to promote any programs that qualify.

**3. HVA Symposium, June 10<sup>th</sup> at HCS**

a. Participation June 10<sup>th</sup> with Water District #1 information – Supervisor Singer and Councilman Malmendier will represent Canadice at the HVA Symposium.

4. Distribution of Proposed Policies for the Town of Canadice – Supervisor Singer indicated the Board should look over the proposed policies and they can be discussed at another meeting.

a. Investment Policy

b. Non-discrimination and Sexual Harassment Prevention in the Workplace

c. Workplace Violence

d. Drug Free Workplace Code Review



5. Budget Guidelines – Supervisor Singer would like the Board to start thinking about the budget items listed below so she has some idea what direction she should take.

- a. Wage Increases
- b. Fire Contracts

6. Approval of the Bills –

Councilman Hershey motioned, Councilman Malmendier seconded, and it was unanimously carried that the bills are to be paid in the following amounts:

ABSTRACT #5 for 2017-

	Voucher	
General/Highway Account	#176 to #218	\$ 119,273.11
Trust & Agency	#24	\$ 404.03

\*Councilman O’Connor asked if a formal request was needed for the stipend to be issued to the VFW and Legion. Supervisor Singer indicated a formal request was not needed and will remind the Bookkeeper to include them with the next abstract in addition to the HVA stipend.

APPROVED            Ayes 5            Singer, O’Connor, Hershey, Statt, Malmendier  
                              Nays 0

**I. PRIVILEGE OF THE FLOOR:**

1. Councilman O’Connor provided the Memorial Day schedule for services: Monday May 29<sup>th</sup> - 9:00 am in Bristol, 9:30 am in Hemlock, 10:30 am in Canadice and 11:00 am for the parade in Richmond followed by services at the gazebo in front of the Richmond Town Hall.
2. Councilman O’Connor questioned Superintendent Virgil if he could provide a cost analysis for assisting Naples this past winter during the plowing season. Superintendent Virgil will bring some information to the next meeting.
3. Mr. Mayhood asked what the plan is for the property next door. Supervisor Singer indicated the property needs to be backfilled where the house stood. Councilman Hershey mentioned a dumpster will be needed for the remaining debris on the property. He also mentioned looking into a possible dry hydrant for the pond. Councilman O’Connor questioned the possible use of one of the wells on the property to hook up to the Town Hall since the water is so bad here. Councilman Hershey indicated it might be reasonable to have the well closest to the Town Hall tested.
4. Councilman Hershey asked if a Republican Caucus date had been set yet. Supervisor Singer indicated she needed to contact the committee and set a date.
5. Councilman Malmendier discussed looking into possible credit card processing for the Town, especially with the water district being set up. Many more people are asking to pay for hunting & fishing licenses, taxes or building permits with a credit card. Councilman O’Connor suggested using credit cards just for the Town Clerk revenues such as the hunting & fishing licenses if it would be too burdensome for the water billing. After some discussion Supervisor Singer mentioned she wasn’t in favor of using credit cards for municipal purposes, but anyone from the Board can bring a proposal forward.
6. Councilman Malmendier questioned if we should explore fixing the air conditioning or just get the proposals for replacing the heating and air conditioning system. Supervisor Singer will request some

proposals and Councilman Malmendier will have someone take a look at the current system.

**J. ADJOURNMENT:**

Councilman O'Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to adjourn the meeting at 9:06 pm.

APPROVED           Ayes 5           Singer, O'Connor, Hershey, Statt, Malmendier  
                          Nays 0

Respectfully submitted, \_\_\_\_\_ Eileen Schaefer, Town Clerk