

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on October 10, 2016 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: Ten (10) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of September 12, 2016 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 Malmendier motioned, Councilman Hershey seconded, and it was unanimously carried to approve the minutes of the September 12, 2016 Town Board Meeting.

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

Approval of September 22, 2016 Budget Workshop 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 Hershey motioned, Councilman Statt seconded, and it was unanimously carried to approve the minutes of the September 22, 2016 Budget Workshop Meeting.

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

B. PRIVILEGE OF THE FLOOR:

1. Mr. Christopher Moore addressed the Canadice Town Board regarding residents that propose the Weed Harvesting Program be suspended for one season. The information was also supplied to the Richmond Town Board. He provided a copy of a petition that was submitted to Ontario County Soil & Water Conservation District that area residents signed in opposition to the weed harvester. (see T.C. file) Also, there were pictures from around the lake provided to the Board members. Mr. Moore discussed the time and costs of the program including the new barge purchased. The program should be suspended for a year or until public water is available. There should also be further studies to prove the weed harvester is not causing the issues with toxicity. Supervisor Singer thanked Mr. Moore and indicated the previous survey that was handled several years ago was

administered as a result of her request. In addition, she has already requested another survey be sent out that clearly asks what the opinion of the owners of record on the shoreline of Honeoye Lake may be regarding the weed harvester.

2. Mr. Tim McAuliffe questioned what the status of the water district is currently. Supervisor Singer indicated the resolution that will be addressed later in the meeting will start the EDPL process and the proper notifications. We have 34 outstanding easements currently. Since the easement process started with 229 in April, we have done pretty well. The pump station location has been shifted so it only impacts one property instead of two. Councilman Malmendier has talked to National Fuel Gas. There are still issues with the regulators (Public Service Commission). So natural gas is still a possibility, but installation would occur after the water project is completed.

C. COMMUNICATIONS:

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

D. REPORTS:

1. Town Clerk/Tax Collector- Mrs. Eileen Schaefer

a. The financial report for the Town Clerk/Tax Collector for the month of September 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. Robert Best

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

b. CEO report regarding 7122 Canadice Lake Road was discussed.

c. **Resolution Number 47 of 2016** – Unsafe Structure Findings

Councilman O’Connor 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, The Code Enforcement Officer has made numerous inspections and filed a report, which included photographs, pursuant to Chapter 58, Section 58-1 of the Canadice Town Code with respect to property located at 7122 Canadice Lake Road, Springwater, NY, situated within the Town of Canadice and being further identified as tax map number 186.00-1-28.200; and

WHEREAS, The Code Enforcement Officer has provided credible information that the home upon the premise is in fact in violation of said Code and as the result of continued neglect, the Code Enforcement Office has deemed the structure unsafe pursuant to Chapter 58-1 of the Canadice

Town Code; and

WHEREAS, The Code Enforcement Officer has made repeated attempts to contact the property owner; and

WHEREAS, The property owner indicated he would secure the structure in response to the notification of the violation; and

WHEREAS, As of this date no action has been taken to resolve the pending violations; and

WHEREAS, The Code Enforcement Officer has notified the Town Board that the structure has not been secured as directed; and

WHEREAS, The Town Board has had due consideration hereon;

NOW THEREFORE BE IT

RESOLVED, That the Town Board finds such structure as identified by the Code Enforcement Officer at 7122 Canadice Lake Road, Springwater, NY, situated in the Town of Canadice as defined by Chapter 58-1 of the Canadice Town Code; and it is further

RESOLVED, That the property owner is ordered to repair or remove the structure in accordance with the report of the Code Enforcement Officer that is attached hereto and made a part of this resolution by reference; and, it is further

RESOLVED, That hearing shall be held on the 14th day of November 2016 before the Town Board of the Town of Canadice, with at least five (5) days' notice to the owner of the property and any others having an interest therein, to affirm, modify or vacate this order, and to assess all costs and expenses incurred by the Town for the removal of such structure, and to assess such costs and expenses against the land on which this debris is situated; and, be it further

RESOLVED, That the property owner is ordered to complete the aforementioned and identified removal within thirty (30) days of service of the Notice, and, it is further

RESOLVED, That the Town, or its duly appointed agent, may enter and make the necessary demolition in the event that the owner fails to complete said removal within thirty (30) days, and, it is further

RESOLVED, That a copy of this resolution be sent to the Code Enforcement Officer, Town Attorney, and property owner.

4. Planning Board- Mr. Theodore Mayhood

- a. Draft minutes for the month of September submitted (see TC. file).
- b. Three subdivision applications processed. Two applications involved one property owner, Mr. Miksic annexed two sections of his property to be added onto other properties for Mr. Roy White and the Giamei's. The third application was for a Lakes End Lane property. A vacant lot was subdivided and will be added to the Rand and Henry properties on either side. They were all given conditional approval.

5. Zoning Board of Appeals- Mrs. Linda Moorhouse

- a. Draft minutes for the month of September submitted (see TC. file).

6. Highway Superintendent- Mr. Mike Virgil

- a. The written report for the month of September was submitted (see T. C. file).
- b. The second round of mowing is 85% complete.

- c. Repaired shoulders in several locations around town.
- d. Replaced a 30” culvert across the south end of Canadice Hollow Road.
- e. Cleaned up downed trees on Canadice Lake Road and helped Springwater oil & stone Scribner Road.
- f. Some discussion took place regarding the drawing Superintendent Virgil had submitted for an additional building that might be constructed for the Highway Department.

7. Honeoye Lake Watershed Task Force- Councilman Hershey

- a. Mr. Gronwall reported that the last two or three weeks there has only been a trace of blue-green algae. Water clarity is 3.9’ and the temperature this morning was 64 degrees Fahrenheit.
- b. The weed harvesting season ended September 13th.
- c. The Honeoye Lake Inlet Channel construction was completed October 7th. Some seeding and replanting of native shrubs and trees will take place later this fall. Councilman O’Connor questioned if this project is in both Canadice & Richmond and why it isn’t reviewed by the Town Planning Boards. Mr. Gronwall indicated the project is in both towns and that DEC is the permitting agency; they spearheaded the project, gave public notice and there was a thirty-day comment period. SEQR was processed also.
- d. NYSDEC WQIP Grant Round 11 Project still has a couple of projects such as debris guards to be completed.
- e. NYSDEC WQIP Grant Round 13 Proposal should be awarded by the end of 2016 if it’s approved.

8. Assessor- Mrs. Lisa M. Bennett

- a. The written report for the month of September was submitted (see T. C. file).

9. Special Reports:

a. Water District

1. Resolution Number 48 of 2016 – Resolution Setting Forth The Canadice Town Board’s Determination And Findings Pursuant To §204 Of New York’s Eminent Domain Procedure Law

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, in accordance with §204 of New York’s Eminent Domain Procedure Law (“EDPL”), the Town of Canadice (“Town”) sets forth its Determination and Findings herein with respect to the acquisition of real property necessary to construct improvements that will enable the Town to provide continuous, uninterrupted potable water for drinking as well as water for fire protection to the residents and businesses within the Town of Canadice Water District No. 1 (“Project”); and WHEREAS, there is presently no potable water system along portions of County Road 36 (a/k/a West Lake Road), Old West Lake Road, and along local roadways, easements and private property within the Honeoye Lake lakeshore neighborhoods; and WHEREAS, many residents in the area use Honeoye Lake as a direct water source or have near-

shore wells, and health concerns have arisen given the documentation of harmful blue-green Algal Blooms in the Lake; and

WHEREAS, these Blooms release toxins that may pose serious health risks to people and animals and may be damaging to the liver and nervous system, creating a critical and immediate need for potable water in the Project Area; and

WHEREAS in 2011, the engineering firm of LaBella Associates, D.P.C. (“LaBella”) was directed to conduct a study to evaluate the feasibility of establishing a special improvement district for water supply and to prepare and deliver a Map, Plan and Report (“Report”). LaBella’s 450-household study considered various factors including, but not limited to, hydraulics and operation, the need for a water storage reservoir and pumping station, a description of the proposed district, construction concerns and construction costs; and

WHEREAS, after analyzing many factors, the Report, dated May 27, 2014 and contained in the Public Hearing Record, found that the Project was feasible and recommended locating the Project along portions of County Road 36 (a/k/a West Lake Road), Old West Lake Road, and along local roadways, easements and private property within Honeoye Lake lakeshore neighborhoods; and

WHEREAS, the Report set forth a metes and bounds description of the approximate location of the proposed project area at Attachment “E” (“Project Area”) and the Town formed Canadice Water District No. 1 encompassing the Project Area; and

WHEREAS, the Project’s public use, benefit and purpose is to provide safer, potable water for drinking to residents and businesses in the Project Area and the New York State Department of Health has supported the Project; and

WHEREAS, another public use, benefit and purpose of the Project is that it will provide water for fire protection to the residents and businesses in the Project Area; and

WHEREAS, the Project will involve the installation of approximately 33,400 linear feet of water mains and a pumping station, the construction of a 160,000-gallon water storage tank and installation of approximately 1,000 linear feet of transmission main to connect the storage tank to the distribution system; and

WHEREAS, locating the Project in the Project Area will require the Town to acquire necessary temporary and permanent easements and fee acquisitions from various property owners in the Project Area for the installation of water mains and appurtenances, a pump station, a water storage reservoir tank and to provide the Town access for construction and future repairs that may be necessary; and

WHEREAS, the Town has fully reviewed the environmental impacts of locating the Project in the Project Area in full compliance with the State Environmental Quality Review Act (Article 8 of New York State’s Environmental Conservation Law) and with Title 6 of the Codes, Rules and Regulations of the State of New York, Part 617 (collectively “SEQR”), and determined that the Project will cause no significant environmental impacts, issuing a Negative Declaration dated January 9, 2012 and an Amended Negative Declaration dated February 10, 2014; and

WHEREAS, a Notice of Public Hearing regarding the Town’s proposed construction of a water distribution system in the Project Area and the need for the acquisition of easements and fee interests was served by certified mail to affected property owners and duly published in the Daily Messenger on August 4th, 5th, 6th, 7th and 9th, 2016, as well as noticed on the Town of Canadice’s website and on Town signboards, meeting all notice requirements set forth in EDPL §202; and

WHEREAS, on August 20, 2016, at or about 10:00 a.m., pursuant to the aforesaid notice and in accord with EDPL §203, a Public Hearing was held regarding the proposed construction of the Project at the auditorium of the Honeoye Middle-High School, 8528 Main Street in Honeoye, New York; and

WHEREAS, at the Public Hearing, attended by over 100 people, the Town Supervisor provided a history of the Project and Michael Schaffron of LaBella Associates, D.P.C. provided an overview of the need for the Project, the public use and benefit to be served by the proposed Project, the approximate location for the proposed public Project, including maps, and provided the reasons for the selection of the location and the general effect of the proposed Project on the environment and residents of the locality; and

WHEREAS, the Town Attorney spoke at the Public Hearing, introducing herself and making herself available to answer questions; and

WHEREAS, 18 residents spoke at the Public Hearing, including George Emens, Kevin Murphy, Paul Smith, Tim Arlington, Mike Ohlweiler, William Bouwens, Dave Kesselring, Harold Lauer, Dan Nolan, Phil Reifsteck, Don Cook, Frank Reitano, Rick Mitchell, Chris Costanza, Kim Malcom, Carla Collichio, Gregory Goodridge, John DeMaria and their comments and questions are set forth in the meeting minutes approved by the Town Board on September 12, 2016 and included in the Public Hearing Record; and

WHEREAS, people in attendance at the Public Hearing were given a full opportunity to present oral and/or written statements and to submit other documents concerning this Project and the Hearing record remained open for an additional seven (7) days after the Public Hearing to provide individuals the opportunity to submit additional information; and

WHEREAS, no written statements or other documents were received from the public following the Public Hearing; and it is

NOW THEREFORE, RESOLVED BY THE MEMBERS OF THE TOWN OF CANADICE TOWN BOARD that, based on the testimony received at the August 20, 2016 Public Hearing and the documents included in the Record, the Town hereby determines and finds and resolves that:

1. There is a critical and immediate need to provide safe, potable water to the residents in the Project Area; and
2. The public use, benefit or purpose of the Project is that it will enable the Town to meet the immediate and critical need to provide a continuous and uninterrupted source of potable water to residents and businesses of the Project Area. Another public use, benefit or purpose of the Project is that it will enable the Town to provide water for fire protection to the residents and businesses of the Project Area.
3. The Project Area has been selected as the approximate location of the Project because it is the area that is in need of potable water and the route of the water mains has been selected by the engineer after evaluating many factors including but not limited to construction considerations, hydraulics, costs, field considerations, engineering specifications and existing easements and rights of way.
4. The effect on the residents is a positive one as they will have the opportunity to receive continuous, uninterrupted potable water for drinking as well as water for fire protection.
5. The Town has complied with the State Environmental Quality Review Act and the Project, including the land acquisition, will not have a significant or adverse effect on the environment or

upon the residents of the locality where the Project will be constructed.

6. Although in some sections of the Project, all construction and installation can be completed in public rights of way, in other sections the acquisition of interests in private land is necessary to enable all properties in the water district to be served and the Project to be completed in a cost-effective manner. Numerous easements have been obtained both before and after the August 20, 2016 public hearing.

7. The Town determines and finds that the record supports the Town's acquisition of the remaining necessary temporary and permanent easements and fee acquisitions in the approximate location of the Project Area.

8. A list of all known properties, including Ontario County Tax Map Identification numbers, from which it is necessary for the Town to acquire easements and/or fee interests is attached hereto as Exhibit "A" and made a part hereof. Additional easements or fee interests in the approximate location of the Project Area may be necessary.

9. A copy of the most up-to-date proposed acquisition maps for each of the properties set forth in Exhibit "A" are on file with the Town and property-specific maps will be included in the mailing to the property owners but, these maps are subject to change due to design changes or changes in field conditions.

10. The Town Clerk is directed to publish the synopsis attached hereto as Exhibit "B" in at least two successive issues of the Daily Messenger, the Town's official paper which is also a newspaper of general circulation in the Town, in accordance with §204 of the EDPL.

11. The Town Clerk is also directed to serve a copy of the synopsis attached as Exhibit "C," the Determination and Findings and a copy of the proposed acquisition map for the owner's property by certified mail, return receipt requested to each property owner listed on Exhibit "A" whose property may be acquired.

12. A copy of the Public Hearing Record is available to the public for examination during normal business hours at the offices of the Town of Canadice, 5949 County Road 37, Springwater, New York 14560, and the Office of the Clerk of the County of Ontario, 20 Ontario Street, Canandaigua, New York 14424.

13. The exclusive venue for judicial review of the condemnor's Determination and Findings is the Appellate Division of the Supreme Court in the Fourth Judicial Department.

14. Under section 207 of the Eminent Domain Procedure Law, there are thirty (30) days from the completion of the Town's newspaper publication requirement to seek judicial review of the Town's Determination and Findings.

Motion by: Councilman Mark Malmendier

Seconded by: Councilman William Hershey

Vote: Ayes 5 - Supervisor Kristine Singer, Councilman John O'Connor, Councilman Mark Statt, Councilman William Hershey, Councilman Malmendier

Nays 0

Exhibit "A"

Canadice Water District #1

Parcels from which easements and/or fee interest acquisitions are necessary and not yet acquired as of 10/10/16. Additional land interests may be required. Design and maps subject to change.

CANADICE REGULAR TOWN BOARD MEETING

October 10, 2016

Number	Owner(s)		Property Address	Tax ID #
RL-001	Rogers, Patrick		5401 Rainbow Lane	164.07-1-1.000
RL-002	Ohlweiler, Michael Ohlweiler, Teresa t		5409 Rainbow Lane	164.07-1-2.000
FS-017	Blackmer, Wayne Blackmer, Janice		5473 Francis Shores	164.07-1-23.000
WD-008	Noble, Shirley L. Mortensen, Janet L.	<u>Life Use:</u> Irene L. Washburn	5553 Walt Drive	164.11-1-7.000
CR-031 CR-020 CR-029	Honeoye Valley Properties, Inc.		5591 County Road 36	164.11-1-37.111
RR-001	Costanza, Christopher Costanza, Amanda E		7 Ranch Road	164.11-1-35.111
PC-003	Kesselring, David W.		0 Poplar Cove	164.15-1-10.120
PC-004	Kesselring, David W.		5649 Poplar Cove	164.15-1-9.200
PC-006	Geartz, Burdell Geartz, Gerrett		5669 Poplar Cove	164.15-1-12.000
WSC-007	Geartz, Gerrett Melinda S. Geartz		5795 West Shore Cove	164.19-1-10.100
CR-027	Caldwell, Terry S.		5816 County Road 36	164.00-2-24.100
CR-027	Davis, Deborah L.		5830 County Road 36	164.00-2-25.000
SHL-001	5844 Sleepy Hollow, LLC	Frederick L. Mitchell, Member	5838 Sleepy Hollow Lane	164.19-1-20.000
SHL-002	5844 Sleepy Hollow, LLC	Frederick L. Mitchell, Member	5844 Sleepy Hollow Lane	164.19-1-21.000
SHL-003	Gronwall, Teryl R. Gronwall, Dorothy G.		5849 Sleepy Hollow Lane	164.19-1-22.000
JB-005	Consler, Gale L.		5867 Joe Bear Drive	164.19-1-27.000
CR-024	Barrett, Michele D.		5870 County Road 36	164.00-2-27.000
PP-008	Fagan, James G, Sr. Fagan James G, Jr. &		5947 Pickerel Point	174.07-1-14.000

CANADICE REGULAR TOWN BOARD MEETING

October 10, 2016

	Sumalee Likitvanichkul				
PP-012	Murphy, Kevin Murphy, Carol		5966	Pickerel Point	174.07-1-22.000
PHL-002	Six-In-Cove Homeowners Association, Inc.	c/o Betty A. Schrader	0	Pine Haven Lane	174.07-1-34.110
WW-002	Marvin, Kevin A.		6014	West Willow Point	174.07-1-51.100
WW-005	Franch, Joseph A.		6026	West Willow Point	174.07-1-43.000
WW-006	Emens, George C. Emens, Robert F. Walker, Kathleen E. Harmon, Nancy		6028	West Willow Point	174.07-1-42.000
BD-014	Coleadd Lake Properties, LLC	DeAnn M. Schenkel, Member	6039	Bartholomew Drive	174.11-1-5.000
BD-016	Mitchell, Martha J. Dee, Anthony Dee, Jane A.		6044	Bartholomew Drive	174.11-1-51.000
BD-017	Kusmierz, Michael Kusmierz, Rachel		6033	Bartholomew Drive	174.11-1-2.000
BD-005	Smith, Janet Lee Smith, Paul A.		6047	Bartholomew Drive	174.11-1-9.000
BP-003	Bemis, Trent Stanford		6075	Bemis Point	174.11-1-43.000
SWS-038	Honeoye Lake County Sewer District		6112	Southwest Shores	174.11-1-31.200
OWL-001	Sherman, Christopher L. & Kerry A. Sherman (f.k.a. Kerry A Green)		6159	North Old West Lake Road	174.00-2-26.100
CR-009	Cook, Donald Cook, Elaine M.		6185	County Road 36	174.15-1-34.110
SWS-024	Estate of Mary J. Farrell		6220	Southwest Shores	174.15-1-31.000
CR-017	Kader, Michael E.		0	County Road 36	164.00-2-57.111

CR-021	Caldwell, Terry S.		5816	County Road 36	164.00-2-24.100
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Exhibit “B”

**SYNOPSIS OF DETERMINATION AND FINDINGS
FOR PUBLICATION:**

In accordance with §202 of New York State’s Eminent Domain Procedure Law, a Public Hearing was held on August 20, 2016 to outline the public purpose to be served by the proposed Town of Canadice Water District No. 1 (“Project”), to identify the approximate location of the Project and alternate locations, if any, the impact the Project will have on the environment and residents and to present other pertinent information, including maps and property descriptions of the properties to be acquired and adjacent parcels.

On October 10, 2016, the Town of Canadice (“Town”) adopted a Determination and Findings concerning Canadice Water District No. 1. The Town determined that there is a critical and immediate need for public water along portions of County Road 36 (a/k/a West Lake Road), Old West Lake Road, and along local roadways, easements and private property within Honeoye Lake lakeshore neighborhoods (“Project Area”) and that the record supported the Town’s acquisition of temporary and permanent easements and fee acquisitions in the Project Area to enable the Town to construct a potable water distribution system, including a water storage tank and pump station and access roads.

The public use, benefit or purpose of the Project was determined to be enabling the Town to provide a continuous and uninterrupted source of potable water to residents and businesses of the Project Area. It was also determined that another public use, benefit or purpose of the Project was to enable the Town to provide water for fire protection to the residents and businesses of the Project Area. The Project Area has been selected as the approximate location of the Project because it is the area that is in need of potable water and the proposed route of the water mains has been selected by the engineer after evaluating many factors including but not limited to construction considerations, hydraulics, costs, field considerations, engineering specifications and existing easements and rights of way.

The general effect on the residents is positive as they will have the opportunity to receive continuous, uninterrupted potable water for drinking as well as water for fire protection.

The Town has complied with the State Environmental Quality Review Act and determined that the Project will not have a significant or adverse effect on the environment or upon the residents of the locality where the Project will be constructed.

Copies of the Town’s Determination and Findings will be forwarded without cost upon written request to the Town.

Exhibit “C”

**SYNOPSIS OF DETERMINATION AND FINDINGS
FOR SERVICE ON PROPERTY OWNERS WITHIN THE PROJECT AREA**

In accordance with §202 of New York State’s Eminent Domain Procedure Law, a Public Hearing

was held on August 20, 2016 to outline the public purpose to be served by the proposed Town of Canadice Water District No. 1 (“Project”), to identify the proposed location of the Project and alternate locations, if any, the impact the Project will have on the environment and residents and to present other pertinent information, including maps and property descriptions of the properties to be acquired and adjacent parcels.

On October 10, 2016, the Town of Canadice (“Town”) adopted a Determination and Findings concerning Canadice Water District No. 1. The Town determined that there is a critical and immediate need for public water along portions of County Road 36 (a/k/a West Lake Road), Old West Lake Road, and along local roadways, easements and private property within Honeoye Lake lakeshore neighborhoods (“Project Area”) and that the record supported the Town’s acquisition of temporary and permanent easements and fee acquisitions in the Project Area to enable the Town to construct a potable water distribution system, including a water storage tank and pump station and access roads.

The public use, benefit or purpose of the Project was determined to be enabling the Town to provide a continuous and uninterrupted source of potable water to residents and businesses of the Project Area. It was also determined that another public use, benefit or purpose of the Project was to enable the Town to provide water for fire protection to the residents and businesses of the Project Area. The Project Area has been selected as the approximate location of the Project because it is the area that is in need of potable water and the proposed route of the water mains has been selected by the engineer after evaluating many factors including but not limited to construction considerations, hydraulics, costs, field considerations, engineering specifications and existing easements and rights of way.

The general effect on the residents is positive as they will have the opportunity to receive continuous, uninterrupted potable water for drinking as well as water for fire protection.

The Town has complied with the State Environmental Quality Review Act and determined that the Project will not have a significant or adverse effect on the environment or upon the residents of the locality where the Project will be constructed.

Copies of the Town’s Determination and Findings will be forwarded without cost upon written request to the Town.

Under §207 of New York’s Eminent Domain Procedure Law, there are thirty (30) days from the completion of the Town’s newspaper publication requirement to seek judicial review of the Town’s Determination and Findings.

Under §207 and §208 of the EDPL, the exclusive venue for judicial review of the Town’s Determination and Findings is the Appellate Division of the Supreme Court in the judicial department where any part of the property to be condemned is located.

10. Supervisor- Ms. Kristine Singer

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

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

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

b. Budget Transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
A1340.11	A1220.11	\$ 67.50	Expenditures greater than budgeted amount.
DA5148.1	DA5110.1	\$ 17,719.62	Expenditures greater than budgeted amount.
DA5112.21	DA5112.2	\$ 8,450.07	Expenditures greater than budgeted amount.

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

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

E. UNFINISHED BUSINESS:

1. Resolution Number 49 of 2016 – Request To Return Old Hayward Hill Road To The Town Of Canadice Road Inventory

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

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

WHEREAS, NYSDOT recently completed an updated GIS-Local Highway Inventory resulting in a .09 reduction in road mileage associated with the Town; and

WHEREAS, Canadice Highway Superintendent Michael Virgil reviewed the information for the Town and determined that Old Hayward Hill Road had been removed from the Town’s inventory in error; and

WHEREAS, Old Hayward Hill Road is under the jurisdiction of the Town from its intersection with Hayward Hill Road and ending at a dead end a distance of approximately .09 miles; and

WHEREAS, The Town is and has been responsible for all maintenance and repair, assuming all legal responsibilities for said roadway; and

WHEREAS, This road is and has been open to the public without restriction except for limited maintenance periods; now, therefore, be it

RESOLVED, That the Board requests Old Hayward Hill Road be returned to the Town of Canadice road inventory maintained by NYSDOT; and, be it further

RESOLVED, That the Clerk of this Board send a copy of this resolution with additional documentation to be supplied by the Highway Superintendent to Jim Fairchild at the Rochester DOT offices, supply a copy of this resolution to Michael Virgil, Highway Superintendent and retain a copy in the Town records.

2. Resolution Number 50 of 2016 – Authorization To Execute Winter Fuel Price Protection Agreement

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, Propane vendors were contacted requesting price quotes for fuel for the Town

With Ontario County

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

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

WHEREAS, The Town of Canadice entered into a contract with Ontario County for the removal of snow and ice control from County Roads 36 and 37 that are within the Town; and

WHEREAS, Said contract expired on September 30, 2016; and

WHEREAS, Ontario County and the Town have agreed to the terms of a new contract and amendment; and

WHEREAS, The contract will commence from October 1, 2016 and terminate September 30, 2017; and

WHEREAS, This Board has reviewed said snow and ice contract with Ontario County as proposed and agrees to the terms contained in said contract; and

WHEREAS, Included in the agreement a procedure has been established for collection of data from the service towns to review actual expenses incurred by the towns for providing said service when establishing future reimbursement rates; and

WHEREAS, The rate of reimbursement for 2016-17 will be \$5,500.00 per center line mile (2.9% increase) for the base contract with a one-time payment of \$8763.85 representing a deviation adjustment from the 5-year average and with the option to reopen the contract to address rapidly rising or falling commodity prices; now, therefore, be it

RESOLVED, That this Board authorizes the Supervisor to execute said contract and amendment with Ontario County for the above mentioned term; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution with the executed contracts to William Wright, Ontario County Public Works, 2962 County Road 48, Canandaigua, NY 14424. Ontario County will return a fully-executed contract and amendment to the Town Clerk for retention in the Town files.

2. Approval of the Bills –

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

ABSTRACT #10 for 2016-

	Voucher	
General/Highway Account	#430 to #472	\$ 97,455.36
Trust & Agency	#14 to #15	\$ 6,108.02
APPROVED	Ayes 5	Singer, O’Connor, Hershey, Statt, Malmendier
	Nays 0	

G. PRIVILEGE OF THE FLOOR:

1. Councilman O’Connor questioned a check issue. Supervisor Singer indicated it was a result of funds not transferred for bills that are paid in advance of the meeting.

2. Councilman Hershey commented that the petition copies submitted by Mr. Moore are three separate surveys; one for just the weir, one for the weed harvester and a combined survey regarding the weir and weed harvester.

H. EXECUTIVE SESSION:

Councilman O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to close the meeting and go into executive session to discuss pending negotiations at approximately 9:08 pm.

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

Councilman O'Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to close the executive session and resume the regular meeting at approximately 9:33 pm.

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

I. ADJOURNMENT:

Councilman O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to adjourn the meeting at 9:34 pm.

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

Respectfully submitted, _____ Eileen Schaefer, Town Clerk