#### A. CONVOCATION:

- 1. The Canadice Town Board Meeting was held on November 14, 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: Seventeen (17) guests/residents attended the Regular Town Board Meeting.

- 3. Salute to the Flag.
- 4. Approval of October 10, 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 O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to approve the minutes of the October 10, 2016 Town Board Meeting.

APPROVED

Ayes 5

Singer, O'Connor, Hershey, Statt, Malmendier

Nays 0

### **B. PRIVILEGE OF THE FLOOR:**

1. P.J. Emerick, Ontario County Soil & Water District Manager presented Terry and Dorothy Gronwall with a New York Association of Conservation Districts Partnership Award. The statewide award acknowledges partners in soil and water conservation. Some of the categories considered for the nomination are soil & water conservation development, water quality and erosion control. Terry and Dorothy were congratulated for all of their efforts.

# **C. PUBLIC HEARING:** To Entertain Comments Pertaining to the Town of Canadice 2017 Budget

\*Supervisor Singer opened the public hearing. There were no comments.

Councilman Malmendier 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

**D. PUBLIC HEARING:** – Unsafe Structure at 7122 Canadice Lake Road, Springwater, NY, situate in the Town of Canadice

\*Supervisor Singer opened the public hearing and asked for a status report from the CEO. Mr. Best

indicated he had a voice mail message left late Friday afternoon from Mr. Voss indicating the structure was boarded up three weeks ago. Mr. Best will have to check the structure and report back.

Councilman O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to recess the public hearing.

**APPROVED** 

Ayes 5

Singer, O'Connor, Hershey, Statt, Malmendier

Nays 0

#### 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 October was submitted (see T. C. file).

Councilman O'Connor 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 October was submitted (see T. C. file).
  - b. CEO report regarding 7122 Canadice Lake Road.
- c. Councilman O'Connor commented on an article in the Association of Towns newsletter relating to asbestos liability for condemned property.
- d. Councilman Malmendier questioned construction permitting for the Mueller Field Station. The Ontario County CEO issues permits for construction inside the building and site plan permitting is handled by the Town Planning Board.
- 4. Planning Board- Mr. Theodore Mayhood
  - a. Draft minutes for the month of October submitted (see TC. file).
- 5. Zoning Board of Appeals- Mrs. Linda Moorhouse
  - a. No meeting held in October.
- 6. Highway Superintendent- Mr. Mike Virgil
  - a. The written report for the month of October was submitted (see T. C. file).
  - b. October 27<sup>th</sup> was our first salt run and included the additional miles in Naples.
  - c. The second round of mowing is complete.

- d. Pavement repairs were made at the Town Hall and Town Highway parking lots.
- e. Installed a driveway culvert and new ditch at the Snowden property on Purcell Hill Road.
- f. Replaced a driveway culvert at the Tschorke property on Lawrence Hill Road.
- g. Helped the County fill shoulders with the road widener machine.
- h. Attended Crisis Track Training at the county emergency training facility and all of the employees attended a Back Injury and Safe Lifting seminar in Richmond.
- 7. Honeoye Lake Watershed Task Force- Councilman Hershey
  - a. Mr. Gronwall indicated the fall newsletter has been released and is on the Town website.
  - b. A quarterly meeting was held to discuss 2017 items.
  - c. The Honeoye Lake level is almost back to normal.
- d. The Honeoye Lake Inlet Restoration Project hosted 33 volunteers in late October to hydro-seed the new stream bank and replanted approximately 2,500 native shrubs and trees.
- e. NYS DEC WQIP Grant Round 13 Proposal for Mill Creek Stream-bank Stabilization notification should take place by the end of 2016.
- f. NYS DEC Honeoye Lake Total Maximum Daily Load analysis project is moving forward again. The draft analysis report should be finalized in the spring of 2017 with a final report in the fall of 2017.
- 8. Assessor- Mrs. Lisa M. Bennett
  - a. The written report for the month of October was submitted (see T. C. file).
- b. Supervisor Singer indicated the Assessor reported values are holding so the next revaluation will be moved out another year.
- 9. Special Reports:
  - a. Water District discussion included with Resolution Number 53 of 2016.
- 10. Supervisor- Ms. Kristine Singer
- a. The financial report for the month of October was submitted (see T.C. file) Councilman Hershey motioned, Councilman Malmendier 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> | TO       | AN | <u>MOUNT</u> | <u>PURPOSE</u>                             |
|-------------|----------|----|--------------|--|
| A1990.4     | A1110.4  | \$ | 500.00       | Expenditures greater than budgeted amount. |
| A1990.4     | A9055.8  | \$ | 39.80        | Expenditures greater than budgeted amount. |
| A1620.1     | A1620.4  | \$ | 1,000.00     | Expenditures greater than budgeted amount. |
| DA5112.21   | DA5142.4 | \$ | 6,469.95     | Expenditures greater than budgeted amount. |

# c. Budget Amendments:

#### **Revenue Lines**

Increase DA1120, Non-property Tax by \$25,000.00 Increase DA2665, Sales of Equipment by \$75,911.30

# **Appropriation Lines**

Increase DA5112.2 by \$39,476.14 Increase DA5130.2 by \$58,824.57 Increase DA5142.4 by \$2,610.59

Councilman Statt motioned, Councilman Hershey seconded, and it was unanimously carried to approve the budget transfers and budget amendments.

APPROVED

Ayes 5

Singer, O'Connor, Hershey, Statt, Malmendier

Nays 0

#### G. UNFINISHED BUSINESS:

1. **Resolution Number 53 of 2016** – Authorizing Town's Acquisition Of Property Interests Necessary For The Construction Of Water Improvements Pursuant To New York's Eminent Domain Procedure Law

\*Mrs. Sheila Chalifoux indicated the easements listed in the resolution are not all going through the Eminent Domain Procedure; some changes requested by the property owners are being made to their easements. The appraisal process is next. The final written offers should be out prior to Christmas. 90% of the easements are in the right-of-way and will have minimal impact on the property value. The judge could grant approval the day we are in court, which could happen by the end of February. The closing for the tank site can take place now. We are still talking to the property owners of the proposed site for the pump house. The engineers are discussing with them how the pump house could be best situated.

\*Supervisor Singer indicated once the easements are complete; LaBella can finalize the engineering maps and prepare construction bid documents. Councilman Malmendier commented if someone isn't in agreement with the appraisal value it won't stop the court from granting the easement and Mrs. Chalifoux agreed that was correct. Councilman Malmendier also questioned when there would be a re-estimate for the project. Supervisor Singer indicated it wouldn't happen until the construction bidding takes place. We do have some options when those numbers are available. \*Councilman O'Connor questioned if the appraisals are for the complete property or just the condemned area and will the purchase or appraisal costs be added to the Water District account. Mrs. Chalifoux indicated the appraiser takes a value before the taking and the value after and uses a percentage of that value. These costs will be charged to the Water District. A title search will also have to be completed on those properties. Councilman O'Connor questioned if the borings have been procured for the tank site. Supervisor Singer indicated they have been completed and were suitable.

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 resolution and order were adopted establishing the "Town of Canadice Water District No. 1" ("District") which includes properties on County Road 36 (aka West Lake Road)

and Old West Lake Road and within the Honeoye Lake lakeshore neighborhoods; and WHEREAS, the Town Board, after acting as Lead Agency pursuant to the New York State Environmental Quality Review Act, determined that said District would not result in any significant adverse environmental impact, and adopted a bond resolution appropriating a sum sufficient for the construction of the project; and

WHEREAS, in accordance with Article 2 of New York State's Eminent Domain Procedure Law ("EDPL"), a Public Hearing was duly noticed and thereafter held on August 20, 2016 in the auditorium of the Honeoye Middle-High School to outline the public purpose to be served by the proposed District, the proposed location and alternate locations, if any, the impact the Project would have on the environment and residents and to present other pertinent information, including maps and property descriptions of the properties to be acquired and maps of adjacent parcels; and WHEREAS, after the hearing, in accordance with EDPL §204, the Town set forth its Determination and Findings with respect to the acquisition of real property to construct District improvements to 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 District; and

WHEREAS, the Determination and Findings was duly published and served pursuant to EDPL §204; and

WHEREAS, more than 30 days have passed since the completion of publication of the Determination and Findings and no action has been filed challenging said Findings; and WHEREAS, LaBella Associates, PC prepared plans for construction of improvements to such District and in order to construct these improvements in accordance with the plans, the Town has acquired over 200 easements; and

WHEREAS, it is necessary for the Town to acquire additional necessary easements and Fee interests as set forth below and, to date, the negotiations have been unsuccessful or the acquisition has not been finalized on the following properties:

| Number | Number Owners                            |                             |      | ty Address     | Tax ID#         |
|--------|--|-----------------------------|------|----------------|-----------------|
| RL-001 | Rogers, Patrick                          |                             | 5401 | Rainbow Lane   | 164.07-1-1.000  |
| RL-002 | Ohlweiler, Michael                       | Teresa Ohlweiler            | 5409 | Rainbow Lane   | 164.07-1-2.000  |
| FS-017 | Blackmer, Wayne                          | Janice Blackmer             | 5473 | Francis Shores | 164.07-1-23.000 |
| WD-008 | Noble, Shirley L.<br>Mortensen, Janet L. | Life Use: Irene L. Washburn | 5553 | Walt Drive     | 164.11-1-7.000  |
| CR-031 | Honeoye Valley<br>Properties, Inc.       |                             | 5591 | County Road 36 | 164.11-1-37.111 |
| CR-020 | Honeoye Valley<br>Properties, Inc.       |                             | 5591 | County Road 36 | 164.11-1-37.111 |
| CR-029 | Honeoye Valley<br>Properties, Inc.       |                             | 5591 | County Road 36 | 164.11-1-37.111 |
| RR-001 | Costanza, Christopher                    | Amanda E.<br>Costanza       | 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                          | Gerrett Geartz              | 5669 | Poplar Cove    | 164.15-1-12.000 |

| Number      | Owners  |                               |   | ty Address                  | Tax ID#         |
|-------------|---|-------------------------------|---|-----------------------------|-----------------|
| WSC-<br>007 | Geartz, Gerrett W.  | Melinda S. Geartz             | 5795  | West Shore Cove             | 164.19-1-10.100 |
| CR-027      | Caldwell, Terry S.  |                               | No address or tax identification number available; Right-of-Way parcel benefitting 5816 & 5830 County Road 36 (164.00-2-24.1 and 164.00-2-24.2) |                             |                 |
| SHL-001     | 5844 Sleepy Hollow,<br>LLC  | Frederick L. Mitchell, Member | 5838  | Sleepy Hollow<br>Lane       | 164.19-1-20.000 |
| SHL-002     | 5844 Sleepy Hollow,<br>LLC  | Frederick L. Mitchell, Member | 5844  | Sleepy Hollow<br>Lane       | 164.19-1-21.000 |
| SHL-003     | Gronwall, Teryl R.  | Dorothy G.<br>Gronwall        | 5849  | Sleepy Hollow<br>Lane       | 164.19-1-22.000 |
| WW-006      | George C. Emens,<br>Robert F. Emens,<br>Kathleen E. Walker &<br>Nancy C. Harmon |                               | 6028  | West Willow<br>Point        | 174.07-1-42.000 |
| BD-017      | Kusmierz, Michael   | Rachel Kusmierz               | 6033  | Bartholomew<br>Drive        | 174.11-1-2.000  |
| BD-005      | Smith, Janet Lee  | Paul A. Smith                 | 6047  | Bartholomew<br>Drive        | 174.11-1-9.000  |
| SWS-038     | Honeoye Lake County<br>Sewer District   |                               | 6112  | Southwest Shores            | 174.11-1-31.200 |
| OWL-<br>001 | Sherman, Christopher L. & Kerry A. Sherman (f.k.a. Kerry A Green)               |                               | 6159  | North Old West<br>Lake Road | 174.00-2-26.100 |
| CR-009      | Cook, Donald  | Elaine M. Cook                | 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 |

WHEREAS, due to the topography of the area, the location of the above properties and the requirements of the District, there are no other possible alternative locations for the proposed improvements, other than over said properties; and

WHEREAS, the necessary Easements and Fee Interests are depicted on the maps attached hereto as Exhibit "A"; and

WHEREAS, the Town has considered whether the delay of the acquisition will cause harm to the public and NOW, THEREFORE, it is

RESOLVED, that the acquisition of Easements varying in length and width over each of the properties set forth above and the acquisition of the Fee Interests in the Ohlweiler property (RL-002) and the Kader property (CR-017), all shown on the maps attached hereto as Exhibit "A," are necessary to construct the District; and it is further

RESOLVED, that the public use, benefit, or purpose of the acquisition is to meet the immediate and critical need to provide a continuous and uninterrupted source of potable water and provide water

for fire protection to residents and businesses in the District; and it is

RESOLVED, that the exercise of the power of eminent domain is appropriate and necessary to acquire the Easements and Fee Interests for the above-stated purpose; and it is

RESOLVED, that any delay in the Town obtaining immediate possession of the Easements will prejudice the public interest; and it is

RESOLVED, pursuant to its right to exercise eminent domain pursuant to Eminent Domain Procedure Law § 402(b), the Town Board of the Town of Canadice does hereby authorize and direct the Supervisor to immediately authorize the commencement of a proceeding against the above property owners for the acquisition of the necessary Easements and Fee Interests; and it is further RESOLVED, that the Town is authorized to immediately retain the appraisal firm Pogel, Schubmehl & Ferrara, LLC of Rochester to proceed with the appraisal of the site of the proposed pump station at 5409 Rainbow Lane (SBL# 164.07-1-2.000) for an appraisal fee of \$1,800.00 and the remaining properties at a fee not to exceed \$700 per parcel and, to retain a Title company to complete necessary title searches for each property; and it is further

RESOLVED, that public interests will be prejudiced by delay and, accordingly, the Supervisor is authorized to petition the court for immediate possession and right of entry pursuant to New York State Eminent Domain Procedure Law §402 (B) (6); and it is further

RESOLVED, that the Town Supervisor, or any agent she may designate, shall retain the authority to negotiate the purchase of the Fee Interests and Easements on terms determined reasonable by her during the pendency of the condemnation action should that course of action be deemed by her to be feasible and desirable; and it is further

RESOLVED, that based on ongoing negotiations, the Town Attorney is authorized to proceed with the Purchase of a portion of land located on County Road 36 (164.00-2-57.111) owned by Michael E. Kader; and it is further

RESOLVED, that in further consideration of Donald and Elaine M. Cook's grant of an Easement to the Town on property located at 6185 County Route 36, the Town agrees to purchase saplings and provide them to the Cooks to replace any existing trees that may be removed during construction; and it is further

RESOLVED, that in further consideration of David W. Kesselring's grant of an Easement to the Town on property located at 5649 Poplar Cove, the Town agrees to install a stamped concrete driveway to replace the existing driveway that will be disturbed during construction; and it is further RESOLVED, that the Town Supervisor shall execute any and all documents necessary in the opinion of the Attorney for the Town to give effect to the resolutions made herein. (Exhibit "A" referenced in Resolution Number 53 of 2016 listed at the end of these minutes.)

2. **Resolution Number 54 of 2016** – Adoption Of The 2017 Canadice Town Budget 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, Budget estimates and request forms were given to Town officials during August 2016 by the Budget Officer; and

WHEREAS, Upon receipt of said forms the Budget Officer prepared a Tentative Budget for 2017

and submitted same to the Town Clerk and Board members; and

WHEREAS, A duly advertised budget workshop was held to discuss the Tentative Budget on September 22, 2016; and

WHEREAS, After said workshop the Budget Officer prepared and submitted the Preliminary Budget for 2017 to the Town Clerk and Board Members; and

WHEREAS, A duly advertised Public Hearing was held on November 14, 2016 to receive comments pertaining to the 2017 Preliminary Budget; now, therefore, be it

RESOLVED, That this Board does approve of and adopt the 2017 Preliminary Budget as amended per the Public Hearing, as the Town Budget for 2017; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution along with two certified copies of the adopted budget to Ms. Karen DeMay, Clerk, Ontario County Board of Supervisors.

3. Highway Facility Updates – Superintendent Virgil and the Board will look further into updates in 2017.

#### H. **NEW BUSINESS:**

- 1. Employee Holiday Party will be determined and employees will be notified.
- 2. Approval of the Bills –

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

## ABSTRACT #11 for 2016-

Voucher

General/Highway Account #473 to #536 \$ 204,788.15

Trust & Agency

#16

353.52

APPROVED

Ayes 5

Singer, O'Connor, Hershey, Statt, Malmendier

Nays 0

I. **PRIVILEGE OF THE FLOOR:** There was no one to be heard.

#### **ADJOURNMENT:** J.

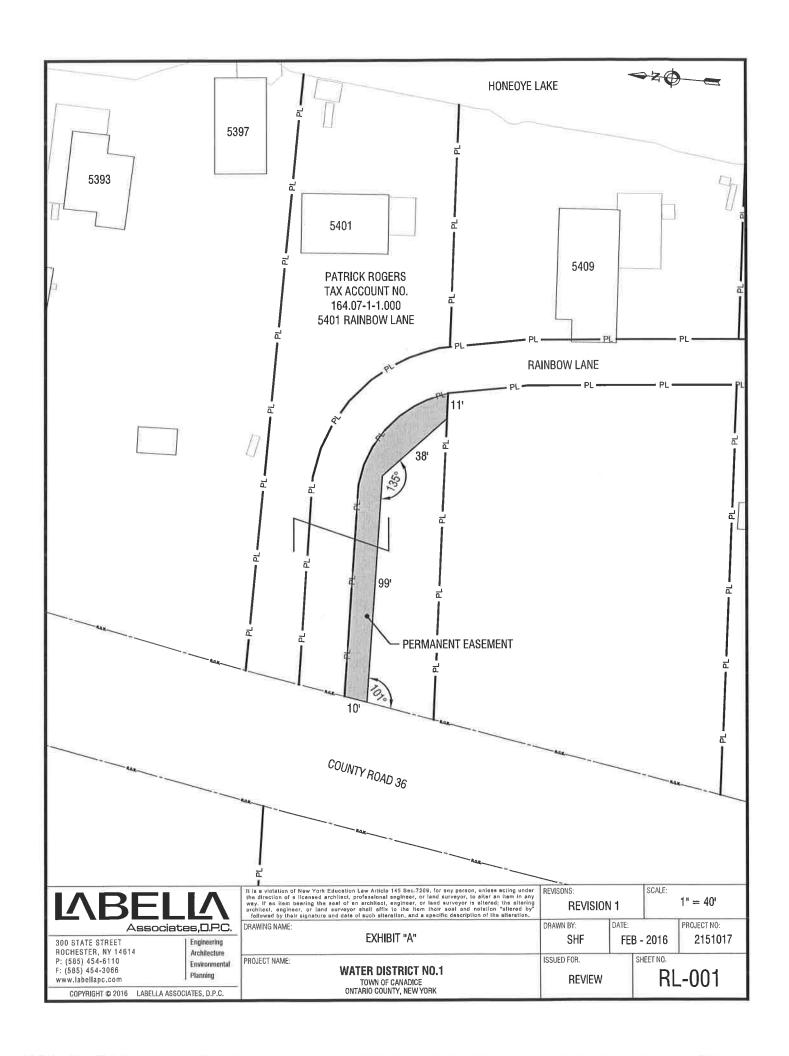
Councilman O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to adjourn the meeting at 8:39 pm.

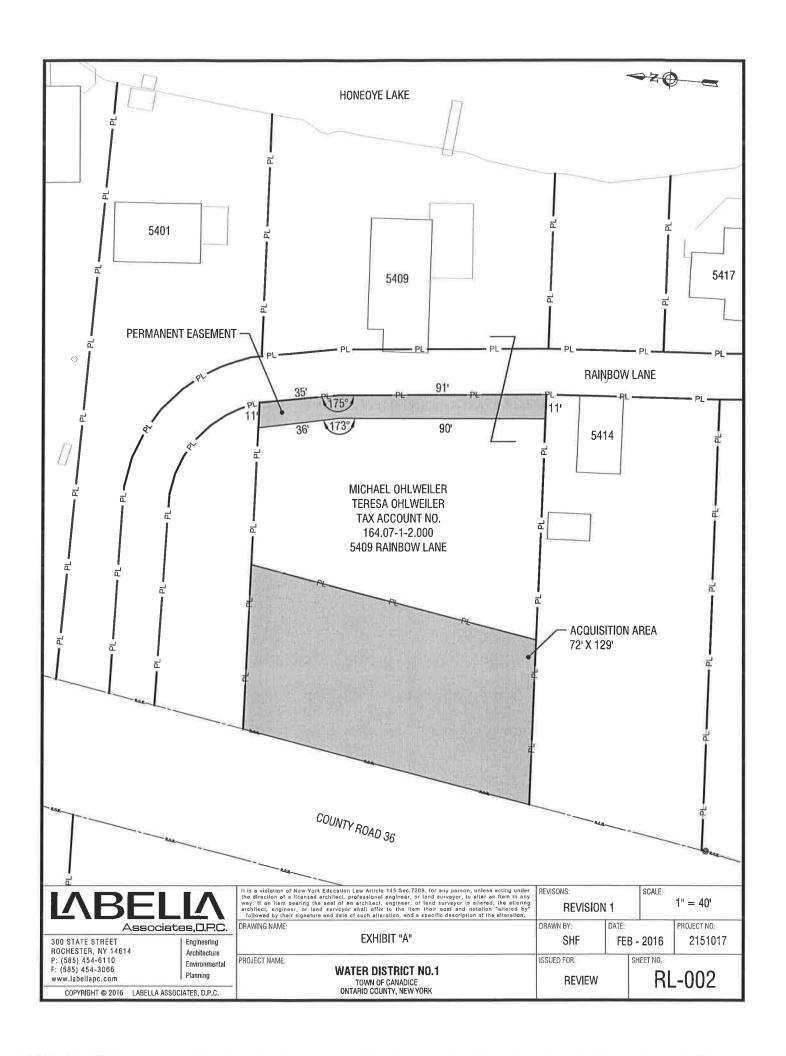
APPROVED

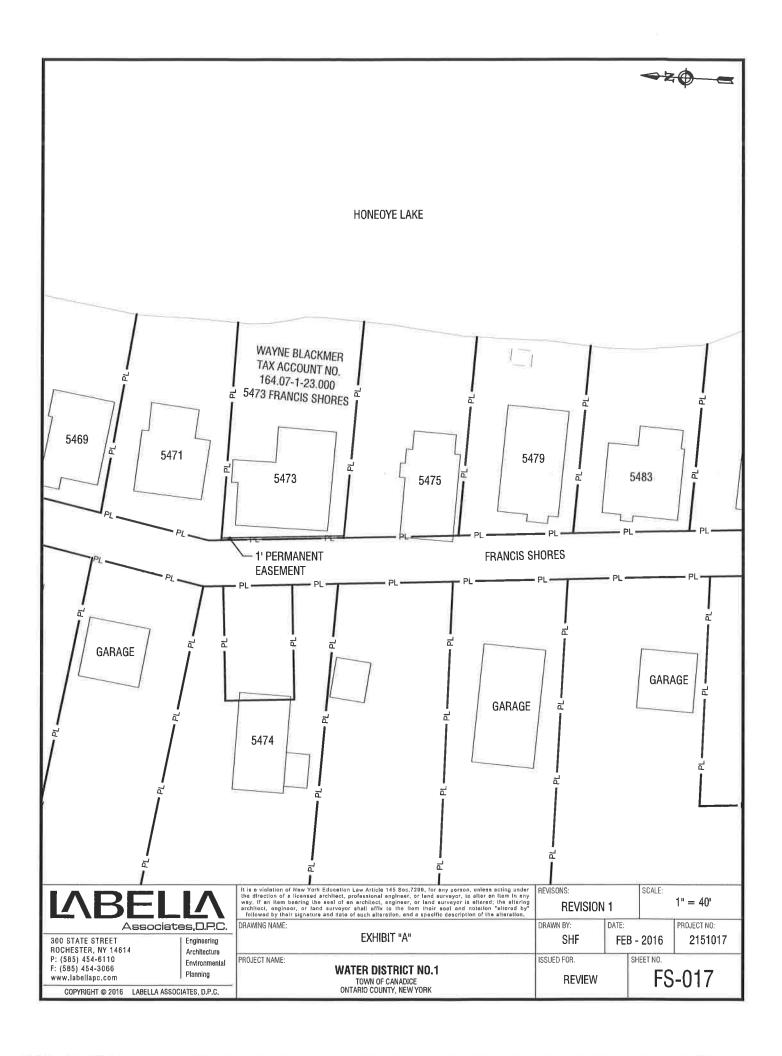
Ayes 5 Nays 0 Singer, O'Connor, Hershey, Statt, Malmendier

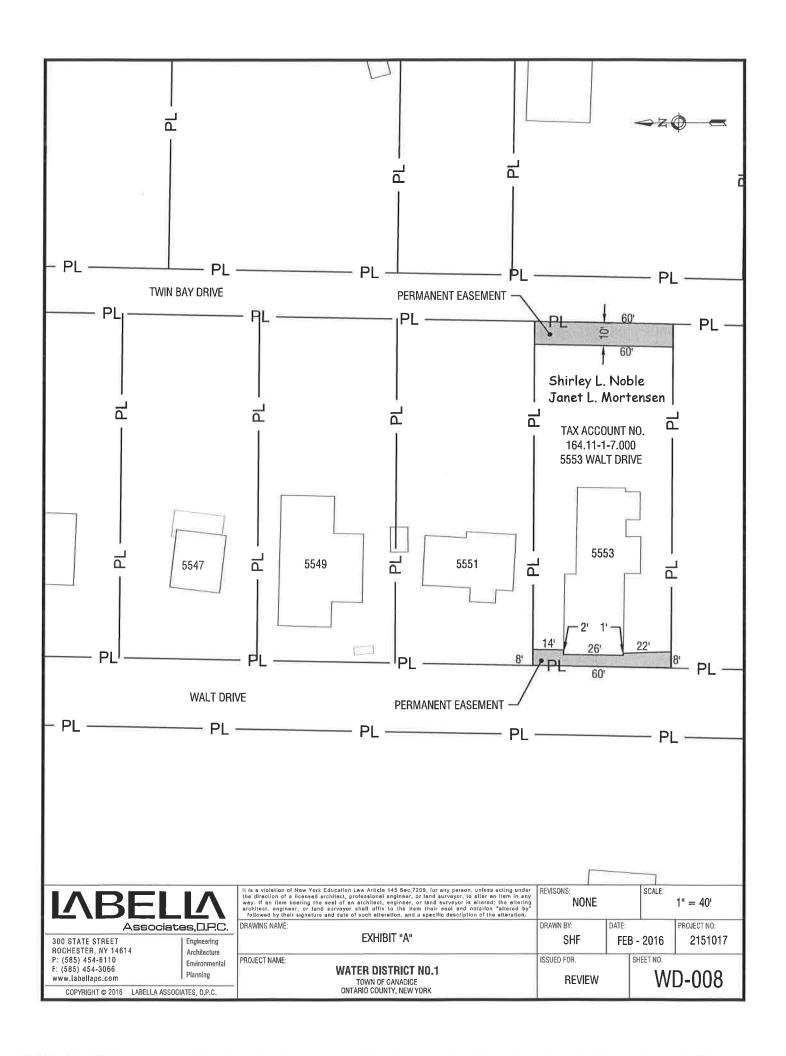
Respectfully submitted, Eileen Schaefer, Town Clerk

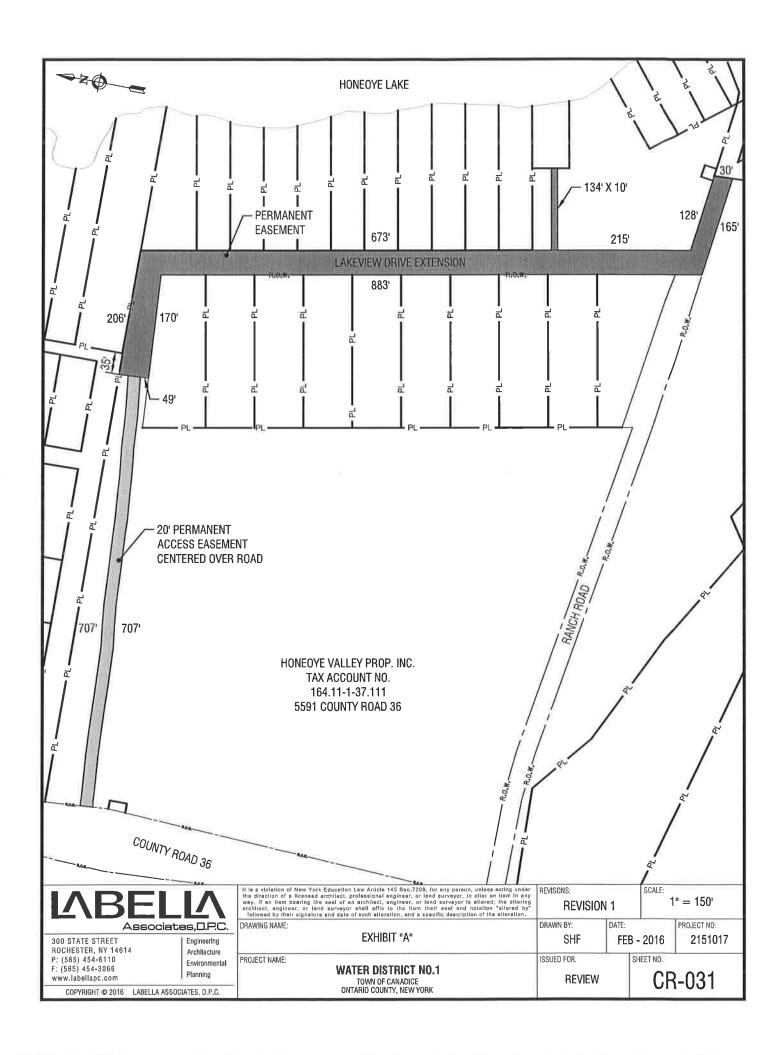
# **EXHIBIT A**

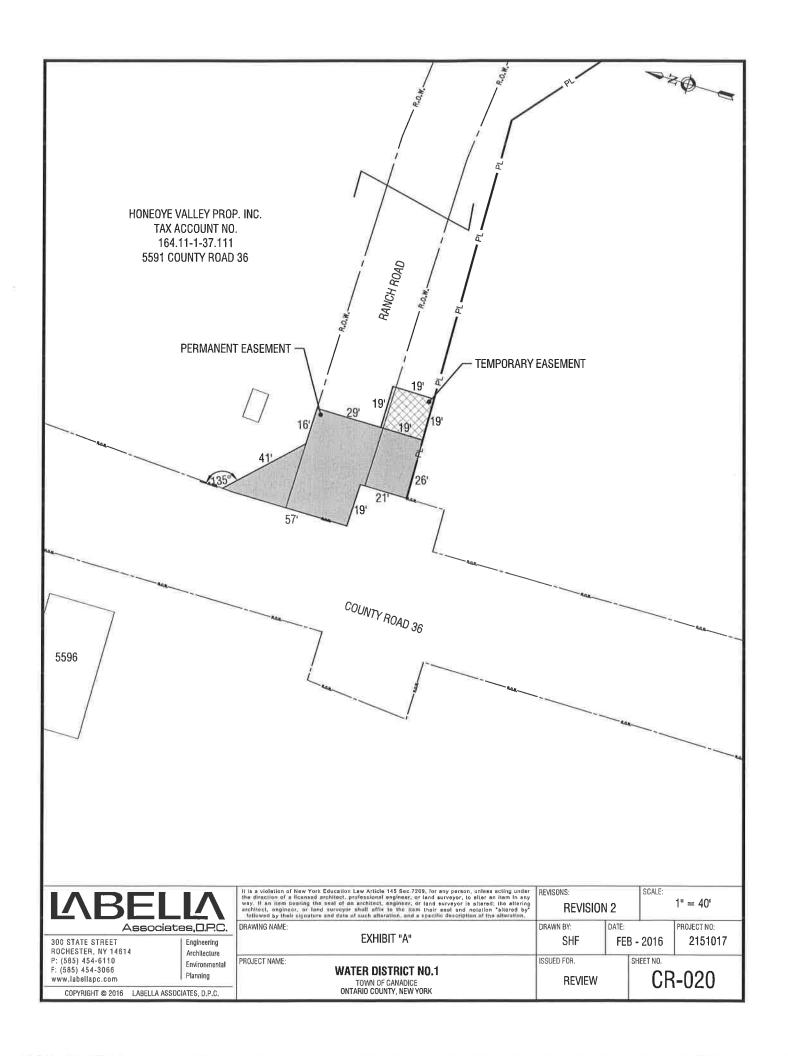


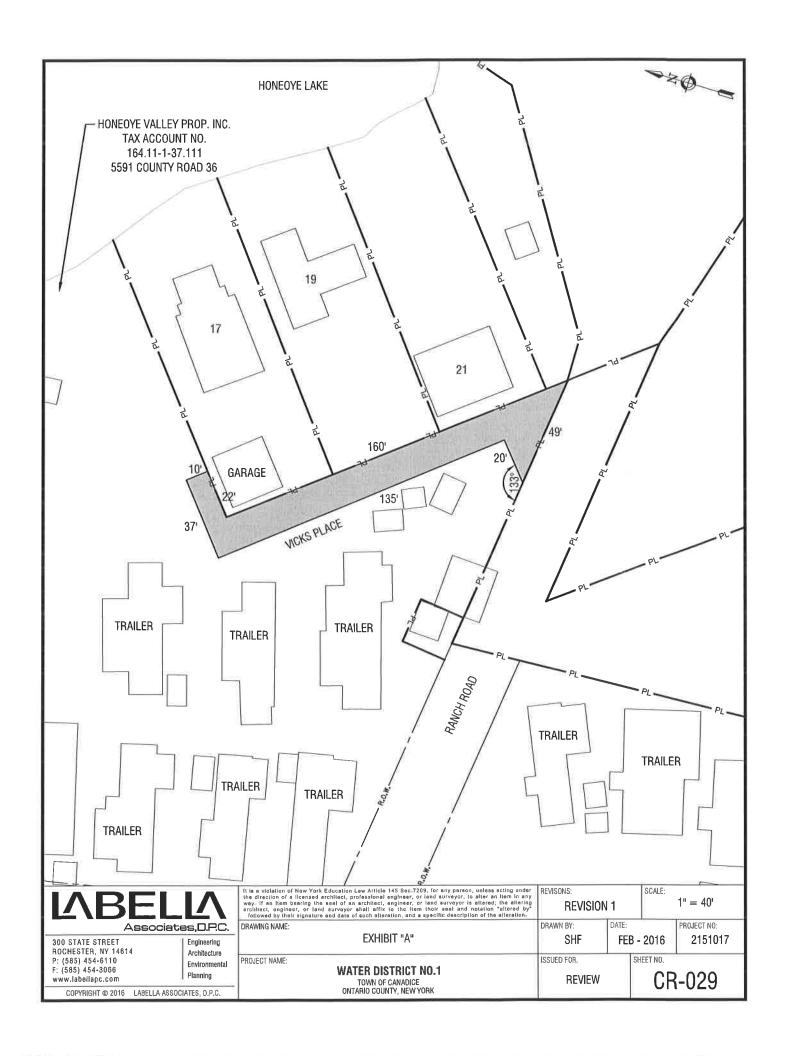


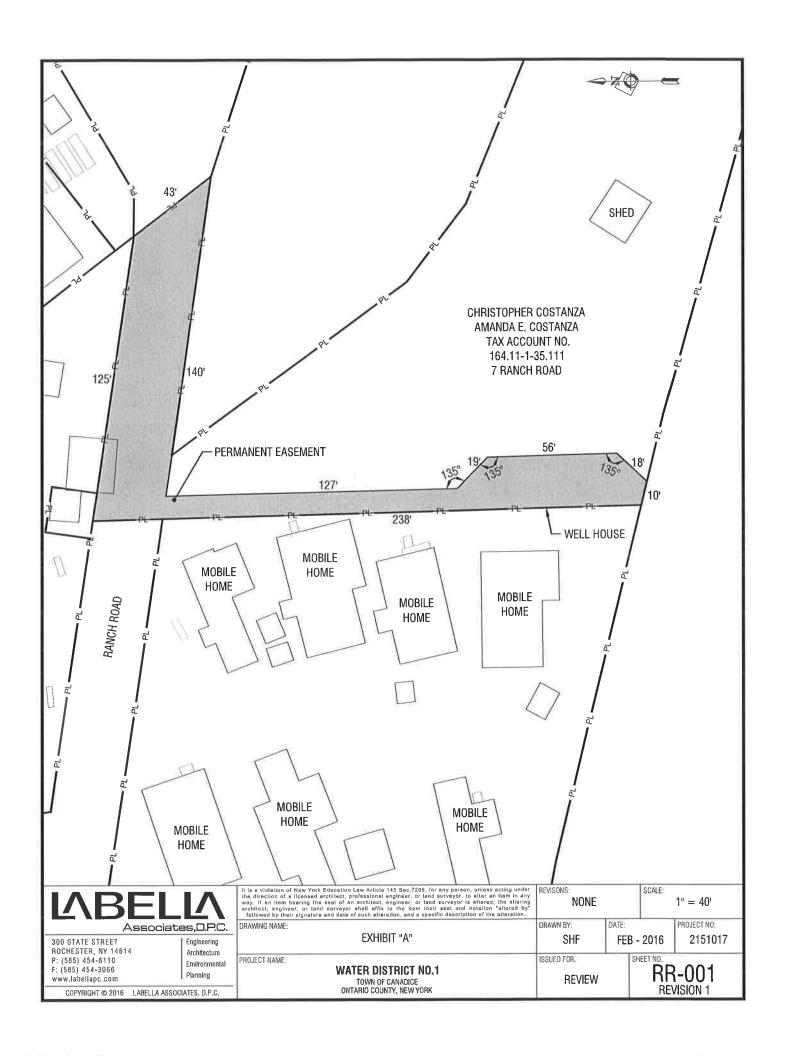


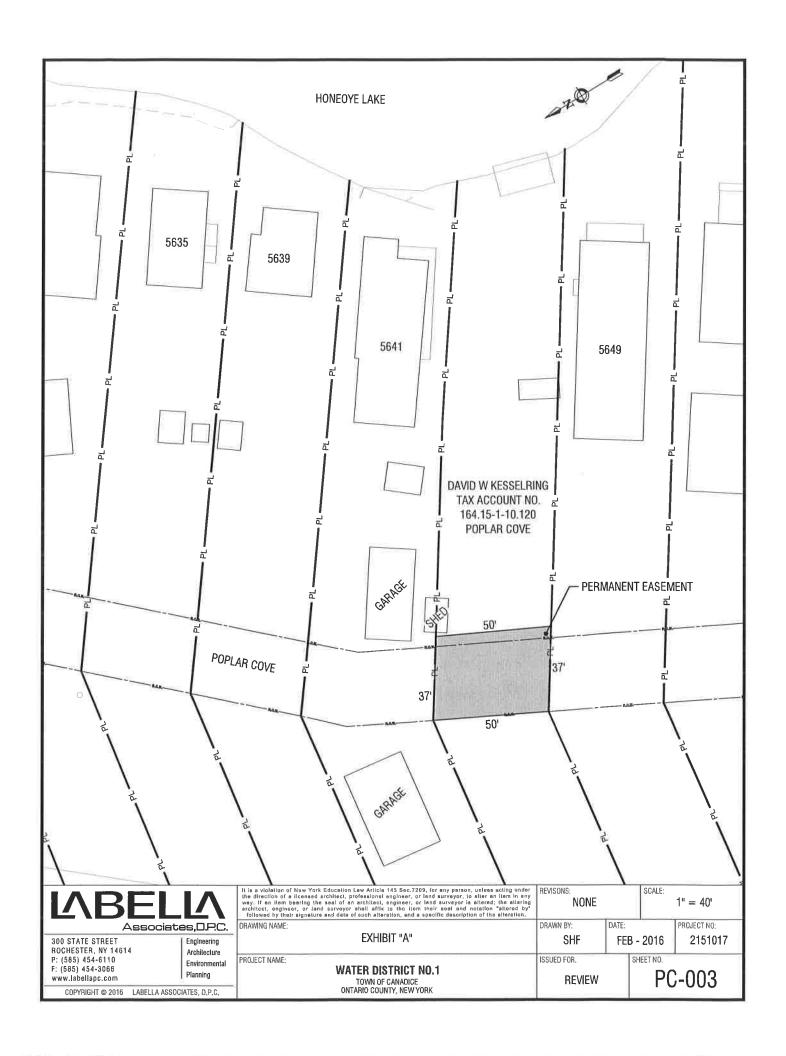


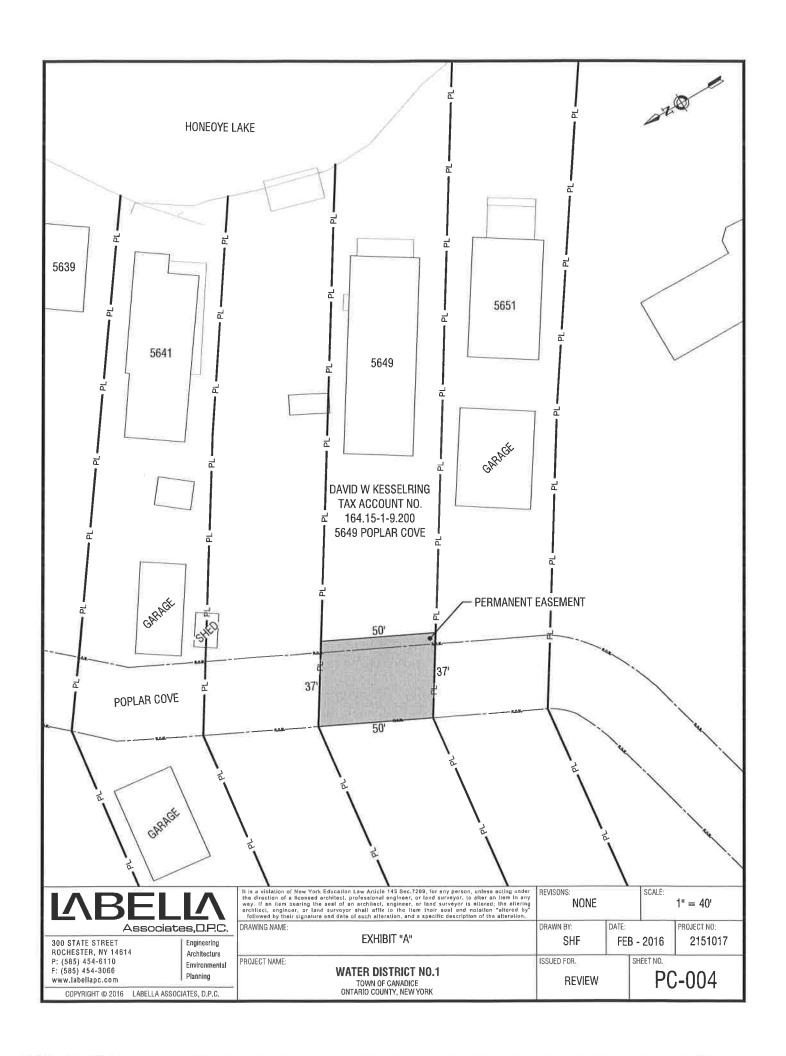


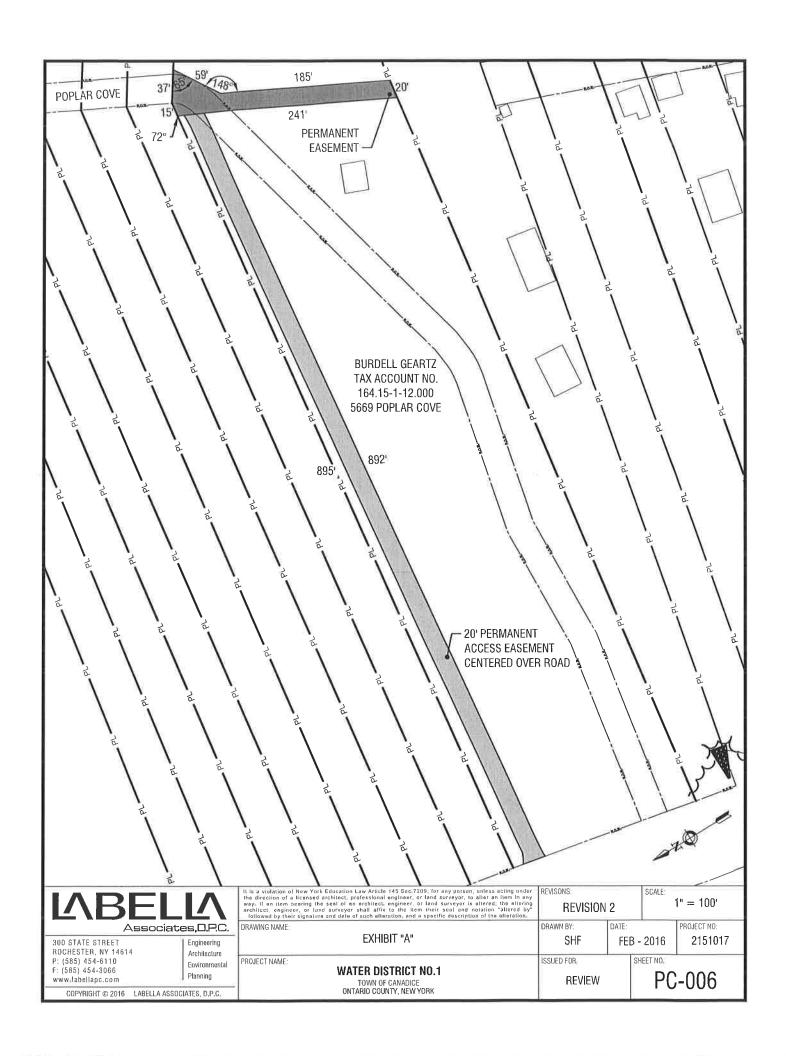


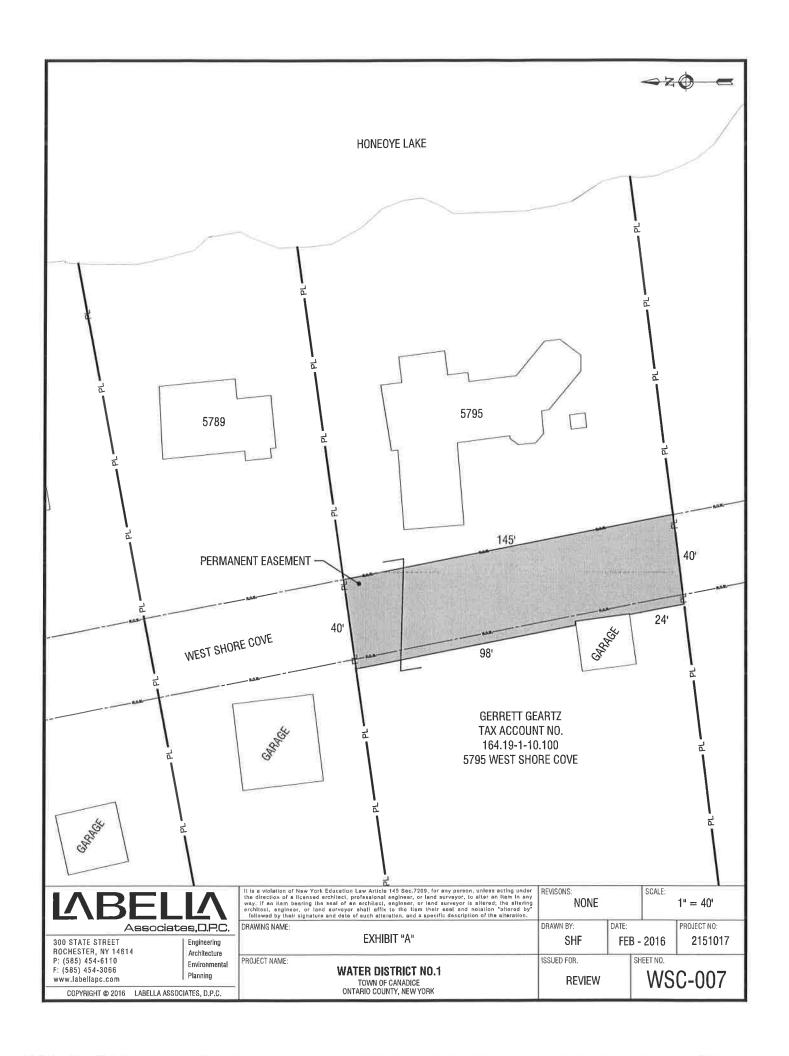


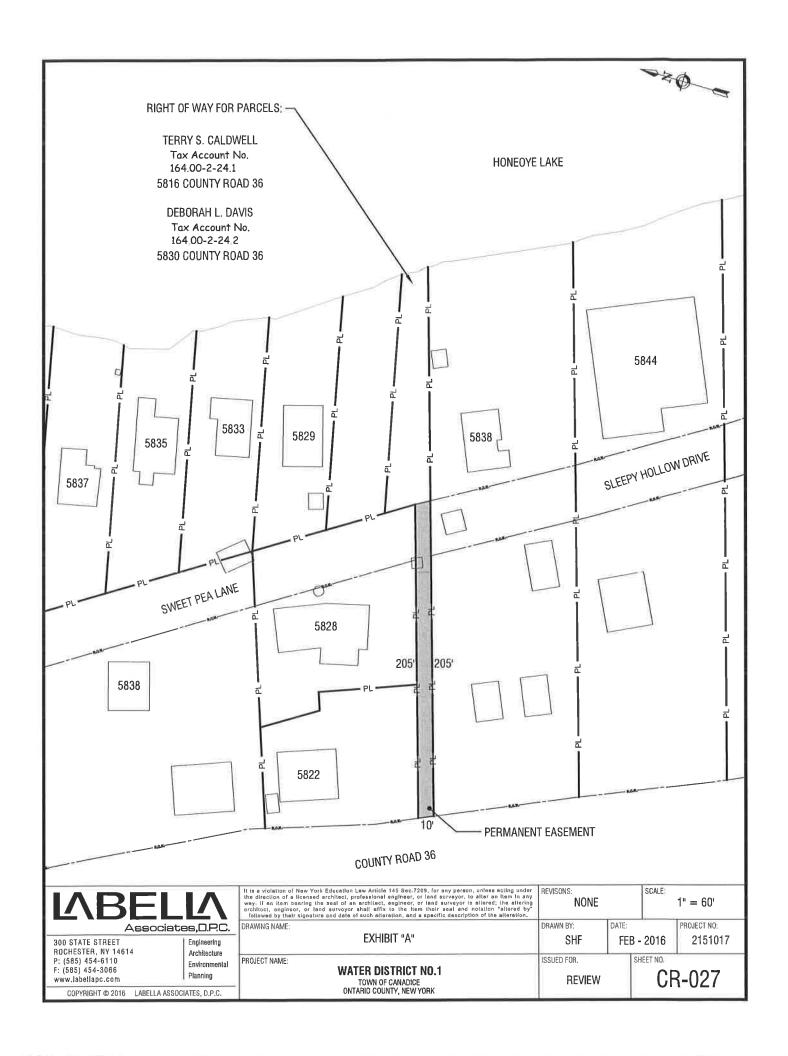


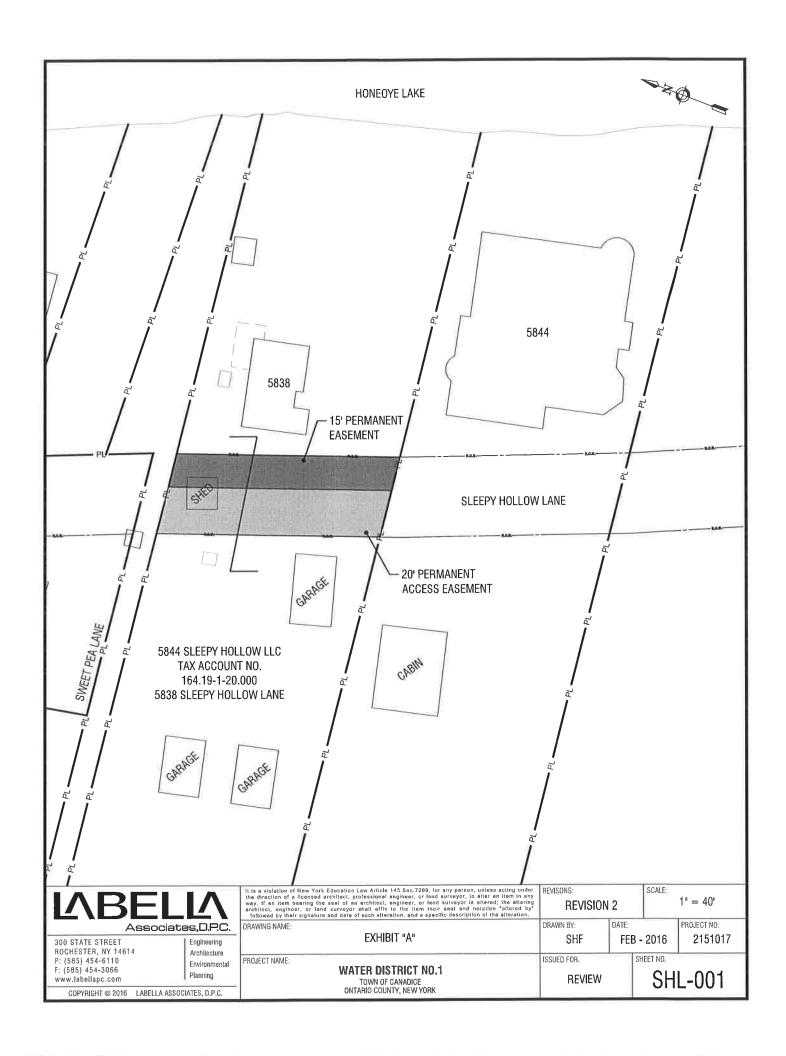


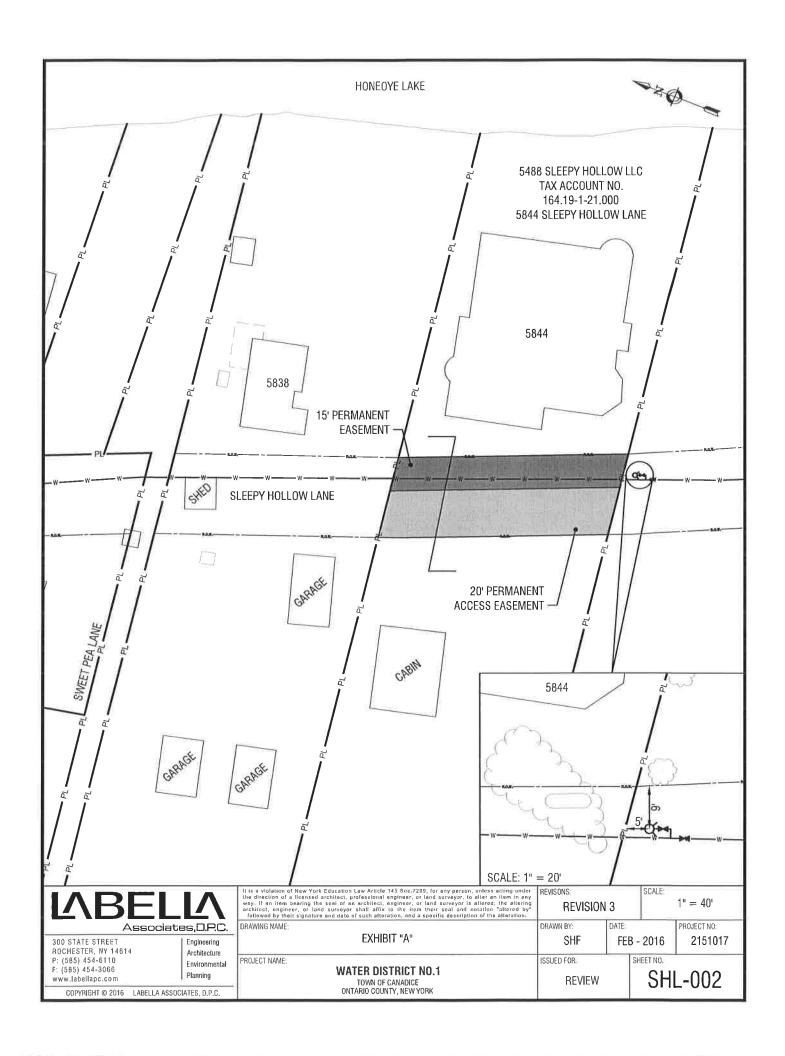


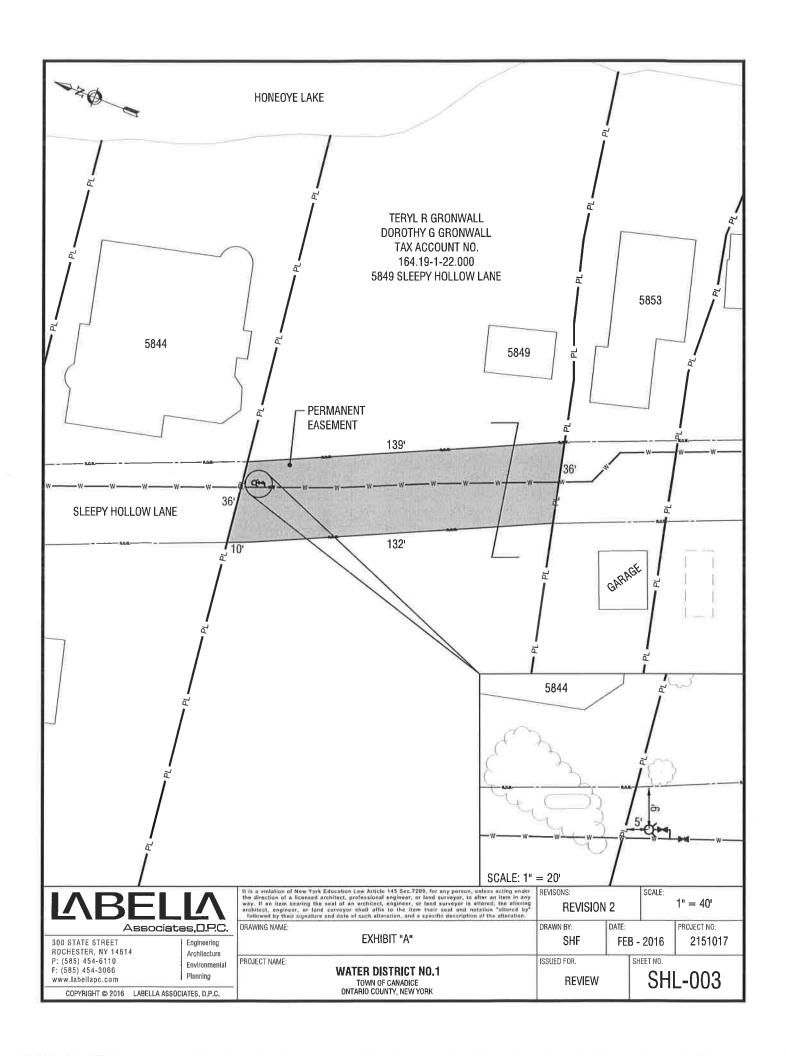


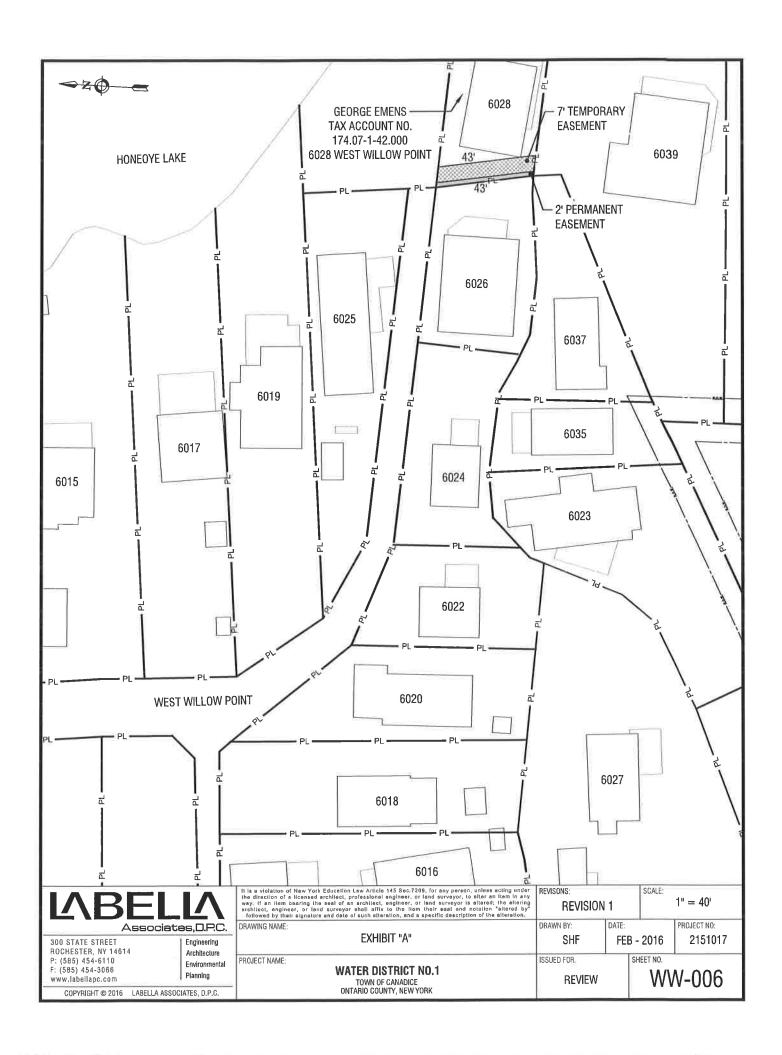


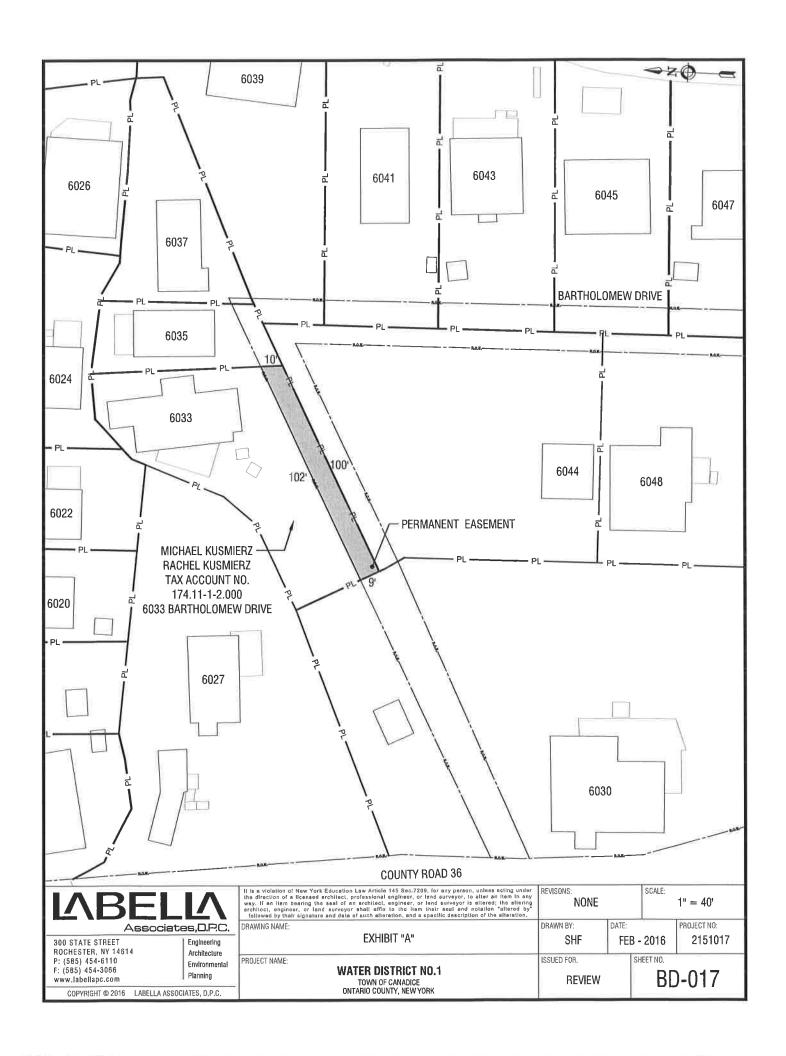


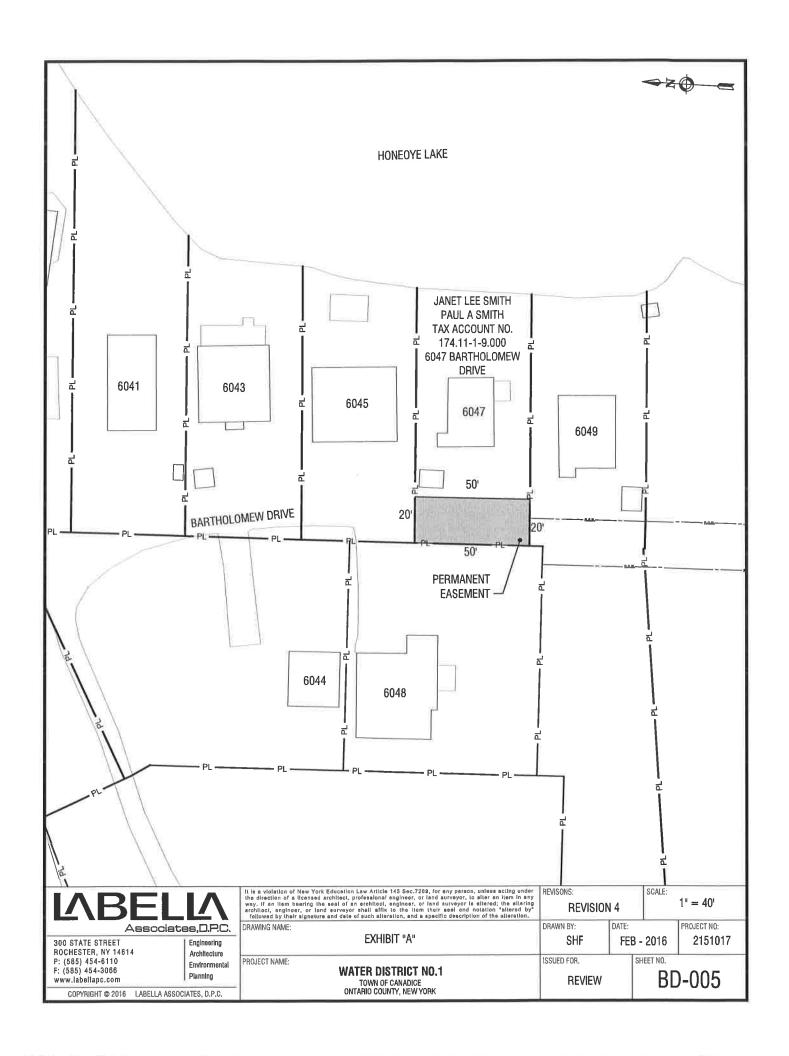


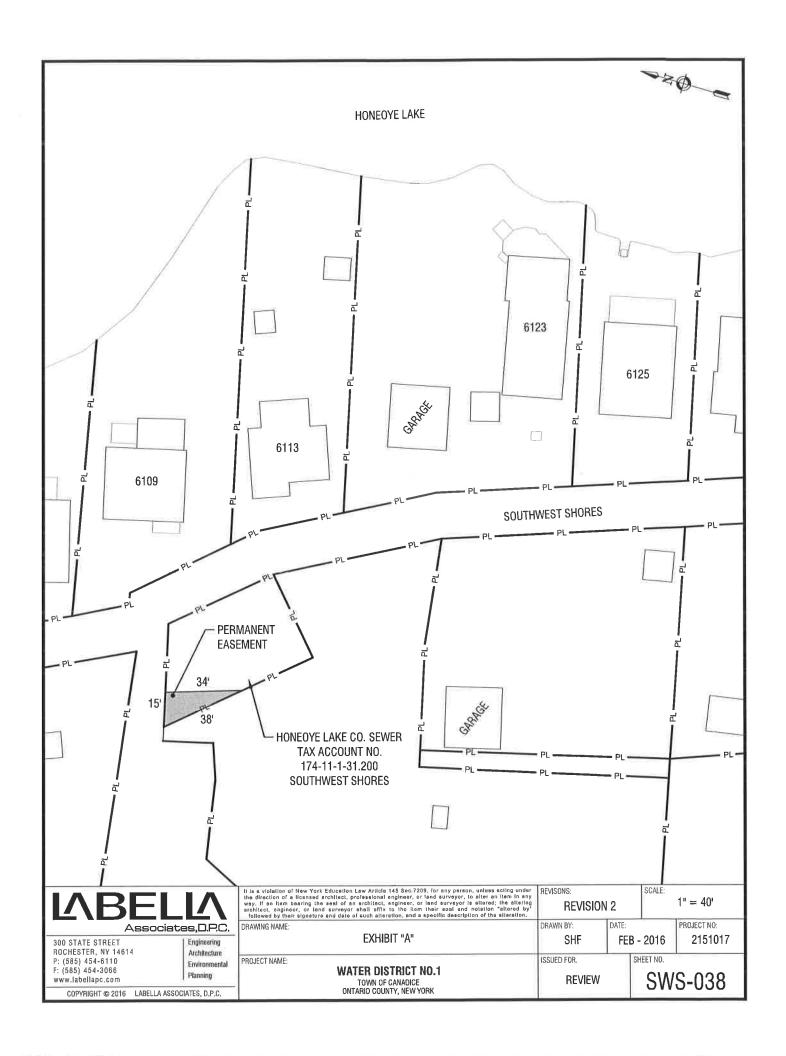


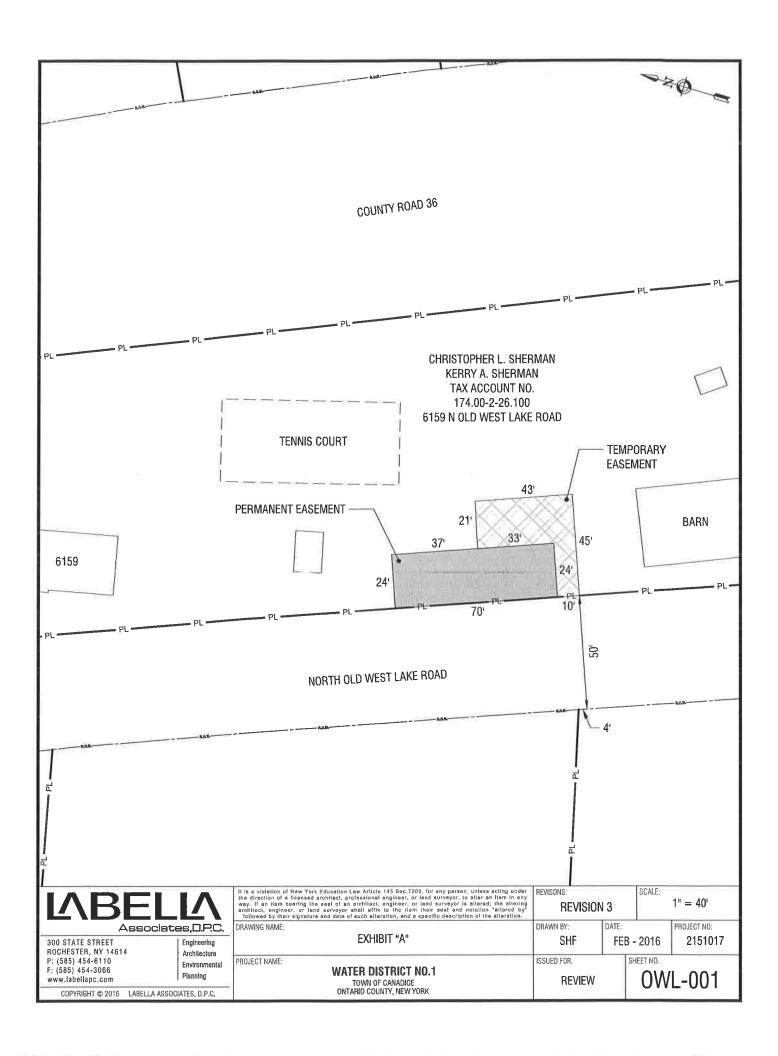


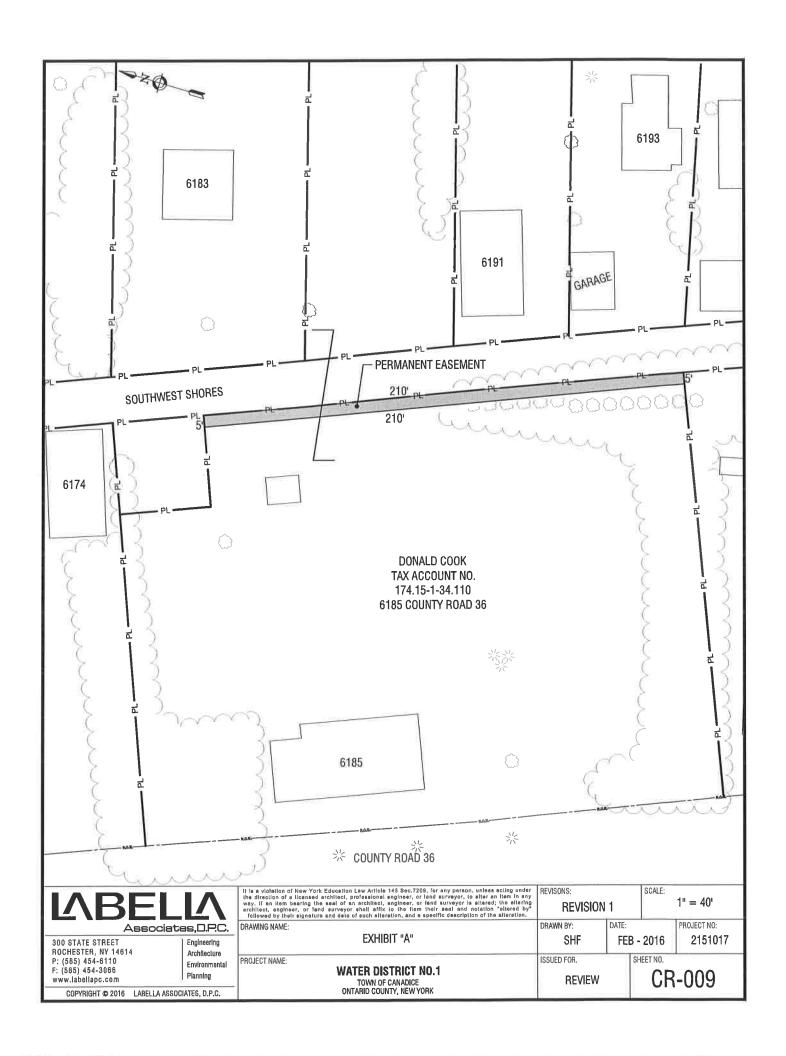


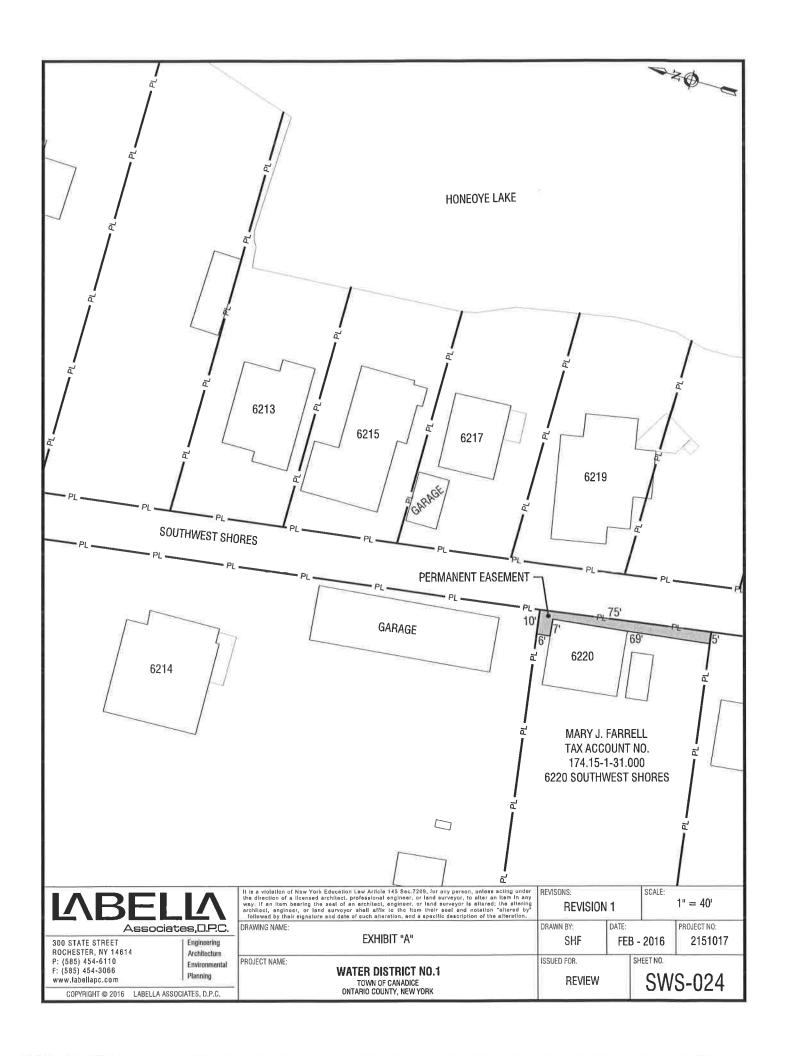


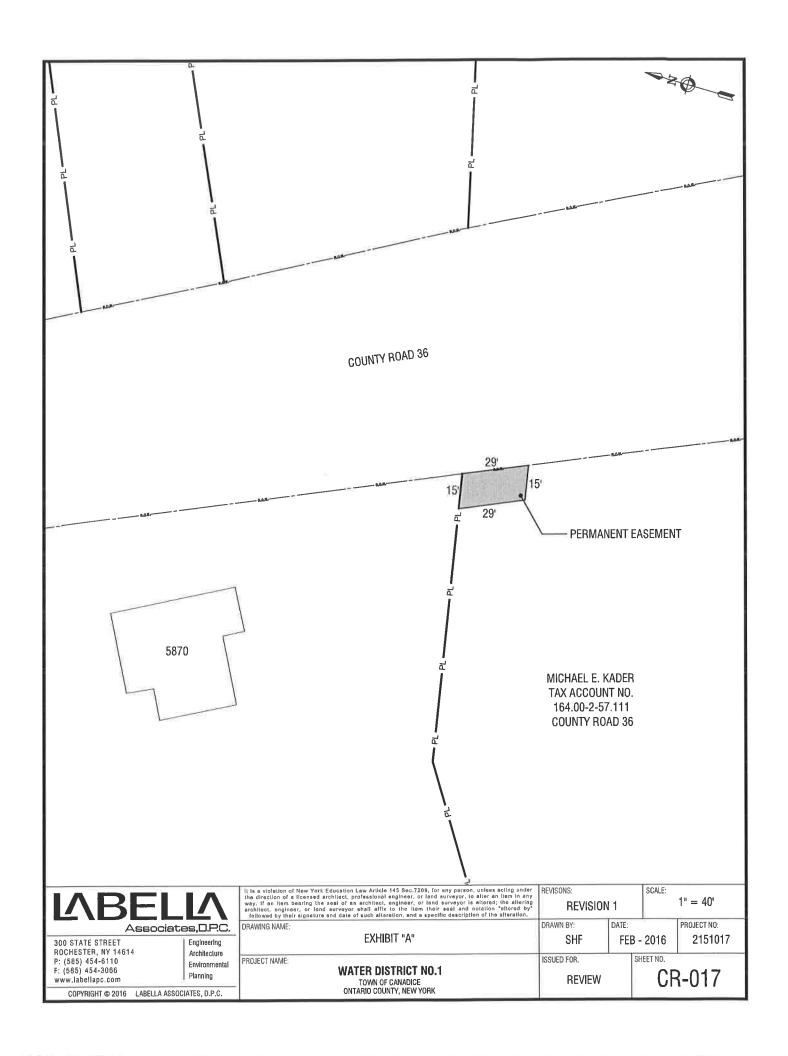














PROJECT

Town of Canadice Water District #1 - Tank Site

DATE: 3/4/16

