

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on May 12, 2014 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: Twenty (20) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of April 14, 2014 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 April 14, 2014 Town Board Meeting.

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

B. PUBLIC HEARING: Regarding findings and order relative to property owned by Charlotte Jones located at 6915 Canadice Lake Road, Tax Map 186.00-2-64.000.

a. Supervisor Singer indicated the order was canceled; CEO Bob Best reported the debris had been removed.

C. PRIVILEGE OF THE FLOOR:

Supervisor Singer opened privilege of the floor with an overview of the water district project and comments pertaining to an email exchange. Richmond is not establishing a new water district, they are extending an existing water district and the process is totally different. The Canadice water district project has been in a holding pattern for almost a year and a half due to the inability to secure a contract for purchasing water. Canadice chose to contract with the City of Rochester Water Authority for operating and maintaining the water district; however we still have to purchase water through the Town of Richmond. Richmond passed a resolution to use Monroe County Water Authority in June 2013. MCWA approved a contract with Richmond in August 2013 that would become active in January of 2014. MCWA could not execute or entertain a contract with Canadice until January 2014. The first available meeting MCWA held where they could discuss our proposed contract was in March of 2014. The NYS Comptroller was waiting for all of those updated documents. The delay in processing may be helpful since we did not qualify for funding or low interest loans when this process started. Our previous census data required income surveys in order to qualify for a Rural Development Grant and we didn’t receive enough surveys. Now the 2010 census data is being used and changes our status. We are working on the paperwork/documentation for a \$750,000 grant and a low interest loan. Costs of the project have increased, but with the funding changes- the estimated cost

per household has gone down a little. Due to requirements for the grant application we have to complete an archeological dig. So we are on an aggressive schedule to complete the requirements for funding.

*Cecile O'Brien questioned why the water tank needed to be moved to the Joe Bear area and how far back it will be. Supervisor Singer indicated it would maintain better pressure without the expense of an additional pump station. Councilman Hershey indicated it will be approximately 500 linear feet up on the slope.

*Gale Consler questioned how often tanks of this nature leak and who is responsible if the tank fails. Supervisor Singer indicated it is probably the town, but she will check.

*Phillip Reifsteck questioned if the initial engineering map has changed. Supervisor Singer indicated the map has not changed. When the Comptrollers approval is received we plan on mailing postcards to property owners with an updated timeline. The engineers have secured the maps for the sewer lines. The intent is to bring in a natural gas company if possible during construction.

*Merrily Hoover questioned if Supervisor Singer has spoken to any fuel companies. Supervisor Singer talked with National Fuel and sent letters to other companies. National Fuel is in Richmond and goes right to the border for Canadice, but they are reluctant to discuss anything. The Public Service Commission may be able to get further with National Fuel.

*Phillip Reifsteck felt Supervisor Singer brought everyone up to date, what are the next steps? Supervisor Singer indicated the archeological dig is the next piece and we will need releases to complete the dig. After the investigation and report are completed and approvals are given, a waiting period has to take place for comments to be received. Then a public hearing for the amended map, plan and report. We will have to go out for bids for construction after that. There will be a public hearing to go out for bid for the bonds. The hope is construction will take place next summer.

*A question was asked- what the estimated time frame might be for completion of the water main once construction begins. Supervisor Singer indicated it could be approximately six weeks.

*Kitty Seablom asked if there will still be two main lines. Supervisor Singer indicated there would be two main lines.

*Phillip Reifsteck questioned the time schedule for the private lines. Supervisor Singer indicated the main lines all have to be in and tested before any other lines are hooked in. We are just buying water from MCWA. City of Rochester Water Authority we have contracted with for O & M. The Town will process the billing. Councilman Hershey added that City of Rochester Water Authority has a staffed water department on Hemlock Lake. Supervisor Singer indicated the Town of Richmond is totally leasing their water system to MCWA. She will talk to LaBella so we can include information with the adjusted timeline that shows when the coordination for digging the individual lines needs to take place.

*Jerry Sherman indicated he has been through this when a new water line was installed in Palmyra. A contractor puts the line in, hooks it up and backfills it. The water authority would just inspect the connection. If you are capable and have your own equipment, you don't need to hire a contractor.

*Councilman O'Connor indicated another reason we did not contract with MCWA was because they wanted to use ductile iron pipe which is not practical with our soils and would increase our costs.

*Councilman Malmendier questioned if there are incentives for hooking up to the water line within the first year. Supervisor Singer indicated they won't be charged the tapping fee during a specific time frame after construction.

*Merrily Hoover indicated she is the person responsible for the email that was sent to Kris. She has received more information this evening than in the last three years. There are still three concerns of which the first is communication. The article regarding grant funds without any mention of Canadice was frustrating; the

second concern is water quality; the third concern is money especially since the amount Richmond is receiving is extraordinary. No new information has been posted on the website for the water project other than the initial information. There are still a lot of rumors regarding where the lines will go. Supervisor Singer indicated there still is no final map for the location of the water lines yet. The USDA governs Rural Development and the standard grant application package is \$500,000. We should qualify for the hardship amount of \$750,000. We had an application in over a year and a half ago even though we were sure we wouldn't be awarded the funds at the time without enough of the income surveys. In general the first and second rounds of an application are at the local level and the third round is at the federal level. Richmond's application hit the third round of the process when their application was deemed complete. The federal level of grant funds is not limited to the \$500,000 or \$750,000 grant awards. The federal pool of funds also includes any grant monies that were not awarded during the first and second rounds of the grant process. Canadice is in the first round of the grant application process for this year and is not complete yet. The probability for the \$750,000 is looking very good, so our numbers are based on that with the low interest funding. Councilman O'Connor indicated if Richmond had only received the \$500,000 or \$750,000 Gillibrand and Schumer would not have made any comments and really had nothing to do with the process. Unfortunately the speed of government is not quick.

*Merrily Hoover is still concerned about communication. Richmond has an update every month on their website. Supervisor Singer indicated she will not pay engineers with tax payer funds to update the website and does not have the time to post everything. Councilman Malmendier indicated he feels he can update the website periodically to keep everyone current with the project. He also suggested a possible representative that would talk to board members or act as a liaison by attending town board meetings when others are unable to.

*Superintendent Virgil indicated that as a previous town board member he had a personal complaint that no one ever called him with questions. They all have personal lives and are busy; but are certainly accessible for questions.

*Phillip Reifsteck indicated it sounds like the Board has passed through all of the governmental hurdles. Supervisor Singer indicated we have not, but are far enough along that there shouldn't be any major delays.

*Supervisor Singer thanked everyone for attending the meeting as most of the attendees left.

*Terry Gronwall indicated he and Dorothy have a different view of the Richmond water project and the degree of communication that has transpired over the last six to twelve months when they attended the Richmond Town Board meetings. They haven't looked at the website, but go to the meetings and listen to the dialogue there.

D. COMMUNICATIONS:

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

E. 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. Robert Best.
 - a. The written report for the month of April was submitted (see T. C. file).

4. Planning Board- Mr. Theodore Mayhood.
 - a. April draft minutes were submitted (see T. C. file).
 - b. The Natural Resource Extraction Committee is kicking off their first meeting this evening. Steve Engard, Ed Johnson and Annette Collins are working with Brian Kane.
 - c. The Turtle Rock Hollow project was withdrawn.
 - d. Just an FYI, the Planning Board members are discouraged with the lack of movement on the Comprehensive Plan Update. Mr. Mayhood indicated he reminded them the Town Board received the last revisions late and the water project is consuming a great deal of time. However, please let them know if there is anything the Planning Board can do to help. Supervisor Singer indicated the Town Board has to finish the items left for the process. Councilman Malmendier mentioned he might be able to reformat the files and provide something for the Town Board to review.
 - e. Still looking for an alternate member for the Planning Board.
 - f. Mr. Mayhood and Councilman Malmendier attended the local law review. Mr. Mayhood indicated the recommendations were not practical for us or they are already covered in our current laws. Councilman Hershey felt most of the items are already covered in our laws. Mr. Gronwall mentioned the assessment process had to be completed in order to keep with NYS requirements for grant funds.

5. Zoning Board of Appeals- Mrs. Linda Moorhouse.
 - a. No report.

6. Highway Superintendent- Mr. Mike Virgil
 - a. The written report for the month of April was submitted (see T. C. file).
 - b. Oil separator needed to be pumped out; checked with another vendor in Syracuse for pricing. They are doing more work in the area so we may have another option in the future.
 - c. The auction at Teitsworth brought in a great deal of money.

7. Honeoye Lake Watershed Research Taskforce- Councilman Hershey.
 - a. The grant is complete now that the local laws project is done.
 - b. The Nature Conservancy is holding a meeting to review recommendations made by Princeton Hydro for work in the inlet.
 - c. June 12th there is a Private Septic System Best Practices seminar at the Honeoye Public Library.
 - d. Starting June 1st testing will be done weekly for blue-green algae since more funding was secured.
 - e. Bruce Gilman will be managing a Zebra mussel population survey, a ten-year macrophyte survey and Terry Gronwall will handle the electronic macrophyte mapping; so we will have better data of what is

growing in the lake.

f. Mr. Gronwall also mentioned that DEC & Dr. Boyer are taking a real interest in the data being collected to figure out what is happening with Honeoye Lake.

8. Assessor- Mrs. Lisa M. Bennett

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

9. Special Reports-

a. Fire District Negotiations: Councilman O’Connor indicated he still hasn’t heard from David Holmes from Springwater. Craig Deats and John Renner from Richmond will try to contact Livingston County to get ambulance and fire call numbers for 2013 that Springwater received. Supervisor Singer will contact Jeff Harloff from Ontario County. Supervisor Singer commented on some information in previous minutes of the Richmond Fire District regarding possible invoicing of ‘out of district’, or ‘mutual aid’ fire calls. Councilman Statt indicated that currently fire districts cannot bill for that service.

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 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

F. UNFINISHED BUSINESS:

1. Water District Update-

a. Already discussed during privilege of the floor.

2. Pick-up purchase and sale – No bids were received for the pick-up that is for sale. After some discussion; Councilman O’Connor motioned and Councilman Hershey seconded the motion to leave the bids open for one week and any bid received must exceed \$21,000.

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

3. Resolution Number 26 of 2014- Resolution Authorizing The Execution And Delivery Of Lease Purchase Agreement And Related Instruments With Real Lease, Inc., And Determining Other Matters In Connection Therewith

Councilman Hersey 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 governing body of the Town of Canadice (“*Lessee*”) a body of politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal

property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and WHEREAS, The Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and WHEREAS, In order to acquire such equipment, the Lessee proposes to enter into that certain Equipment Lease-Purchase Agreement (the "*Agreement*") with Real Lease, Inc. (the "*Lessor*"), the form of which has been presented to the governing body of the Lessee at this meeting; and WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, therefore, be it RESOLVED, By the governing body of Lessee as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the Supervisor of the Lessee is hereby authorized and directed to execute, and the Town Clerk of the Lessee is hereby authorized and directed to attest and countersign the Agreement and affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The proper officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the Lessee as provided in the Agreement.

Section 4. Section 265(b)(3) Designation. Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. Lessee further represents that Lessee reasonably anticipates that Lessee and other entities that Lessee controls will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000,000 during the calendar year in which the Agreement is executed and delivered.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This Resolution shall be effective upon adoption by the governing body of the Lessee and approval of the attorney for the lessee of the Resolution, Agreement and related documents.

4. Property Tax Freeze Legislation-Supervisor Singer indicated that basically if someone has a tax bill of \$3,000 and the town is compliant with the tax freeze a resident would be eligible for a rebate and they must be STAR eligible; then your refund would be approximately \$43.80. Most people that are eligible will receive \$100 or less.

5. Resolution Number 27 of 2014- Authorization To Execute Ontario County Multi-Jurisdictional All-Hazard Mitigation Plan Update Memorandum Of 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, This Board was a party to the Ontario County Multi-Jurisdictional All-Hazard Mitigation Plan adopted in 2009; and

WHEREAS, The plan requires periodic updates; and

WHEREAS, Ontario County Planning is coordinating the update of the existing plan to be in compliance; now, therefore, be it

RESOLVED, That this Board authorizes the Supervisor to execute the Memorandum of Agreement with Ontario County; and, be it further

RESOLVED, That the Clerk of this Board is to send certified copies of this resolution along with a copy of the signed Memorandum to Tim Jensen at the Ontario County Planning Department and to Highway Superintendent Michael Virgil, the Canadice representative to the update committee.

G. NEW BUSINESS:

1. Resolution Number 28 of 2014- Authorization To Execute Roadside Mowing Contract With Ontario County

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, Ontario County desires to continue having the Town of Canadice mow the roadsides along designated County roads within the Town; and

WHEREAS, Canadice Highway Superintendent Michael Virgil, and this Board agree with the renewal of the terms set forth in the contract presented for the 2014/15 season; now, therefore, be it

RESOLVED, That this Board gives authorization to the Supervisor to execute the contract renewal containing the same terms as the 2008 contract with adjusted rates; and, be it further

RESOLVED, That the Clerk of this Board send the signed copy of the renewal agreement along with a certified copy of this resolution to William Wright, Commissioner of Public Works; and, be it further

RESOLVED, That the Clerk of this Board send a copy of the executed agreement and a copy of this resolution to Michael Virgil, Canadice Highway Superintendent and retain a copy of said agreement for Town records.

2. Resolution Number 29 of 2014- Reappointment – Ontario County Planning Board

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 term of the Town of Canadice representative to the Ontario County Planning Board will expire on July 31, 2014; and

WHEREAS, Mr. Stephen Groet has served in this position since 2004; and

WHEREAS, Mr. Groet has indicated that he would like to remain as the Canadice representative on the Ontario County Planning Board; and

WHEREAS, This Board after due deliberation agrees that Mr. Groet has been and will continue to be an asset to the Ontario County Planning Board and is pleased that he wishes to be reappointed to said board; now, therefore, be it

RESOLVED, That this Board does hereby recommend the reappointment of Mr. Stephen Groet as the Canadice representative to the Ontario County Planning Board commencing August 1, 2014 and terminating on July 31, 2019; and, be it further

RESOLVED, That the Clerk of this Board send certified copies of this resolution to Mr. Groet, the Secretary of the Canadice Planning Board and the Ontario County Planning Department.

3. Employee Handbook- Councilman Malmendier is looking through some information to update an old version of our employee handbook that was originally developed for the Highway Department. Superintendent Virgil will send Councilman Malmendier NYMER’s website link that has some sample documents that could be used. Councilman Hershey questioned if there would be very many changes. Councilman Malmendier indicated it will not change core policies, but workplace compliance issues like no smoking, workplace violence or sexual harassment are examples.

4. Resolution Number 30 of 2014- Appreciation – Mr. Michael Virgil

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, Michael Virgil tendered his resignation from the position of Town Board Member effective March 14, 2014 to embark on a new career as the Canadice Highway Superintendent; and

WHEREAS, Mr. Virgil has served as Town Board Member since January 1992 utilizing his expertise as a private sector business owner to benefit the citizens of Canadice; and

WHEREAS, Mr. Virgil also served as the Deputy Town Supervisor, fondly referred to as ‘Deputy Dog’, for most of those years; and

WHEREAS, Mr. Virgil has been an integral part of the countless decisions and projects this Board has undertaken during his tenure; and

WHEREAS, During his tenure Mr. Virgil demonstrated integrity and dedication to both the Town and its citizens and exhibited those unique attributes and qualities which exemplify the characteristics expected of individuals serving in public service; and

WHEREAS, Mr. Virgil has certainly left his mark on the Town Board of the Town of Canadice; and

WHEREAS, This Board is pleased that Mr. Virgil is going to continue his service to the Town of Canadice

and its residents in his new position; now, therefore, be it
 RESOLVED, That this Board, on behalf of the citizens of the Town of Canadice, expresses its appreciation to Mr. Virgil for his service and dedication to the Town; and, be it further
 RESOLVED, That this Board supports and offers their cooperation and best wishes to Mr. Michael Virgil as he enters this new career; and, be it further
 RESOLVED, That the Clerk of this Board send a certified copy of this resolution to Mr. Virgil.

5. Resolution Number 31 of 2014- Authorization To Execute A Municipal Accounting Software Support Contract With Williamson Law Book Company
 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, This Board purchased the Municipal Accounting Software Program from Williamson Law Book Company in 1998; and
 WHEREAS, The software support is an annual renewable contract at a rate of \$907.50 for 2014; and
 WHEREAS, The Budget Officer recommends the contract be purchased; now, therefore, be it
 RESOLVED, That this Board authorizes the Supervisor to execute said contract and remit the contract fee to Williamson Law Book Company; and, be it further
 RESOLVED, That the Clerk of this Board send a certified copy of this resolution with the executed contract to Williamson Law Book Company and retain a copy in the Town files.

6. 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 #5 for 2014-

	Voucher#	
General Account		\$ 13,236.36
Highway Account		<u>\$ 14,138.25</u>
Total General, Highway	#148 to #199	\$ 27,374.61
Trust & Agency	#6	\$ 405.79

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

- *Councilman Malmendier questioned the \$39.00 overcharge and the property damage charge on the copier. Supervisor Singer indicated the charge is from when they picked up the previous copier.
- *Councilman O'Connor questioned if we normally send something like the flowers for Austin White's funeral. Supervisor Singer indicated that is normal practice and since Jean was an employee here, the Town will send some type of condolence.
- *Councilman Hershey mentioned he thought the quarterly sales tax revenue has gone down considerably. Supervisor Singer indicated it has.

H. PRIVILEGE OF THE FLOOR:

1. Councilman O'Connor provided the Memorial Day schedule for services: Monday May 26th - 9:00 am in Bristol, 9:30 am in Hemlock, 10:30 am in Canadice and 11:00 am in Richmond.
2. Councilman O'Connor also mentioned the Richmond VFW Post provided a new POW flag for the Canadice Town Hall.
3. Councilman Hershey thanked the Legion for sponsoring his son to attend the American Legion Boys State Program.

I. ADJOURNMENT:

Councilman O'Connor motioned, Councilman Hershey seconded, and it was unanimously carried to adjourn the meeting at 9:40 pm.

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

Respectfully submitted, _____ Eileen Schaefer, Town Clerk