

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on September 11, 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: Seven (7) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of August 14, 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 Statt motioned, Councilman Malmendier seconded, and it was unanimously carried to approve the minutes of the August 14, 2017 Town Board Meeting.

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

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

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 August 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. Stephen Smith.
 - a. The written report for the month of August was submitted (see T. C. file).
 - b. Supervisor Singer asked if Mr. Simmons has been in contact with CEO Smith. He has not received further communication from him. Attorney Chalifoux indicated they would need to submit their concerns/complaints in writing before they will be addressed.
4. Planning Board- Mr. Theodore Mayhood.
 - a. Draft minutes were submitted to the Town Board (see T. C. file).
 - b. Two site-plan applications were completed. Mr. Fagan's was approved with a couple of conditions and Mr. O'Leary's was approved with no additional conditions.
 - c. A new site-plan application was started for Marcy & George Vanderstow.
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 August was submitted (see T. C. file).
 - b. The new radios are all installed in the vehicles.
 - c. The Verizon NetworkFleet is installed and working well.
 - d. Mr. Mazzola's road safety signs are in and ready to be installed.
 - e. Canadice Hollow Road culvert replacement paperwork has been re-filed with the suggested changes from NYSDEC. We are waiting for approval to proceed with the culvert replacement.
7. Honeoye Lake Watershed Research Taskforce- Councilman Hershey.
 - a. A written report was submitted by Mr. Terry Gronwall (see T.C. file).
 - b. The last two weeks there has been a classic late summer blue-green algae bloom.
 - c. This is the last week the weed harvesting will take place and the shoreline weed fragment pick-up barge will be done the week of October 9th.
8. Assessor- Mrs. Lisa M. Bennett
 - a. The written report for the month of August was submitted (see T. C. file).
9. Special Reports
 - a. Water District Update:
 - *Discussions with MCWA are ongoing. Attorney Chalifoux just met with their attorney. The discussions are related to the wholesale cost of purchasing the water.
 - *A few easements are needed that just came up and the resolutions we are passing tonight take care some remaining house-keeping items.
 - *Councilman Malmendier indicated about a quarter of the curb stop maps have come back. The schedule still indicates customers will connect the summer/fall of 2018.
 1. **Resolution Number 42 of 2017** – Authorization To Amend Budget Line For Legal Services Provided By Andrew F. Emborsky, Esq. For Water District No. 1
Councilman Hershey 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 Town of Canadice entered into an agreement with Kruk and Campbell PC for Andrew F. Emborsky, Esq., then the Town Attorney, to provide legal services for the Water District No. 1 project; and WHEREAS, the not-to-exceed limit for this legal services agreement was \$25,000; and WHEREAS, Mr. Emborsky subsequently left Kruk and Campbell PC and joined the firm of Bennett Schechter Arcuri & Will LLP, while continuing to work as the Town Attorney and attorney for Water District No. 1; and

WHEREAS, Mr. Emborsky billed the Town of Canadice a total of \$15,645 for work related to Water District No. 1, including work performed at each of the law firms; and

WHEREAS, in 2016 the Town retained the services of Chalifoux Law to act as Town Attorney and to provide legal services for the Water District No. 1; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the reduction in the budget line for legal services provided by Mr. Emborsky through the two law firms named above from \$25,000 to the actual billings of \$15,645, with a corresponding increase in the Contingency; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Kathy Dear with LaBella and Associates, Kristine Singer, Canadice Supervisor and retain a copy in the Town’s permanent records.

2. Resolution Number 43 of 2017 – Authorization To Execute A Water Infrastructure

Improvement Act Grant Agreement With The NYS Environmental Facilities Corporation

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, the Town of Canadice is undertaking the construction of water system improvements to serve the Town of Canadice Water District No. 1; and

WHEREAS, the total project cost is currently estimated to be \$6,000,000; and

WHEREAS, the Town has obtained approval for \$2,000,000 in loan funding from the USDA- Rural Development, and has a supplemental funding request for \$1,000,000 pending with that agency; and

WHEREAS, the Town has obtained approval for \$3,000,000 in grant funding from the NYS Environmental Facilities Corporation under the Water Infrastructure Improvement Act Program (Grant No. 18236); now, therefore be it

RESOLVED, that the Supervisor of the Town of Canadice is authorized to execute a Water Infrastructure Improvement Act Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Canadice’s obligations under the grant agreement; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Jeffrey Lanigan, Esq. with NYS Environmental Facility Corporation, Kathy Dear with LaBella and Associates, Kristine Singer, Canadice Supervisor and retain a copy in the Town’s permanent records.

3. Resolution Number 44 of 2017 – Authorization To Execute Owner’s Instruction To Engineer Concerning Bonds And Insurance Regarding Construction Of Canadice Water District No. 1

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, the Town of Canadice is undertaking the construction of water system improvements to serve the Town of Canadice Water District No. 1; and

WHEREAS, the total project cost is currently estimated to be \$6,000,000; and

WHEREAS, the Town has obtained approval for \$2,000,000 in loan funding from the USDA- Rural Development, and has a supplemental funding request for \$1,000,000 pending with that agency; and

WHEREAS, the Town has obtained approval for \$3,000,000 in grant funding from the NYS Environmental Facilities Corporation under the Water Infrastructure Improvement Act Program (Grant No. 18236); and

WHEREAS, the Town Board, acting as the Owner of the District, needs to establish the Bonding and Insurance requirements relative to the construction of the District prior to the solicitation of bids; and

WHEREAS, this Board has reviewed the proposed bonding and insurance requirements set forth in the document as suggested by the Town’s insurance carrier, legal counsel and the project engineer and agrees with the limits set forth in the document; now, therefore be it

RESOLVED, that the Supervisor of the Town of Canadice is authorized to sign the Owner’s Instruction to Engineer Concerning Bonds and Insurance for submission to the engineer for inclusion in the bid documents; and be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution along with the executed instruction document to Michael Schaffron with LaBella and Associates, Kristine Singer, Canadice Supervisor and retain a copy in the Town’s permanent records.

4. **Resolution Number 45 of 2017** – Authorization To Execute Agreement With Dr. Michael E. Kader Regarding Property Transfer And Terms Pertaining To The Construction Of Canadice Water District No. 1

Councilman Hershey 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 Town of Canadice is undertaking the construction of water system improvements to serve the Town of Canadice Water District No. 1; and

WHEREAS, it was necessary to obtain a location with access for placement of the water reservoir and monitoring equipment; and

WHEREAS, the Town has negotiated with Dr. Michael E. Kader to purchase of a portion of his parcel along County Road 36 with necessary easements; and

WHEREAS, the Town Board has also agreed to additional terms as stated in the agreement to the satisfaction of Dr. Kader that also meets the needs for operation of the Water District No. 1; and

WHEREAS, this Board has reviewed the proposed agreement and terms negotiated with Dr. Kader agreeing with all terms and conditions set forth; now, therefore be it

RESOLVED, that the Supervisor of the Town of Canadice is authorized to execute all documents necessary to complete the title transfer and grant the easements necessary for the placement and operation of the reservoir for Canadice Water District No. 1; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Sheila Chalifoux, Attorney for the Town, Kristine Singer, Canadice Supervisor and retain a copy in the Town’s permanent records.

5. Resolution Number 46 of 2017 – Budget Modification - 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, the Town of Canadice executed contracts with LaBella Associates, DPC (Planning Division) in October 2011 and January 2014 for the preparation of the Initial and Final RD applications for the Water District No. 1 Project; and

WHEREAS, the Town of Canadice executed a contract with LaBella Associates, DPC (Planning Division) in June 2016 for the preparation of the NYS Water Grant application for the Water District No. 1 Project; and

WHEREAS, the Town of Canadice incurred costs in the amount of \$1,600, \$1,800 and \$800 for these services, respectively; and

WHEREAS, these costs are not eligible to be paid with Rural Development funding, but are potentially eligible to be reimbursed with the NYS Water Grant funding for the project; now, therefore, be it

RESOLVED, that the Town Board of the Town of Canadice hereby authorized the transfer of \$4,200 from the contingency to a new budget line item for ‘Project Management – RD Ineligible’; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Kathy Dear of LaBella and Associates, Kristine Singer, Canadice Town Supervisor and retain a copy in the permanent records of the Town.

10. Supervisor- Ms. Kristine Singer.

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

Councilman O’Connor 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>
DA5148.1	DA5110.1	\$12,000.00	Expenditures greater than budgeted amount.

Councilman Malmendier motioned, Councilman Statt 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: No unfinished business discussed.

F. NEW BUSINESS:

1. 2018 Budget

a. Distribution of Preliminary Budget submitted by the Budget Officer.

*Supervisor Singer indicated the 2018 tax cap levy is \$650,971 and our budget as it is calculated now is \$650,417. Wages were increased by 2% for everyone with a couple of exceptions. The Town Clerk

position had an additional amount added to compensate for the water district billing duties. In addition, there will be a discussion about the Highway Superintendent wage. Just an FYI – we will be way over the tax cap in 2019 due to the water district tax levy. Special districts are part of the formula for the tax cap.

b. Resolution Number 47 of 2017 – Setting The Date, Place And Time For A Workshop Pertaining To The 2018 Town Of Canadice Tentative Budget

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

APPROVED Ayes 4 Singer, O’Connor, Statt, Malmendier

Nays 1 Hershey

WHEREAS, It is the Budget Officer's responsibility to prepare the 2018 Tentative Budget and file said budget with the Town Clerk no later than September 30, 2017 and

WHEREAS, It is the Town Clerk's responsibility to submit said budget to members of the Board no later than October 5, 2017; and

WHEREAS, It is the desire of this Board to conduct a workshop meeting to discuss said budget; now, therefore, be it

RESOLVED, That this Board will conduct a workshop meeting on Thursday September 28, 2017, at the Canadice Town Hall, 5949 County Road 37, Town of Canadice, County of Ontario, State of New York at 7:00 pm; and, be it further

RESOLVED, That the Clerk of this Board publish a public notice of said meeting in the official newspaper of the Town at least five (5) days prior thereto.

c. Resolution Number 48 of 2017 – Setting Date, Place And Time For A Public Hearing To Entertain Comments Pertaining To Fire Protection District Contracts

Councilman Hershey 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 Town of Canadice currently contracts with the Richmond Fire District and Hemlock Fire District for fire protection and ambulance service within the Town's fire protection district; and

WHEREAS, Said contracts will expire on December 31, 2017; and

WHEREAS, This Board is reviewing the services provided by each of the Districts; and

WHEREAS, This Board desires to ensure the residents of the Town have adequate fire and ambulance services; and

WHEREAS, This Board will pursue executing new contracts for a one-year period, commencing January 1, 2018 and terminating December 31, 2018, that it feels best meet the needs of the residents of the Town; and

RESOLVED, That this Board will conduct a public hearing to entertain comments pertaining to said contracts at 7:30 pm on October 9th at the Canadice Town Hall, 5949 County Road 37; and, be it further

RESOLVED, That the Clerk of this Board publish notice of said hearing in the official newspaper in accordance with Town Law and send copies of this resolution to the Richmond Fire District and the Hemlock Fire District.

2. Resolution Number 49 of 2017 – Adoption Of The Town Of Canadice Fund Balance Management Policy

Councilman Hershey 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, it is in the best interest of the Town and its residents for the Town Board to adopt a policy for fund balance management to ensure adequate liquid resources to serve as financial cushion in the event of a revenue shortfall or unexpected significant expense while not over taxing its residents; and

WHEREAS, upon its adoption, the policy should be reviewed annually and amended as needed by recommendation of the Budget Officer; and

WHEREAS, this Board has reviewed the policy submitted by the Budget Officer; now, therefore, be it RESOLVED, that the Policy on Fund Balance Management is hereby adopted; and, be it further RESOLVED, that the Clerk of this Board send a certified copy of this resolution to Kristine Singer, Budget Officer and retain a copy in the records of the Town.

3. County Snow and Ice Contract – The reimbursement rate will be \$5,600 per mile for the 2017/2018 plowing season, which is a 1.8% increase. The annual average five-year analysis of snow and ice removal costs for each town is \$4,214.80 per center line mile with eight of the fifteen towns exceeding the average, but only two towns exceeding the yearly reimbursement rates offered by Ontario County. The plowing miles for Naples will add 6.11 miles one-way. Superintendent Virgil has a chart with historical cost data and needs to update it for the Board.

4. Following a brief discussion, Supervisor Singer motioned, Councilman Statt seconded and it was unanimously carried to approve locking in a propane rate of \$1.429 with Superior Plus Energy Services for a contract period of twelve months beginning October 1, 2017 through September 30, 2018 for the Town of Canadice.

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

5. Approval of the Bills –

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

ABSTRACT #9 for 2017-

	Voucher	
General/Highway Account	#379 to #407	\$ 71,847.82
Trust & Agency	#29	\$ 524.06

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

G. PRIVILEGE OF THE FLOOR:

1. Reminder – Household Hazardous Waste Collection Day 9/16 Bristol Highway Garage – participants must call to pre-register by 9/14.

- 2. Canadice/Richmond Electronics Drop-off – Sunday October 1st may be the e-waste date. Information will be posted when it’s available.
- 3. Republican Caucus is Tuesday September 12th noon until 9:00 pm.
- 4. CEO Smith mentioned he would like to have a laptop for their office. Supervisor Singer is working on the budget numbers to order one.
- 5. Superintendent Virgil mentioned there are driveways in Canadice that need repairing. They are not properly draining causing damage to Town roads. The Board approved having the Highway Superintendent mail letters to those property owners requesting repairs be made.

H. ADJOURNMENT:

Councilman O’Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to adjourn the meeting at 9:00 pm.

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

Respectfully submitted, _____ Eileen Schaefer, Town Clerk