

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on September 13, 2021 at 7:30 pm at the Canadice Town Hall and virtually via Zoom.

2. Roll call showed the following-

- Present: Supervisor Kristine Singer
- Councilman Mark Statt, Virtually
- Councilman Teryl Gronwall
- Councilwoman Kate Crowley

Absent: Councilman John O’Connor

Others Present: Twelve (12) guests/residents attended the Regular Town Board Meeting in person or virtually.

3. Salute to the Flag.

4. Approval of August 9, 2021 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. Councilwoman Crowley motioned, Councilman Gronwall seconded, and it was unanimously carried to approve the minutes of the August 9, 2021 Regular Town Board Meeting.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

B. RECONVENE PUBLIC HEARING:

1. Public Hearing To Entertain Comments Pertaining To Local Law Number 2 (Intro) Of 2021 Entitled: A Local Law Establishing Regulations For Short-Term Rentals Within The Town Of Canadice

*Supervisor Singer reconvened the public hearing. The August Ontario County Planning Board meeting was cancelled due to a lack of a quorum, so we have not received their comments back yet.

*Paul Hogan questioned where the citation would go if there was a violation. Supervisor Singer indicated it goes to the property owner. The property owner is held responsible and would be issued the citation, even if it is the renter that violates the regulation. Ted Mayhood mentioned that #1 Part C indicates if there is a violation, that is grounds for suspension of the permit which is held by the property owner.

*Some discussion took place regarding the terminology of “following uniform building codes”. Clarification will be added for that section. Any changes suggested by the Town attorney and Ontario County Planning will be highlighted in a revised document at the regular October meeting.

*Several possible violations scenarios were discussed and how they might be handled.

Councilman Gronwall motioned, Councilwoman Crowley seconded and it was unanimously carried to recess the public hearing.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

C. PRIVILEGE OF THE FLOOR:

1. Assemblyman Jeff Gallahan

*Supervisor Singer introduced Assemblyman Gallahan. Assemblyman Gallahan reported on the legislative sessions that took place this past year. Members attend in-person or by zoom. Hopefully our new governor will be able to step up and get things accomplished.

*Councilman Gronwall questioned if he would be able to appeal directly to Assemblyman Gallahan’s office for funding help for Honeoye Lake or only through the grant process. Assemblyman Gallahan indicated only through the grant process. However a letter of support from his office is a good thing to request.

*Assemblyman Gallahan was asked how often the subject of residents leaving New York State is discussed. He indicated it comes up all the time.

*Assemblyman Gallahan thanked the Board for their time; please reach out with any questions or issues.

2. Janelle Specca, Honeoye Public Library Director

Supervisor Singer introduced Ms. Specca; the budget request for the library was submitted to the Board.

*Ms. Specca thanked the Board for all of their support. In-person programs have started again. The meeting room is available to rent. All of the services currently provided are listed in the packet submitted.

*Supervisor Singer indicated the Board would like the actual final expenses for the library for 2020. Ms. Specca will get that information emailed to Supervisor Singer.

*Ms. Specca discussed some of the flooding issues they deal with and they are trying to find allowable solutions. Councilman Gronwall indicated the flooding issues for the library are related to the Honeoye Outlet and Mill Creek issues.

*Councilwoman Crowley commented on the 2% increase request with the surplus that is in place. She also questioned the lack of a budget for the performances. Ms. Specca indicated her trustees want the Town of Richmond to handle the performances instead of Ms. Specca.

*Mr. Mayhood questioned how many library cards are used from Canadice and a total number of cards. Ms. Specca will email that information to Supervisor Singer.

*Assemblyman Gallahan was not aware the wetlands are that close to the Honeoye Public Library; some discussion followed.

*Ms. Specca thanked the Board and will get the information requested to Supervisor Singer.

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- Eileen Schaefer.

a. The financial report for the Town Clerk/Tax Collector for the month of August was submitted (see T. C. file).

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

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

2. Historian- Margaret Bott.
 - a. Supervisor Singer spoke to Mrs. Bott. After dealing with some health issues, they are doing well and will be meeting with Supervisor Singer to go over the remaining things needed for the final move of their office into the town hall.
3. Code Enforcement Officer- Stephen Smith.
 - a. The written report for the month of August was submitted (see T.C. file).
 - b. Supervisor Singer indicated the CEO is out of town and she is not aware of any updates for the property on 5888 ST RT 15A.
4. Planning Board- Theodore Mayhood.
 - a. Draft minutes were submitted to the Town Board (see T. C. file).
 - b. No new applications have been received.
5. Zoning Board of Appeals- Linda Moorhouse.
 - a. Minutes were submitted to the Town Board (see T.C. file).
6. Highway Superintendent- Jeremy Fraim.
 - a. The written report for the month of August was submitted (see T. C. file).
 - b. Still catching up with storm damage clean-up.
 - c. Helped the Towns of Springwater and Richmond with their road projects as they have helped Canadice.
 - d. Getting ready to schedule road striping.
 - e. Started some of the Water District tank site drainage project.
 - f. Middle Road Capital Improvement Project is 90% complete.
7. Honeoye Lake Watershed Research Task Force- Councilman Gronwall.
 - a. The written report for the month of August was submitted (see T.C. file).
 - b. Monday September 6th, water clarity was ~5.5 feet & surface water temperature of 74.5 F. Now we are closely monitoring for new blue-green algae blooms.
 - c. The harvesting and shoreline weed fragment pick-up service is currently still operating with limited staff.
 - d. Princeton Hydro provided a draft design of the aeration system for review. A public information meeting will be scheduled after that review is complete.
 - e. the first FLCC Speaking of Nature Talk is scheduled Wednesday September 22nd at 7:00 pm. The virtual event title is "Introduction To Permaculture".
8. Assessor- Lisa M. Bennett
 - a. The written report for the month of August was submitted (see T.C. file).
9. Water District Operations
 - a. Rochester Water Authority Operations Report submitted (see T.C. file).
10. Water District Project
 - a. An agreement has been reached with Finline; once all of the documentation has been received and/or

signed they will receive their final payment.

11. Supervisor- Kristine Singer.

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

Councilwoman Crowley motioned, Councilman Gronwall seconded, and it was unanimously carried to accept the Supervisor’s report.

APPROVED Ayes 3 Statt, Gronwall, Crowley
 Abstain 1 Singer
 Nays 0

b. Budget Transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
DA5112.1	DA5140.1	\$ 5,000.00	Expenditures greater than budgeted amount.
SW1-8310.4	SW1-8330.4	\$ 15,000.00	Expenditures greater than budgeted amount.
SW1-8310.4	SW1-8320.4	\$ 4,500.00	Expenditures greater than budgeted amount.

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

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

F. UNFINISHED BUSINESS:

1. **Resolution Number HELD of 2021** – Amending Agreement For Legal Services From Chalifoux Law, PC

2. **Resolution Number 47 of 2021** – Approving Pay Application No. 24 As Amended Per Resolution Number 76 Of 2020 For Finline Pipeline, Inc.

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

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

WHEREAS, this Board authorized the construction of Canadice Water District No. 1; and
 WHEREAS, bids were solicited and received for said project; and
 WHEREAS, Finline Pipeline was awarded the bid in the amount of \$4,691,805.00 with a substantial completion time frame of 330 days; and
 WHEREAS, Change Orders 1 – 12 approved by this Board have modified the contract to be \$4,781,172.35 with substantial completion to be 458 days; and
 WHEREAS, the project received NYS Department of Health approval as of July 27, 2020, the milestone for substantial completion; and
 WHEREAS, the Contractor and Engineer have reviewed the contract and made adjustments for final quantities and item costs resulting in a reduction of \$24,929.40 in the contract price; and
 WHEREAS, Finline Pipeline, Inc. submitted their final pay application No. 24 which was approved by the project engineer; and
 WHEREAS, this pay application with all change orders and final quantities adjusted authorizes the release of retention in the amount of \$293,939.88; and

WHEREAS, due to the time overrun of the project, liquidated damages have been assessed using the retainage and an offset to that amount; and
 WHEREAS, work on the punch list was not completed in a timely manner, final expenses were not determined and liquidated damages assessments could be reinstated, the final payment was not made at the time Pay Application 24 was submitted; and
 WHEREAS, this Board approved the transfer of the retainage amount to liquidated damages and contingency to allow for transfers to cover expenses attributed to the time overrun with Resolution Number 76 of 2020; and
 WHEREAS, final expenses were determined and a letter dated July 22, 2021 was sent to the attorney for Fineline Pipeline, Inc. outlining said expenses and assessments; and
 WHEREAS, Fineline Pipeline, Inc., as conveyed by their attorney, was not in agreement with the expenses and assessments presented to them; and
 WHEREAS, the attorney for the Town, Sheila Chalifoux, conducted negotiations with Fineline’s attorney to reach an agreement for final payment; now, therefore, be it
 RESOLVED, that this Board approves Amended Pay Application No. 24 showing an amount due of \$30,000 to Fineline Pipeline, Inc.: and, be it further
 RESOLVED, that payment will not be distributed until an executed release is received, any and all documents needed to effectively close and Bond the project have been properly executed and subsequently approved and filed; and, be it further
 RESOLVED, that certified copies of this resolution be sent to Kathy Dear from LaBella and Associates, distributed to Fineline Pipeline, Inc. with payment when the terms are met and retain a copy in the project records.

3. Canadice Lake Distress Markers

Councilwoman Crowley reported that all of the addresses have been assigned that were needed for the boat launches. DEC asked for assistance for assigning an address for the north boat launch of Hemlock. Councilwoman Crowley will check with CEO Smith when he is back for his assistance. DEC has posted at each boat launch the information agreed upon by everyone; the specific addresses and the North/South indicator. A draft of a communication for the 911 Center was provided to Councilman Statt for his review.

G. NEW BUSINESS:

1. Preliminary Budget Review

a. **Resolution Number 48 of 2021** –Setting Date, Place And Time For A Workshop Pertaining To The 2022 Town Of Canadice Tentative Budget

Councilwoman Crowley motioned, Councilman Gronwall seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

WHEREAS, it is the Budget Officer's Responsibility to prepare the 2022 Tentative Budget and file said budget with the Town Clerk no later than September 30, 2021 and
 WHEREAS, it is the Town Clerk's responsibility to submit said budget to members of the Board no later than October 5, 2021; 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 Tuesday September 28, 2021, 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.

b. Resolution Number 49 of 2021 – Setting Date, Place And Time For A Public Hearing To Entertain Comments Pertaining To Fire Protection District Contracts
Councilman Statt motioned, Councilwoman Crowley seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 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, 2021; 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, 2022 and terminating December 31, 2022 that it feels best meets 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 7:00 pm on September 28, 2021 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 50 of 2021 – Appointment Of Jesse Hallett To The Canadice Zoning Board Of Appeals

Supervisor Singer motioned, Councilwoman Crowley seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

WHEREAS, Ms. Renee Boone submitted her resignation from the Canadice Zoning Board of Appeals; and

WHEREAS, Mr. Jesse Hallett of 6680 Ross Road has indicated that he would like to serve on the Zoning Board of Appeals; and

WHEREAS, the Chairperson of the Zoning Board of Appeals has indicated that said Board recommends the appointment of Mr. Hallett to the Board; and

WHEREAS, this Board after due deliberation agrees that Mr. Hallett would be an asset to the Zoning Board of Appeals and is pleased that Mr. Hallett wishes to be appointed to said Board; now, therefore, be it

RESOLVED, that this Board does hereby appoint Mr. Jesse Hallett to the Town of Canadice Zoning Board of Appeals commencing with the adoption of this resolution and terminating on December 31, 2025; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Mr. Hallett, the Secretary of the Zoning Board of Appeals and retain a copy in the Town records.

3. Resolution Number 51 of 2021 – Authorization To Execute Snow And Ice Control Contract With Ontario County

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

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 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 expires on September 30, 2021; and

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

WHEREAS, the contract will commence from October 1, 2021 and terminate September 30, 2022; and

WHEREAS, this Board 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 using a five-year rolling average calculation of the data; and

WHEREAS, the rate of reimbursement for 2021-22 will be \$5,800.00 per center-line-mile which includes the option to re-open 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 with Ontario County for the above mentioned term; and, be it further

RESOLVED, that the Clerk of this Board provide a certified copy of this resolution to the Supervisor to be attached to the County’s automated e-contract approval submission. Ontario County will return a fully executed contract to the Town Clerk for retention in the Town files.

4. Resolution Number 52 of 2021 – Authorization To Execute Snow And Ice Control Contract With Ontario County For Service On County Road 36 Within The Town Of Naples

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

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 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, the Town of Naples has determined it will not plow the section of County Road 36 from the Canadice Town line to the Naples Village line; and

WHEREAS, Ontario has requested that Canadice provide the service for this section of County Road 36; and

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

WHEREAS, the contract will commence from October 1, 2021 and terminate September 30, 2022; and

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

WHEREAS, the rate of reimbursement for 2021-22 will be \$5,800.00 per center-line-mile for the base rate

and an additional \$800.00 per center-line-mile for that portion of County Road 36 in Naples (6.11 miles) which includes the option to re-open 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 with Ontario County for the above mentioned term; and, be it further

RESOLVED, that the Clerk of this Board provide a certified copy of this resolution to the Supervisor to be attached to the County’s automated e-contract approval submission. Ontario County will return a fully executed contract and amendment to the Town Clerk for retention in the Town files.

5. Approval of the Bills –

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

ABSTRACT #9 for 2021-

		Voucher	
General/Highway Account		#332 to #382	\$ 238,359.34
Trust & Agency		#13	\$ 291.41
APPROVED	Ayes 4 Nays 0	Singer, Statt, Gronwall, Crowley	

H. PRIVILEGE OF THE FLOOR:

1. Councilwoman Crowley reported there are three taxes that will come off the town hall Frontier bill. Superintendent Fraim indicated the Highway Department has not been connected to Spectrum internet yet.
2. Supervisor Singer indicated the employee Christmas lunch will be December 15th.

I. ADJOURNMENT:

Councilman Statt motioned, Councilwoman Crowley seconded, and it was unanimously carried to adjourn the meeting at 9:01 pm.

APPROVED	Ayes 4 Nays 0	Singer, Statt, Gronwall, Crowley	
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Respectfully submitted, _____ Eileen Schaefer, Town Clerk