

**A. CONVOCAATION:**

1. The Canadice Town Board Meeting was held on December 14, 2015 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 November 9, 2015 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 Hershey motioned, Councilman Statt seconded, and it was unanimously carried to approve the minutes of the November 9, 2015 Regular Town Board Meeting-

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

With the following correction: Pg 3; 6. Highway Superintendent; c. should be- new Cat Tractor Loader Backhoe.

**B. PUBLIC HEARING:**

To Entertain Comments Pertaining to the adoption of Local Law 2, Local Law 3 and Local Law 4.

\*Supervisor Singer opened the public hearing and gave a summary of the proposed local laws.

After a brief discussion Councilman Hershey motioned, Councilman Statt seconded, and it was unanimously carried to close the public hearing for Local Laws 2, 3, & 4.

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

**C. CONVENE AS THE BOARD OF HEALTH:**

1. Review CEO report on 6338 County Road 36, Turtle Rock Hollow.

Councilman O'Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to recess the town board meeting and convene as the Board of Health.

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

Supervisor Singer explained the purpose of the discharge field setback variance application. The distribution system is approximately 51 to 55 feet from the right-of-way and our regulations require a setback of 80 feet. Mr. Mayhood showed a map to the Town Board he had just received from Ms. Crane indicating the proposed



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 for the month of November was submitted (see T. C. file). Councilman O’Connor motioned, Councilman Malmendier 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. Historian’s annual report for 2015 was submitted (see T.C. file).
- 3. Code Enforcement Officer- Mr. Robert Best.
  - a. The written report for the month of November was submitted (see T. C. file).
- 4. Planning Board- Mr. Theodore Mayhood.
  - a. Draft minutes were submitted to the Town Board (see T. C. file).
  - b. A Planning Board member questioned the boats stored on Old West Lake Road if it was ok or needed a business permit. Supervisor Singer indicated this has been questioned by several people and unless it can be proved any fees are being charged they can allow boat storage without a permit. The boats and trailers are all registered.
  - c. Mr. Matt Rinaldi spoke to Mr. Mayhood; he is interested in joining the Planning Board. Councilman O’Connor indicated he had talked to Mr. James Moore. No one had called him regarding joining the Planning Board, even though his application was still on file. Mr. Mayhood indicated that was not true, Mr. Moore was called previously and asked if he wanted his application kept on file and Mr. Mayhood was told to withdraw it.

- 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 November was submitted (see T. C. file).
  - b. The first salt and sand trip was November 24<sup>th</sup>. All of the snow equipment is ready.
  - c. Moved donated furniture for Jo Bott to the Historian’s office.
  - d. The new town signs are ready to install, just waiting for posts and hardware. The new Tibbals Road signs are ready; Supervisor Singer indicated they could not be installed yet. The official change doesn’t take place until January.

e. **Resolution Number 53 of 2015** – Parity Of Local Transportation Funding  
 After some discussion, 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, a reliable transportation infrastructure is vital for the safety of New York's traveling public and its economy; and

WHEREAS, 85 percent of New York's roads and bridges are maintained by local governments; and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

WHEREAS, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

WHEREAS, the State Comptroller estimates there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned its own 15-year analysis that indicates an annual funding gap of \$1.3 billion for the local system alone (excluding NYC); and

WHEREAS, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

WHEREAS, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTIF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

WHEREAS, when the DHBTF was created, it was agreed the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT; now, therefore, be it

RESOLVED, that the Town of Canadice, NY, calls upon the Governor and the State Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and, be it further

RESOLVED, that the Town of Canadice, NY, calls upon the Governor, and members of the State

Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and, be it further

RESOLVED, that the Town of Canadice, NY calls upon the Governor and members of the State Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

7. Honeoye Lake Watershed Research Taskforce- Councilman Hershey.

a. Mr. Terry Gronwall reported that Soil & Water received notice that the \$300,000 Inlet Restoration Grant was awarded December 10<sup>th</sup>. Councilman Hershey is credited with helping get this grant with the help

of The Nature Conservancy, US Fish & Wildlife and Ontario County Soil & Water Conservation District. The Nature Conservancy has committed to supplying \$50,000 of the \$100,000 of local in-kind support. The total project is estimated at \$400,000. Councilman Hershey indicated it shouldn't reach that amount in costs.

b. The HLWTF held a meeting on November 4<sup>th</sup> to discuss 2015 project updates and 2016 project plans.

c. A HLWTF fall newsletter was published in November.

d. Cornell University and FLCC have been awarded a three-year research grant to study the effects of climate warming on shallow NYS Lakes of which Oneida and Honeoye Lakes will be studied. Drs. Nelson Hairston, Cornell & Bruce Gilman, FLCC will be the main investigators.

e. Ontario County Water Resource Council will receive \$14,000 in grant funds thanks to the Board of Supervisors and HLWTF received approximately \$6,500 of that amount for water quality related projects in 2016.

8. Assessor- Mrs. Lisa M. Bennett

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

9. Special Reports

a. Water District – Supervisor Singer has a conference call next Monday to discuss the project. LaBella established the rights-of-way along the waterfront. They had to get some variances for stream crossings. LaBella met with MCWA regarding the master meter pit and a potential pump station in Richmond. They have been reviewing construction details and possible locations of fire hydrants. The northern long-eared bat has been added to the endangered species list so we have to coordinate with DEC and US Fish & Wildlife; they have to approve any tree cutting for the project. No property has been confirmed for the water tank yet.

b. Highway Facility Committee – Superintendent Virgil is still working on estimates.

10. Supervisor- Ms. Kristine Singer.

a. The financial report for the month of November 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. Resolution Number 54 of 2015 – 2015 Budget Modifications**

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 budgeted retirement contribution for 2015 was based on projections received from NYSLRS in late 2014; and

WHEREAS, The actual invoice exceeded the budgeted amount; and

WHEREAS, There exists a sufficient amount of unappropriated funds in the Highway cash accounts to increase the appropriation line; now, therefore, be it

RESOLVED, That this Board directs the Budget Officer to make the following 2015 budget modifications:

Increase DA599, Appropriated Fund Balance by \$15,400.00

Increase DA9010.8, State Retirement by \$15,400.00

c. Budget Transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
A1990.4	A3310.4	\$ 1,560.00	Expenditures greater than budgeted amount.
DA5112.21	DA5130.4	\$ 5,740.72	Expenditures greater than budgeted amount.
DA5148.1	DA5110.1	\$ 6,661.89	Expenditures greater than budgeted amount.
DA5148.1	DA5140.1	\$ 530.75	Expenditures greater than budgeted amount.

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

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

**G. UNFINISHED BUSINESS:**

1. **Resolution Number 55 of 2015** – Adoption of Local Law No. 2 (intro) of 2015 Amend the Canadice Town Code at Chapter 120 “Zoning” Article II “Definitions and Work Usage” §120-11 “Definitions” to Define a Structure as any Building, Storage Facility, Workshop, Garage or Shed

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, A resolution was duly adopted by the Town Board of the Town of Canadice on the 9th day of November 2015, calling for a Public Hearing to be held by the Canadice Town Board on the 14th day of December 2015 at the Canadice Town Hall, 5949 County Road 37, at 7:30 PM, to hear all interested parties on a proposed local law to amend the Canadice Town Code at Chapter 120 “Zoning” Article II “Definitions and Word Usage” §120-11 “Definitions” to define a STRUCTURE as any building, storage facility, workshop, garage or shed; and

WHEREAS, The Notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, Said Public Hearing was duly held at the Canadice Town Hall on the 14<sup>th</sup> day of December 2015, at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

WHEREAS, The Town Board of the Town of Canadice, after due deliberation, finds it in the best interest of the Town to adopt said local law, specifically to eliminate subjective interpretation and limit the types of items that are subject to Town regulation as “structures” by narrowly defining a structure as a building, storage facility, workshop, garage or shed.

WHEREAS, The Town Board of the Town of Canadice finds that the Canadice Town Code at Chapter 120 “Zoning” Article II “Definitions and Word Usage,” §120-11 “Definitions” should be amended to define STRUCTURE as any building, storage facility, workshop, garage or shed”; and

WHEREAS, It is necessary to keep all local laws, as finally adopted, numbered consecutively in the year of their filing in the Office of the Secretary of State; now, therefore be it

RESOLVED, By the Town Board of the Town of Canadice that the Town Board hereby adopts said Local Law No. 2 (Intro) of 2015 as Local Law No. 2 to Amend the Canadice Town Code at Chapter 120 “Zoning”

Article II “Definitions and Word Usage” §120-11 “Definitions” as follows:

STRUCTURE - Any building, storage facility, workshop, garage or shed.

And, be it further

RESOLVED, That the Clerk of this Board is hereby directed to file a copy of Local Law No. 2 of 2015 along with a certified copy of the resolution with the Secretary of State, and send a copy of this resolution and Local Law No. 2 of 2015 to General Code Publishers to be included in the Town’s Code of Laws and Ordinances and retain a copy of Local Law Number 2 of 2015 in the Town Records.

**2. Resolution Number 56 of 2015** – Adoption Of Local Law No. 3 (Intro) Of 2015 To Amend The Canadice Town Code At Chapter 120, “Zoning” Article IV “Schedule Of Regulations” §120-21 “HLS – Honeoye Lake Shore District” §120-21(C) “Permitted Accessory Uses” To Add §120-21(C)(9) Setting Forth A Separate Category Of Permitted Accessory Uses In The Honeoye Lake Shore District To Include Swing Sets, Lawn Swings, Lawn Games, Playground Equipment And Garden Trellises Which Are Exempt From Site Plan And Setback Requirements

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, A resolution was duly adopted by the Town Board of the Town of Canadice on the 9<sup>th</sup> day of November 2015, calling for a Public Hearing to be held by the Canadice Town Board on the 14th day of December 2015 at the Canadice Town Hall, 5949 County Road 37, at 7:30 PM, to hear all interested parties on a proposed local law to amend the Canadice Town Code at Chapter 120, “Zoning” Article IV “Schedule of Regulations” §120-21 “HLS – Honeoye Lake Shore District,” §120-21(C) “Permitted Accessory Uses” to add §120-21(C)(9) setting forth a separate category of permitted accessory uses in the Honeoye Lake Shore District to include swing sets, lawn swings, lawn games, playground equipment and garden trellises which are exempt from site plan and setback requirements; and

WHEREAS, The Notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, Said Public Hearing was duly held at the Canadice Town Hall on the 14th day of December 2015, at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

WHEREAS, The Town Board of the Town of Canadice, after due deliberation, finds it in the best interest of the Town to adopt said local law in that residents may place swing sets, lawn swings, lawn games, playground equipment and garden trellises on their property and remain free of site plan and setback regulation; and

WHEREAS, The Town Board of the Town of Canadice finds that Chapter 120, “Zoning” Article IV “Schedule of Regulations” §120-21 “HLS – Honeoye Lake Shore District” §120-21(C) “Permitted Accessory Uses” shall be amended to add §120-21(C)(9) setting forth a separate category of permitted accessory uses in the Honeoye Lake Shore District to include swing sets, lawn swings, lawn games, playground equipment and garden trellises which are exempt from site plan and setback requirements; and

WHEREAS, It is necessary to keep all local laws, as finally adopted, numbered consecutively in the year of their filing in the Office of the Secretary of State; now, therefore, be it

RESOLVED, By the Town Board of the Town of Canadice that the Town Board hereby adopts said Local Law No. 3 (Intro) of 2015 as Local Law No. 3 to Amend the Canadice Town Code at Chapter 120, “Zoning”







WHEREAS, Town Law requires that the Town Board hold an Organizational Meeting at the beginning of each fiscal year; now, therefore, be it

RESOLVED, That the organizational meeting for the Town of Canadice for the year 2016 will be held at the Canadice Town Hall, 5949 County Road #37 in the Town of Canadice on the 11th day of January 2016 at 7:30 pm for the organization of the Board and for such other business as may be presented to the Board; and, be it further

RESOLVED, That the Town Clerk publish a notice in the official newspaper of the Town of said meeting in accordance with Town Law.

3. Senator Funke sent a letter requesting support for a Rochester Craft Beverage Trail. The Board had no issues with verbal support of the trail; Supervisor Singer will call his office to let him know.

4. Approval of the Bills –

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

ABSTRACT #12 for 2015-

		Voucher#	
	General/Highway:	#477 to #554	\$157,948.68
	Trust & Agency:	#14	\$ 1,208.33
APPROVED	Ayes 5	Singer, O’Connor, Hershey, Statt, Malmendier	
	Nays 0		

**I. PRIVILEGE OF THE FLOOR:**

1. Councilman Malmendier had a few items to bring up-

- \* National Fuel Gas had their meeting, nothing new was reported.
- \*Possible Holmes Road closing at one end – Supervisor Singer has not met with the attorney yet to discuss the process for road closings.
- \* Comprehensive Plan printing – Supervisor Singer took a flash drive with the file to Ontario County Printing.
- \* The specific location to re-install the historical sign still needs to be decided.
- \*Time Warner Service expansion – Supervisor Singer has not heard anything back yet.

2. Councilman O’Connor indicated the Canadice Veteran’s Memorial signs on State Route 15A are installed.

**J. ADJOURNMENT:**

Councilman O’Connor motioned, Councilman Malmendier seconded, and it was unanimously carried to adjourn the meeting at 8:53 pm.

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

Respectfully submitted, \_\_\_\_\_ Eileen Schaefer, Town Clerk