

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on June 12, 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: Eight (8) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of May 8, 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 O’Connor motioned, Councilman Statt seconded, and it was unanimously carried to approve the minutes of the May 8, 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 May was submitted (see T. C. file). Check #425 for \$2,714.36 was also submitted to Supervisor Singer for the tax collection penalties and interest with the exception of \$12.00 that remains in the bank accounts to keep them active for the remainder of the year.

Councilman Malmendier 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 May 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).

- 5. Zoning Board of Appeals- Mrs. Linda Moorhouse.
 - a. No meeting was held in May.

- 6. Highway Superintendent- Mr. Mike Virgil.
 - a. The written report for the month of May was submitted (see T. C. file). Superintendent Virgil is attending the Highway Superintendent’s Conference.
 - b. Received preliminary notice from Senator Funke’s office we will be receiving a grant from the Dormitory Association of NYS of \$258,050 for the proposed equipment storage building for the Highway Department. The structure would house equipment that is currently being kept outside.
 - c. Councilman Hershey motioned, Councilman Malmendier seconded, and it was unanimously carried to approve the state bid from Tenco & Tracy for a 2018 10-wheeler with State Bank Financing.
 APPROVED Ayes 5 Singer, O’Connor, Hershey, Statt, Malmendier
 Nays 0
 - d. Councilman Statt motioned, Councilman Malmendier seconded, and it was unanimously carried to approve the purchase of radios not to exceed \$10,000.
 APPROVED Ayes 5 Singer, O’Connor, Hershey, Statt, Malmendier
 Nays 0
 - e. Councilman Hershey motioned, Councilman Statt seconded, and it was unanimously carried to approve the Network Fleet contract not to exceed \$1,600 for 2017.
 APPROVED Ayes 5 Singer, O’Connor, Hershey, Statt, Malmendier
 Nays 0
 - f. **Resolution Number 22.5 of 2017 – 2017 Budget Modifications**
 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 Board has received a request from the Highway Superintendent to purchase equipment and services that were not budgeted for; and
 WHEREAS, Lease payments in conjunction with a down payment for the purchase of a truck that was moved up on the equipment replacement schedule will exceed the budgeted amount for the capital equipment account; and
 WHEREAS, The Budget Officer has reviewed the cash balances, anticipated revenues and remaining appropriation lines and has determined that sufficient funds exist within the fund balance to make the necessary adjustment to the 2017 Budget to balance the proposed expenditures; now, therefore, be it
RESOLVED, That this Board directs the Budget Officer to make the following 2017 budget modifications:

Revenues

Increase DA599, Appropriated Fund Balance by \$107,803.00

Expenditures

Increase DA5130.2.4, Equipment - Capital by \$96,203.00 for Lease Payments

Increase DA5130.2, Equipment - Capital by \$10,000.00 for Radios

Increase D5130.4, Equipment – Contractual, by \$1,600.00 for Network Fleet installation and monthly monitoring.

7. Honeoye Lake Watershed Research Taskforce- Councilman Hershey.

a. Mr. Terry Gronwall indicated water quality is very good and blue-green algae monitoring has started. No blue-green algae is showing right now, but vegetation is heavy already.

b. Met with Betsy Landre, she is sending letters this month to lake property owners for waterline marking and information on the new program for the shore-line pick-up barge. July 10th is the scheduled start for the weed harvester. Councilman Hershey asked if it would be an advantage to begin weed harvesting before the July 4th holiday. Supervisor Singer indicated the pick-up barge may start earlier than the weed harvester since vegetation is heavier. Terry and Dorothy’s shore-line had a fair amount of vegetation wash ashore already over Memorial weekend.

c. The climate change on shallow NYS lakes collaborative research project with Cornell has started as of May 17th. This is a three-year project, of which this is year two.

d. Finger Lakes Institute received a \$25,000 grant to continue their study of the role of nitrogen in harmful algal blooms in Honeoye Lake - Wright State University in Ohio will have researchers collecting Honeoye Lake bottom samples Tuesday June 20th.

8. Assessor- Mrs. Lisa M. Bennett

a. No report.

9. Special Reports, Water District Update -

a. **Resolution Number 23 of 2017** – Resolution Of The Town Board Of The Town Of Canadice Ontario County, New York (The “Town”) Amending The Bond Resolution Dated July 15, 2015, Relating To The Authorization And Issuance Of Serial Bonds Of The Town To Finance The Cost Of Acquiring, Constructing, And Equipping The Water System Improvements To Be Included In The Town Of Canadice Water District No. 1

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

At a regular meeting of the Town Board of the Town of Canadice, Ontario County, New York, held at the Town Hall, 5949 County Road 37, Springwater, New York 14560, on June 12, 2017.

PRESENT: Supervisor Kristine Singer
 Councilman John O’Connor
 Councilman William Hershey
 Councilman Mark Statt
 Councilman Mark Malmendier

ABSENT: N/A

The following resolution was offered by Councilman Statt, who moved its adoption, seconded by Councilman Malmendier, to-wit:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CANADICE, ONTARIO COUNTY, NEW YORK (THE “TOWN”), AMENDING THE BOND RESOLUTION DATED JULY 13, 2015, RELATING TO THE AUTHORIZATION AND ISSUANCE OF SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING THE WATER SYSTEM IMPROVEMENTS FOR TOWN OF CANADICE WATER DISTRICT NO. 1

WHEREAS, the Town Board (the “Board”) of the Town of Canadice, Ontario County, New York (the “Town”) by bond resolution duly adopted by the Board on July 13, 2015 (the “Original Bond Resolution”), authorized, among other things, the issuance of \$5,000,000 in serial bonds of the Town to finance the cost of acquiring, constructing and equipping the improvements to be included in the Town of Canadice Water District No. 1 (the “District”), including the acquisition of land and/or easements or other rights therein, the construction of improvements consisting of water mains, lateral lines, valves, hydrants, pump stations, meters, a water storage reservoir, curb stops, original furnishings, equipment, machinery or apparatus, and all other appurtenant and incidental improvements necessary or appropriate to serve benefited properties within said water district, all engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof, at an estimated maximum cost of \$5,000,000 (the “Project”); and

WHEREAS, pursuant to resolutions dated May 9, 2011, June 13, 2011, November 14, 2011, January 9, 2012, and February 10, 2014, the Town Board of the Town: (i) declared itself lead agency for purposes of conducting an environmental review of undertaking the proposed improvements to be included in the District, in accordance with the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”); (ii) determined that the undertaking of such improvements constituted a “Type I” action within the meaning of SEQRA; and (iii) determined that the actions to be taken in connection with the proposed improvements would not cause significant adverse impact on the environment and issued a “Negative Declaration” to such effect in accordance with the provisions of SEQRA; and

WHEREAS, by resolution of the Town Board of the of the Town, dated May 8, 2017, in accordance with Section 209-h of the Town Law (the “209-h Resolution”), the Town Board adopted an order increasing the maximum amount to be expended on the District from \$5,000,000 to \$6,000,000, said resolution being subject to a permissive referendum; and

WHEREAS, as set forth in a certificate of the Town Clerk dated June 7, 2017 and filed with the Ontario County Clerk’s Office, the period of time to file a qualifying petition to request a referendum under the 209-h Resolution has expired and no such petition has been filed with the Town Clerk; and

WHEREAS, the Board now intends to amend the Original Bond Resolution to (i) increase the estimated maximum cost of the Project (but not the authorized amount of the bonds to be issued for the Project) by \$1,000,000 from \$5,000,000 to \$6,000,000, (ii) appropriate such increased amount, and (iii) to revise the plan of finance for the Project to include (a) the issuance of up to \$5,000,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance a portion of said appropriation, and (b) the partial repayment of such bonds or bond anticipation notes with, and/or the direct expenditure on Project costs of the proceeds of up to \$3,000,000 in grant monies expected to be received by the Town from the New York State Environmental Facilities Corporation with respect to the Project under the Clean Water State Revolving Fund Program; and

exempt the Town from compliance with said subdivision/zoning regulations for the installation of improvements within the Town’s boundaries; and

WHEREAS, municipalities were traditionally immune from subdivision/zoning regulations when the proposed use qualified as governmental, but caselaw suggests that towns should evaluate various factors prior to exempting itself from its subdivision/zoning regulations; and

WHEREAS, accordingly, the Town has considered the nature of the land uses that may be subject to regulation and the approvals that may be required including, but not limited to, site plan and subdivision approval on lands that may have been taken by condemnation or acquired voluntarily, in lieu of condemnation, all of which relate to providing water services to the residents of the Town; and

WHEREAS, the Town has examined the feasibility of the sites on which construction will occur and has examined numerous alternative sites in the area and the sites selected have been or will be voluntary granted to the Town or have been obtained on locations that were confirmed by the Court in EDPL proceedings and, based on its engineer’s conclusions, has determined that the sites chosen are optimal; and

WHEREAS, the Town has considered the extent of the public interest served and the urgency of the project, including the fact that there are blue-green harmful Algal Blooms in the Lake which many residents use for drinking water, and has determined that this project is in the public’s interest and there is an 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 any delay will be harmful to the public; and

WHEREAS, there is little to no impact on local interests, all impacts are outweighed by the critical need for said water improvements, no known alternative methods of providing the proposed pump station and water tank and there are no other governments involved other than state approving agencies that are involved in the project and all of these agencies are fully familiar with the project; now, therefore be it

RESOLVED, that, after weighing the above factors, the Town has determined that it is exempt from local subdivision/zoning regulations relating to the construction of its water district improvements including, but not limited to, subdivision/zoning regulations that may impact water tank and water pump station improvements; and, be it further

RESOLVED, that the Clerk of this Board send certified copies of this resolution to Ms. Sheila Chalifoux, Esq. of Chalifoux Law, PC, Mr. Michael Schaffron of LaBella Associates, D.P.C. and retain a copy in the records of the Town.

f. Mr. Jack Starke asked about the status of the final easements. The Department of Health just gave a final approval for Dr. Kader’s easement so LaBella can finalize that map. Councilman Malmendier mentioned the schedule posted on the website is still the most current information.

g. Councilman Malmendier indicated the Public Service Commission is good with National Fuel Gas providing service to Canadice. However, National Fuel Gas does not feel it is a good business choice for them. There is a long-term possibility, but there will not be any natural gas within the next two or three years.

10. Supervisor- Ms. Kristine Singer.

a. The financial report for the month of May 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

RESOLVED, That this Board gives authorization for the execution of said agreement by the required Town Officials; and, be it further

RESOLVED, That this Board requests a copy of the program’s results of operations and proposed upcoming year’s budget prior to the preparation of the Canadice preliminary budget in September of the year; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution along with the executed copy of the agreement and a copy be retained of said agreement in the official records.

3. Resolution Number 27 of 2017 – Authorization To Execute Maintenance Service Contract With Paul Rader D/B/A Poopman’s Septic Service For The Town Hall Onsite Wastewater Treatment Plant
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, Canadice installed an onsite home treatment plant at the Town Hall; and
WHEREAS, Said treatment plant requires annual maintenance to be in compliance with state codes and to ensure proper operation; and

WHEREAS, Kistner Concrete Products, Inc. has maintained the system since it was installed; and

WHEREAS, Kistner has significantly increased their contract prices with this next renewal; and

WHEREAS, A proposal was solicited from Paul Rader D/B/A Poopman’s Septic Service to provide a maintenance contract; and

WHEREAS, The three-year contract amount with Paul Rader to provide the same service is less than the renewal for Kistner to provide the service; and

WHEREAS, The current maintenance contract has expired and this Board desires to have Paul Rader D/B/A Poopman’s Septic Service to maintain the system; now, therefore, be it

RESOLVED, That this Board gives authorization to execute the maintenance contract for a period of three years for the sum of \$650.00; and, be it further

RESOLVED, An Addendum be added to the contract requiring that all inspections be scheduled with the Town Code Enforcement Officer and conducted with a representative of the Town in attendance; and, be it further

RESOLVED, That the Clerk of this Board send a signed copy of the agreement along with a certified copy of this resolution and payment to Paul Rader; and, be it further

RESOLVED, That the Clerk retain a copy of said agreement for the Towns’ records.

4. Resolution Number 28 of 2017 – Authorization To Execute Maintenance Service Contract With Paul Rader D/B/A Poopman’s Septic Service For The Town Shed Onsite Wastewater Treatment Plant
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, Canadice installed an onsite home treatment plant at the Town Shed; and

WHEREAS, Said treatment plant requires annual maintenance to be in compliance with state codes and to ensure proper operation; and

WHEREAS, Kistner Concrete Products, Inc. has maintained the system since it was installed; and
 WHEREAS, Kistner has significantly increased their contract prices with this next renewal; and
 WHEREAS, A proposal was solicited from Paul Rader D/B/A Poopman’s Septic Service to provide a maintenance contract; and
 WHEREAS, The three-year contract amount with Paul Rader to provide the same service is less than the renewal for Kistner to provide the service; and
 WHEREAS, The current maintenance contract has expired and this Board desires to have Paul Rader D/B/A Poopman’s Septic Service to maintain the system; now, therefore, be it
 RESOLVED, That this Board gives authorization to execute the maintenance contract for a period of three years for the sum of \$650.00; and, be it further
 RESOLVED, An Addendum be added to the contract requiring that all inspections be scheduled with the Town Code Enforcement Officer and conducted with a representative of the Town in attendance; and, be it further
 RESOLVED, That the Clerk of this Board send a signed copy of the agreement along with a certified copy of this resolution and payment to Paul Rader; and, be it further
 RESOLVED, That the Clerk retain a copy of said agreement for the Towns’ records.

5. Resolution Number 29 of 2017 – Authorization To Execute A Municipal Accounting Software Support Contract With Williamson Law Book

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 \$1,018.00 for 2017; and
 WHEREAS, The Budget Officer recommends that 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 with the contract fee and retain a copy in the Town files.

6. Resolution Number 30 of 2017 – Setting Date, Place And Time For A Public Hearing To Entertain Comments Pertaining To The Adoption Of Local Law Number 1 (Intro) Of 2017 Entitled: A Local Law Pursuant To Chapter 97-2011 Of The Laws Of The State Of New York And Section 3-C Of The General Municipal Law Overriding Tax Levy Limit For Fiscal Year 2018

Councilman Hershey 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, There has been presented and introduced at a meeting of this Board held on June 12, 2017, a proposed local law entitled "A Local Law Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-C of the General Municipal Law Overriding Tax Levy Limit for Fiscal Year 2018; now,

therefore, be it

RESOLVED, That this Board shall hold a Public Hearing on the 10th day of July 2017 at 7:30 p.m. for the purpose of entertaining comments pertaining to the adoption of Local Law Number 1 (intro) of 2017 entitled; A Local Law Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-C of the General Municipal Law Overriding Tax Levy Limit for Fiscal Year 2018; and, be it further

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

7. Approval of the Bills –

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

ABSTRACT #6 for 2017-

		Voucher	
General/Highway Account		#219 to #275	\$ 77,212.91
Trust & Agency		#25	\$ 365.97
APPROVED	Ayes 5	Singer, O’Connor, Hershey, Statt, Malmendier	
	Nays 0		

G. PRIVILEGE OF THE FLOOR:

1. Councilman Hershey asked if Superintendent Virgil had mentioned when the foundation would be pushed in on the property next door. Supervisor Singer isn’t aware of a date yet.

2. Councilman O’Connor asked if the water wells next door had been investigated yet for possible use at the town hall building. Councilman Hershey has not had a chance to look into it yet. He also has more clean-up work to finish on the property.

H. ADJOURNMENT:

Councilman O’Connor motioned, Councilman Statt seconded, and it was unanimously carried to adjourn the meeting at 8:33 pm.

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

Respectfully submitted, _____ Eileen Schaefer, Town Clerk