

**A. CONVOCAATION:**

1. The Canadice Town Board Budget Meeting was held on September 26, 2023 at 7:00 pm at the Canadice Town Hall and Virtually via Zoom.

2. Roll call showed the following-

- Present: Supervisor Christopher Vastola
- Councilman John O’Connor
- Councilman Mark Statt
- Councilman Teryl Gronwall
- Councilwoman Kate Crowley

Others Present: One (1) guest/resident attended the Budget Town Board Meeting in person or virtually.

3. Salute to the Flag led by Highway Superintendent Jeremy Fraim.

**B. PRIVILEGE OF THE FLOOR:**

1. Honeoye Central Schools Day of Caring- Supervisor Vastola indicated there will be senior students, a few teachers, volunteers and town staff that will be working on the Day of Caring projects. Some cleaning, painting, and gardening are some of the projects.

2. Supervisor Vastola attended a tour of the Canandaigua Airport yesterday.

3. The new zoning maps have been requested.

**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. NEW BUSINESS:**

1. **Resolution Number TABLED of 2023** – Authorization To Execute Fire Protection & Ambulance Service Agreements For 2023

Supervisor Vastola motioned, Councilman Gronwall seconded, and it was unanimously carried to table the resolution.

APPROVED	Ayes 5	Vastola, O’Connor, Statt, Gronwall, Crowley
	Nays 0	

2. **Resolution Already Approved; Set At Regular September Meeting of 2023 With Resolution Number 50 of 2023** – Setting Date, Place And Time For A Public Hearing Pertaining To The 2023 Special Assessment Roll To Collect Water District No. 1 Capital Improvement Costs Based On Benefit Formulas.

3. **Resolution Number 54 of 2023** – Adoption Of Local Law No. 4 (Intro) Of 2023 As Local Law No. 3 Of 2023 Amending Chapter 97 “Short-Term Rentals,” Section 97-8, “Compliance And Penalties” To Include

Additional Penalties For Violations Of The Town’s Short-Term Rental Regulations

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

APPROVED                   Ayes 5                   Vastola, O’Connor, Statt, Gronwall, Crowley  
                                      Nays 0

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Canadice on the 14th day of August,2023, calling for a Public Hearing to be held by the Canadice Town Board on the 11th day of September, 2023, at the Canadice Town Hall, located at 5949 County Road 37, Springwater, New York, at 7:30 PM, to hear all interested parties on the proposed Local Law; 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 11th day of September, 2023, 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, a copy of the Local Law was provided to the members of the Town’s Planning Board and the Code Enforcement Officer; and, be it

FURTHER RESOLVED, after due deliberation, the Town Board hereby adopts Local Law No. 4 (INTRO) of 2023 as Local Law No. 3 of 2023 as follows:

**LOCAL LAW AMENDING CHAPTER 97 “SHORT-TERM RENTALS,” SECTION 97-8, “COMPLIANCE AND PENALTIES” TO INCLUDE ADDITIONAL PENALTIES FOR VIOLATIONS OF THE TOWN’S SHORT-TERM RENTAL REGULATIONS**

Section I. Title.

This Local Law shall be known as and may be cited as Local Law No. 3 of 2023, to amend Chapter 97 “Short-Term Rentals,” Section 97-8, “Compliance and Penalties” to include additional penalties for violations of Chapter 97.

Section II. Authorization.

The adoption of this Local Law is in accordance with §264 of New York’s Town Law and §10 of the New York Municipal Home Rule Law.

Section III. Legislative Intent and purpose.

The Town finds that it would be beneficial for the Town to further regulate the use of Short-Term Rentals within the Town of Canadice. The additional penalties included in the amended language will further ensure compliance with, and deter violations of, Chapter 97 of the Short-Term Rental Code, preserving and protecting the health, character, safety, and general welfare of the areas where Short-Term Rentals are operated.

Section IV. Amendment.

The Canadice Town Code shall be amended to replace the current language of Chapter 97 “Short-Term Rentals,” Section 97-8, “Compliance and Penalties” with language that includes additional penalties for violations, as follows:

§ 97-8. Compliance and penalties.

A. Violations of this section or of any short-term rental permit issued pursuant to this section shall be subject to enforcement and penalties prescribed in this chapter.

B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this section or of any short-term rental permit issued pursuant to this section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code

Enforcement Officer determines there is a violation of this Code, the owner shall be notified of said violation in writing by first class mail and by certified mail, return receipt requested, and the Code Enforcement Officer may take any of the following actions:

- (1) Attach conditions to the existing short-term rental permit.
- (2) Suspend the short-term rental permit. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk.
- (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the short-term rental permit.
- (4) Revoke the short-term rental permit. Should a permit be revoked, all owners of the short-term rental are prohibited from obtaining a short-term rental permit on the property for one year after the date of revocation. The Code Enforcement Officer shall send notices of revocation to property owners and shall file a copy with the Town Clerk.
- (5) Issue a Violation. Any person who commits or permits any act or acts in violation of any of the provisions of this Article shall be guilty of a violation and shall, upon conviction thereof, be liable to a penalty or fine of not more than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment, for each offense. Each day such violation shall continue or be permitted to exist shall constitute a separate violation or offense.
- (6) Commence an action for a civil penalty. Any person who commits or permits any act or acts in violation of any of the provisions of this Article shall, in addition to the criminal penalty hereinbefore set forth, be liable to a civil penalty enforceable and collectible by the Town in the amount of one hundred dollars (\$100) for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation continues.
- (7) Commence an action to compel or enjoin. The Town Board may also maintain a proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Canadice which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

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, that this Board adopts said Local Law Number 4 (Intro) of 2023 as Local Law Number 3 of 2023 entitled: A Local Law Amending Chapter 97 “Short-Term Rentals,” Section 97-8, “Compliance And Penalties” To Include Additional Penalties For Violations Of The Town’s Short-Term Rental Regulations; and, be it further

RESOLVED, that the Clerk of this Board is hereby directed to retain a copy of Local Law Number 3 of 2023

in the Town records, and send a copy of Local Law Number 3 of 2023 with a copy of this resolution to the Secretary of State for filing within that office and email a copy to General Code Publishers.

**4. Resolution Number 55 of 2023 – Appointment Of Carol Ann Joki As A Full Member Of The Zoning Board Of Appeals**

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

APPROVED                   Ayes 5                   Vastola, O’Connor, Statt, Gronwall, Crowley  
  Nays 0

WHEREAS, Zoning Board of Appeals Member Diane Horning resigned as of September 1, 2023 leaving a vacancy on the Board for a term that expires December 31, 2026; and

WHEREAS, Carol Ann Joki is serving on the Zoning Board of Appeals as an alternate member and wishes to be appointed as a full member; and

WHEREAS, this Board, after due deliberation, agrees that Mrs. Joki will continue to be an asset to the Zoning Board of Appeals as a full member and is pleased that Mrs. Joki wishes to serve on said Board as a full member; now, therefore, be it

RESOLVED, that this Board does hereby appoint Carol Ann Joki to the Town of Canadice Zoning Board of Appeals as a full member to the unexpired term that will expire on December 31, 2026 and, be it further RESOLVED, that the Clerk of this Board send a certified copy of this resolution to Mrs. Carol Ann Joki.

**5. Budget Workshop 2024**

\*Documents supplied by Supervisor Vastola - CPI & COLA data from Federal Government; Budget Officer 3<sup>rd</sup> Quarter CE Report; Controller’s Report showing how fiscally sound the Town of Canadice is. Mr. Rick Mitchell asked for an explanation of the rating. Supervisor Vastola indicated Canadice is in great shape.

\*Comments and changes on the 2024 Tentative Budget Figures from Budget Officer/Supervisor:

\*Councilwoman Crowley questioned the 16% increase in townwide expenses year over year and is concerned it isn’t sustainable. Ontario County is forecasting a 10% increase.

\*Councilman Gronwall questioned how the tax rate can be flat if the revenue doesn’t increase enough to cover expenses.

\*Councilman O’Connor indicated Canadice has always budgeted very conservatively and some of that difference may come from that area.

\*The Board does not feel we should bump up the sales tax estimate.

\*General Fund – Townwide Appropriations, pg 6, Code Enforcement, A8664.4. The CEO is requesting the Town purchase new software for their department at \$10K. Supervisor Vastola will attempt to negotiate a lower fee. It will also benefit the Planning Board and Zoning Board. Superintendent Fraim indicated he might be able to use the system. It was brought up that OnCor has additional capability that would help with a municipal password. Councilwoman Crowley will look into the situation.

\*General Fund – Townwide Appropriations, pg 6, Planning, it may be \$16,500 which would include the Comprehensive Plan Update costs.

\*Councilwoman Crowley indicated one-time shot revenues should not be in the annual budget as a manual increase. Unbudgeted revenues like ARPA funds are handled differently with budget entries for both expense and revenue lines. Page 2, of Townwide Revenue, A3089. Also, A1440.4 Engineering, \$10K will be pulled.

- \*General Fund – Townwide Appropriations, A5010.1 shows \$74K and the salary sheet shows \$73K. It needs to match. Supervisor Vastola indicated it should be \$74K for both.
- \*Councilman Gronwall does not support the level of salary increases, the percentages are 12 % to 56%. Some additional discussion took place for and against the salary increases.
- \*Mr. Mitchell indicated that if the Board concludes there is an inequity in salaries, it should be corrected immediately, not compare the salaries to other municipalities.
- \*Councilman O’Connor indicated we have always used comparable municipality figures even though we have been on the low end of that pay scale. It may not be the way to determine our increases in the future.
- \*Supervisor Vastola is looking at the Highway Department union contract that will be up for renewal. Councilman O’Connor and Councilman Statt indicated any increase should take place during the contract renewal process.
- \*Superintendent Fraim indicated he felt the contract issue should not determine if the Highway Department receives an additional increase. Their health care plan was changed a few years ago in the middle of the contract, which did not go over well with the employees. They also worked a full year without a renewed contract. Instead of a 2.5% increase, Supervisor Vastola is recommending 7%. Councilman O’Connor and Councilman Statt agree it might be changed but not at this time since additional changes can be made before the final budget is adopted.
- \*Councilwoman Crowley proposed the Planning Board and Zoning Board amounts be increased.
- \*The Town Clerk/Tax Collectors office is showing an additional position. Ongoing water district duties require more than one person having the capability to process some of the water district questions/issues. One Town Clerk position will be shared with the Assessor’s office as a Clerk to the Assessor is not needed at this time. After some discussion, Councilwoman Crowley and Supervisor Vastola indicated that some of the salaries for several departments could have funds pulled from Water District No. 1 since part of their time is used for the water district.
- \*Highway Fund Townwide, Pg 1 Revenue, DA2300 shows zero, it was decided to change it to \$140K.
- \*The Hemlock Fire District asked for 2%, which is okay with the Board.
- \*After some discussion the budget line for the Legion, Councilman O’Connor indicated they do not need additional funds. \$250 of the \$500 in A7989.4 can go towards Hospice House in Naples and \$250 from the \$500 that goes to Little Lakes Community Center would also go to Hospice House.
- \*General Fund -Townwide Appropriations, adding A8989.4, Other Home & Community Services, adding \$500. This would be for a contribution to the Hospice House in Naples.
- \*\$48 per meeting for Planning and Zoning members, \$350 annually Planning Board Chair, \$280 annually Zoning Board Chair and the two secretaries \$100 per meeting.
- \*Water District revenues, special assessments SW1-1030 \$122,982. \$2,118 for appropriated Fund Balance. Other small adjustments will be made that Supervisor Vastola will apply.
- \*Superintendent Fraim indicated he does not see funds for the proposal he received for re-skinning the salt storage sheds. The proposal was outlined briefly. Pg 4 A5132.4 changes from \$20k to \$85K.
- \*Budget changes discussed will be updated in the Tentative 2024 Budget by the Supervisor and Bookkeeper.

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

**F. ADJOURNMENT:**

Councilman O’Connor motioned, Councilman Statt seconded, and it was unanimously carried to adjourn the

meeting at 9:15 pm.

APPROVED

Ayes 5

Nays 0

Vastola, O'Connor, Statt, Gronwall, Crowley

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