TOWN OF RIDGEWAY TOWN BOARD MEETING MONDAY, MAY 16, 2016 -7:00 P.M.

The regular board meeting was called to order by Supervisor Napoli at 7:00 P.M. at the Town Hall, Medina, NY.

Those Officers Present:

Brian Napoli

Supervisor Councilman

Jeffrey Toussaint

Councilman (Absent Exc.)

David Stalker Mary Woodruff

Councilwoman

Sarah Fisher

Councilwoman

Others:

Mark Goheen

Hwy Superintendent

Daniel Wolfe

Code Enf. Officer

Katherine Bogan Patricia Laszewski

Assessor

Attorney

Barbara J. Klatt

Town Clerk

Lynne Johnson Karen Kaiser O.C. Legislator Deputy

Tim Elliott
Deb Traxler
Willard C.Mesler
Zack Brazzell
Gavin Stiles

Student

Amanda Lunden Alexis Barcena Janet Rook

PLEDGE OF ALLEGIANCE

RESOLUTION NO. 67 – 5/16/16

RESOLUTION TO ACCEPT AGENDA

Offered by Councilwoman Woodruff, who moved its adoption. Seconded by Councilwoman Fisher.

Resolved to accept agenda as presented.

Adopted:

4 ayes

0 nays

RESOLUTION NO. 68 - 5/16/16

RESOLUTION TO APPROVE MINUTES

OF APRIL 18, 2016 TOWN BOARD

MEETING

Offered by Councilwoman Fisher, who moved its adoption. Seconded by Councilwoman Woodruff.

Resolved to approve minutes of April 18, 2016 Town Board Meeting.

Adopted:

4 ayes

0 nays

COMMUNICATIONS:

- A. The Public Service Commission will be updating regulations for clean energy.

 Public hearings will be held and a listing of venues is available at the Town Hall.
- B. Traffic Diversion Proceeds in the amount of \$2864.20 was received from Orleans County.
- C. Land use training session concerning law updates will be held in Albion on June 2, 2016 at the Library in Albion, N.Y.

DATE OF NEXT MEETINGS

Work Session - Tuesday, June 14, 2016 @ 7:00 PM-Ridgeway Town Hall

Regular Town Board Meeting -Monday, June 20, 2016 @ 7:00 PM -Ridgeway Town Hall

OLD BUSINESS

Water District No.13-Bid has been accepted from Sergi Construction, Inc. and awaiting concurrence of award by USDA Rural Development. We are still waiting for the 2015 Town of Ridgeway audit to be completed by Amato Fox before the award can be secured by USDA Rural Development.

NEW BUSINESS

RESOLUTION NO. 69 = 5/16/16

RESOLUTION THAT THE TOWN OF RIDGEWAY, PURSUANT TO SECTION 1506(j) OF THE NOT-FOR-PROFIT CORPORATION LAW, ACCEPT THE CONVEYANCE OF BATES ROAD CEMETERY PREMISES AND TRANSFER OF ASSETS FROM THE BATES ROAD CEMETERY ASSOCIATION

RESOLUTION

- P \
Town of Ragues County of Maus State of New York
WHEREAS, there has been established in the town a cemetery known as the Bates Roal
CEMETERY ASSOCIATION, INC., which association maintains a public
cometery on Bates Road in Town of Ridgeway County, New York, and
owns real property in said Town, and
WHEREAS, said association has under its care certain funds for perpetual care, permanent
maintenance, special trust, general fund, deposited in the following banks;
First Niagara Bank
WHEREAS, the association has been and still is unable to procure sufficient income from
above investments, the members of the association and from the representatives of the deceased
persons interred in the cemetery.
WHEREAS, the cemetery association has requested that the Town
of Ridgeray.
pursuant to Section 1506 (j) of the Not-for-Profit Corporation Law, accept the conveyance of the
cemetery premises and transfer of assets.
RESOLVED, That the Town of Rageray accept the conveyance of the
cemetery premises and the transfer of the assets from the cemetery association, such conveyance
shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the
title or use of the real property or assets.
Barbara Klatt TOWN CLERK
and the second s
bWe,, the sole remaining trustee(s) of the Brites
Road Cemetery Association, do hereby resolve to request the Town of Radgeway
County of Orwars, New York, to assume the maintenance and administrative duties of the
subject cemetery. I further agree that upon formal acceptance of the cemetery and the
aforementioned responsibilities, I/We will turn over to the Town of Roscutary all
records and assets of the subject cemetery. This action is taken in recognition of the fact that a town
takeover is the only reasonable course of action to preserve and protect the best interest of the
cometery and the families buried in the cometery.
THE STATE OF THE S
Paul A. Bucon

DATED: MAY 16, 2016

Debra Trasser Spila m. Royal Harsle A. Palmer ameld Eagmen Offered by Councilwoman Woodruff, who moved its adoption. Seconded by Councilwoman Fisher.

Resolved that the Town of Ridgeway, pursuant to Section 1506(j) of the not-for profit corporation law, accept the conveyance of Bates Road Cemetery premises and transfer of assets from the Bates Road Cemetery Association.

Adopted:

4 ayes

0 nays

RESOLUTION NO. 70 - 5/16/16

RESOLUTION FOR TOWN OF RIDGEWAY TO ACCEPT AND FILE DEED TO BATES ROAD CEMETERY AND AUTHORIZE SUPERVISOR TO SIGN ACCEPTANCE FORMS

Offered by Councilman Toussaint, who moved its adoption. Seconded by Councilwoman Woodruff.

Resolve that the Town of Ridgeway will accept and file the deed to Bates Road Cemetery and authorize Supervisor to sign acceptance forms.

Adopted:

4 ayes

0 nays

RESOLUTION NO. 71 – 5/16/16

RESOLUTION THAT THE TOWN OF RIDGEWAY, UPON FORMAL ACCEPTANCE OF BATES ROAD CEMETERY, AGREES TO ASSUME MAINTENANCE & ADMINISTRATIVE DUTIES OF SAID CEMETERY'S RECORDS AND ASSESTS AND WILL PRESERVE AND PROTECT THE BEST INTEREST OF THE CEMETERY AND THE FAMILIES BURIED IN THAT CEMETERY

Offered by Councilman Toussaint, who moved its adoption. Seconded by Councilwoman Woodruff.

Resolved that the Town of Ridgeway, upon formal acceptance of Bates Road Cemetery, agrees to assume maintenance and administrative duties of said cemetery's records and assets and will preserve and protect the best interest of the cemetery and the families buried in that cemetery.

Adopted:

4 aves

0 nays

Theld a proposer advances species her -

TRANSFERRING CEMETERY PROPERTY AND ASSETS TO A MUNICIPALITY

Definition: "Abandoned cemetery" means a cemetery maintained by a municipality pursuant to law, including but not limited to one maintained by a town pursuant to Town Law §291 or by a county pursuant to County Law §222(5-a), which cemetery was previously owned by a cornetery corporation organized pursuant to the Not-for-Profit Corporation Law or existing by virtue of the Membership Corporation Law, for which there no longer exists any corporate board or body to maintain it, and for which there is no sufficient trust fund or endowment to provide ordinary and

The transfer of a cemetery to a municipality is covered by Section 1506 (j) of the Not-for-Profit Corporation Law.

To complete such a transfer, the following three documents must be forwarded to the

- A resolution by the cemetery officers living in New York State agreeing to the transfer of the cemetery and its assets to the municipality.
- 2.) A resolution by the governing body of the municipality agreeing to accept the cemetery under the provisions of Section 1506 (j).
- 3.) A copy of the conveyance of the property, or a notice of where the conveyance is filed, i.e. book

Receipt of these three documents automatically dissolves the cemetery corporation, yet the municipality should contact the Division of Corporations to have the papers removed from their

Section 1506(j) states that the municipality must bonor all prior agreements made by the cemetery, rights of lot owners, care, etc.

NOTE 2:. Town Law Section 291 REQUIRES towns to maintain abandoned public cemeteries and, in some cases, assume title. Town which refuse to accept this statutory responsibility are in violation of state law.

Dehen complete please send others documents along with latter regarding lot owners meeting A Department of State

Division of Cemeteries 99 Washington Avenue 5th Floor

Albany, NY 12231

TOWN LAW

1. The title to every lot or piece of land which shall have been used by the inhabitance of any town in this tate as a centetry or burial ground for the space of fourteen years shall be determed to be vested in such town, and shall be subject in the same manner as other corporate property of towns, to the government and direction of the sown board. In any town the town board may adopt regulations for the proper care of any such company as burial ground and regulating the burial of the dead therein. It shall be the duty of the town board may said or send therein. It shall be the duty of the town board may said or send the dure in the shall be the duty of the town board on sendous provide for the removal of greas and weeds at least twice in each year from any constany of two most along provide for the removal of greas and weeds at least twice in each year from any constany of two in the town or is transcer or other comporate body, and provide for the preservation, care and facing of any such conserva such the town loads of any town must also provide for the removal of greas and weeds from all constants, and the town is and of any town must also provide for the removal of greas we weeds from all constants, and the town is and of any town must also provide for the removal of greas and weeds from all constants, and the town based of any existing board or body and for the care of which there exists an special fund or endowment and such duties shall be performed under the supervision of the town board, or a person private ground or particular to or lots therein a first two owner or owners three of file written objections thereto with the town clerk. The cost and expenses of any officer or person in performing any duties under or pursuant to with the town clerk. The cost and expenses of any officer or person in performing any duties under or pursuant to represent to your provise ground or particular to or lots therein a first the two heard miss all appropriate and grounds and to secure of this section, and nake the sar

2. Burial grounds and correteries of which the title is vested in or the care or costnol is charged upon any town, by virtue of this section, shall not be taked or essented for any local improvement or other purpose whateoever by any village, and no action shall be meintained against any town to recover the cost of any local improvement or staticized charge, based on town ownership or care of such berial grounds, the provisions of any special, local or general statute whatsoever to the contrary notwithstanding.

Upon the adoption of a resolution therefor, the town board may construct and maintain permanent improvements in any one or more of the classes of cemeteries described herein and may acquire, by purchase or condemantion, additional leafs for cemetery or buriel ground purposes, whenever in the judgment of the town board it is necessary or advisable that such improvements be made or additional leads be exquired. If the expenditure for such improvements or acquisition is in access of three hundred collains and is to be paid by taxes twind for the fiscal year in which such expenditure is to be made, or paid from the proceeds of town obligations, the adoption of any such resolution or resolutions shall be subject to a permissive referendant in the case of the first class and to a smaletory referendant in the case of two shall be subject to the process of the first class and to a smaletory referendant in the case of two shall be such of the state of the state

Transfer of hurial grounds to cametery corporation

Any town may convey and transfer its right, title and interest in any burist grounds within the limits of and bulenging to the town, or belonging to the town and individual lot owners, to a consistery corporation authorized to hold and easinein property within the town for censistry purposes, organized or to be organized guider the membership corporations law. The dead of conveyance shall be executed by the supervisor, after the town board will have excluded such account.

No town shall, directly or indirectly: (a) sell, or have, enter into or perform a lease of any of its real ty dedicated to constery purposes or adjacent thereto to a fineral entity, or use any of its property for no of a funeral entity; (b) commingle funds used for constary purposes with a funeral entity; (c) direct or

RESOLUTION NO. 72 - 5/16/16

RESOLUTION TO AUTHORIZE TOWN
OF RIDGEWAY TO SUBMIT A GRANT
APPLICATION TO THE NEW YORK
STATE OFFICE OF COMMUNITY
RENEWAL FOR SMALL CITIES
FUNDING

Offered by Councilwoman Fisher, who moved its adoption. Seconded by Councilman Toussaint.

WHEREAS, Sierra Biological, Inc. (the "Company") plans to establish of a new organic pesticide production facility at 2825 Swett Road in the Town of Ridgeway (the "Project"); and

WHEREAS, The Company has requested that the Town apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of equipment and /or working capital to support the Project, and

WHEREAS, the Orleans Land Restoration Corporation (the "OLRC") is assisting in the facilitation of the Project and has requested that the Town provide the OCR funding to the OLRC as a grant for the purpose of making a deferred loan and term loan to the Company, and

WHEREAS, the Project will result in substantial benefit to the Town of Ridgeway and Orleans County in form of an estimated 6 new employment positions, and

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to submit a grant application on behalf of the Town of Ridgeway in the approximate amount of \$100,000 to the OCR to support the Project, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute a grant agreement between the Town and the OCR and all related documents associated with the OCR grant, all such documents to be subject to review and approval by the Town Attorney, and be it further

RESOLVED, that the Supervisor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Adopted:

4 ayes

0 nays

RESOLUTION TO APPROVE CONTRACT BETWEEN TOWN OF RIDGEWAY AND SERGI CONSTRUCTION, INC. FOR CONSTRUCTION OF WD#13 AND AUTHORIZE SUPERVISOR TO SIGN

Offered by Councilwoman Woodruff, who moved its adoption. Seconded by Councilman Toussaint.

Resolved to approve contract between Town of Ridgeway and Sergi Construction, Inc. for construction of Water District #13 and authorize Supervisor to sign.

Adopted:	4 ayes	0 nays
		Agreement
		for the
		Town of Ridgeway
		Water District No. 13
		Orleans County, New York
		Owners Town of Ridgeway
		410 West Avenue Medina, NY 14103
		Contractor: Sergi Construction, Inc. 778 Jewett Holmwood Road East Aurora, NY 14052
	IN MATERIAL CONTRACTOR	
	IN WITNESS WHEREOF, Owner and Contractor	
	This Agreement will be effective on April 18.	2016 (which is the Effective Date of the Contract).
	OWNER: Town of Ridgeway	CONTRACTOR: Sergi Construction, Inc.
	n -	<u> </u>
	By: Brun Hapol	By: Billie Serge
	Title: SUPERVISOR	Title:
	• 0 6	(if Cantractor is a corporation, a partnership, or a joint
		venture, attach evidence of authority to sign.)
	Attest: Barbasa & Klatt	Attest: Marker Sing
	Title: Town Clerk	Tittle: UP
	Address for giving notices:	Address for giving notices:
	410 West Avenue	775 Jewett Holmwood Road
	Medina, NY 14103	East Aurora, NY 14052
		License No.:
		(where applicable)
	(if Owner is a corporation, attach evidence of aut to sign. if Owner is a public body, attach evidence authority to sign and resolution or other dacumen authoriting execution of this Agreement.]	of jurisdictions where applicable or required.

RESOLUTION OF SUPPORT FOR COVA APPLICATION TO EXPAND CERTIFICATE OF NEED TO INCLUDE ORLEANS COUNTY IN ITS'ENTIRETY

Offered by Councilman Toussaint, who moved its adoption. Seconded by Councilwoman Woodruff.

Resolved to support COVA on expanding service to include Orleans County in its' entirety.

Adopted:

4 ayes

0 nays



239 South Main St. P.O. Box 147 Albion, NY 14411 Office: (585) 589-4163

Fax: (585) 589-0263 Web: COVAEMS.COM

May 1, 2016

Mr. Brian Napoli Town Supervisor Ridgeway 410 West Avenue Medina, NY, 14103

Dear Mr. Nacoli:

Central Orleans Volunteer Ambulance, Inc., AKA COVA, is soliciting letters of support to expand our Certificate of Need to Include Orleans County in its' entirety. COVA is a not-for profit organization that was incorporated in 1979. We currently provide emergency medical services to the towns of Albion, Barre, Cariton, Gaines, and the Village of Albion. We also provide Advanced Life Support, (Paramedic service), to the West and East Battalion. When our service started we were 100% volunteer and relied totally on support through donations from the community. In the mid 1990's the organization added paid staff to the roster and started third-party billing for our services. Currently, we have a mix of full time, part time, and per diem staff, along with dedicated volunteers who serve on our Board of Directors and as crew members.

COVA staffs two (2) Advanced Life Support, (ALS) ambulances in the Village of Albion and provides ALS service twenty four hours a day, seven days a week. We respond to approximately 2100 requests for service a year. Orleans County has seen an increased need for fully capable ambulance services due to increased call volumes and transport times to nearby hospitals. Also, as training requirements and upkeep of fully volunteer agencies increase, their qualified responders and ability to cover emergency medical requests is continually decreasing. Our service is located in an optimal position in Orleans County to become a more utilized and reliable service to the residents of Orleans County.

Orleans County is serviced by twelve (12) fire departments, two (2) volunteer ambulance services (Basic Life Support only), two (2) combination volunteer/paid ambulance services (Full Advanced Life Support). COVA is prepared to reallocate and improve our resources to provide a more efficient emergency medical response to our community.

This letter and the responses are a very important part of our expansion process. New York State requires that a "public need" is present in the area for which we are applying for. The State EMS Council and the Department of Health defined public need as:

"The demonstrated absence, reduced availability or an inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement or existing resources."

We are asking for support from the all of the Orleans County and contiguous municipalities, Fire Departments/public safety entities, Ambulance Services, and Healthcare institutions. Responses to this solicitation should be signed by the CEO of the organization or authorized designee.

All responses should be received by May 15th. Thank you for your time and continued support.

Sincerel

Yelerce Scheiah Laurie J. Schwab General Manager

Jason W. Spencer

• Serving the community for over 30 years •

RESOLUTION TO APPROVE LEGAL SERVICE AGREEMENT WITH TOWN ATTORNEY AND TOWN OF RIDGEWAY FOR 2016 AND AUTHORIZE SUPERVISOR TO SIGN

Offered by Councilwoman Woodruff, who moved its adoption. Seconded by Councilwoman Fisher.

Resolved to approve legal service agreement with Town Attorney, Katherine Kersch Bogan and Town of Ridgeway, for 2016 and authorize Supervisor to sign.

Adopted:

4 ayes

0 nays

LEGAL SERVICES AGREEMENT

THIS AGREEMENT made this 1st day of January, 2016, by and between the TOWN OF RIDGEWAY, a municipal corporation of the State of New York, with offices located at 410 West Avenue, Medina, New York, referred to as "Town: and Katherine Kersch Bogan, Attorney At Law, with offices located at 517 Main Street, Medina, New York 14103, hereinafter referred to as the "Attorney",

WHEREAS, the Town requires legal services in connection with the operations and functions of the government of the Town, and

WHEREAS, the Attorney is experienced in matters involving municipal law is a resident of the Town of Ridgeway and wished to perform the necessary legal services for the Town.

NOW THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, it is agreed as follows:

The Attorney will perform and provide such legal services as are required by the Town, including, but not limited to, the following:

- Attendance at meetings, conference sessions, public hearings, Town Board meetings, Planning Board meetings and Zonling Board of Appeals meetings, if necessary and as required by the Town Board.
- Provide consultation services regarding questions presented orally, by telephone or in written form by Town Board Members or other Town Officials as deemed necessary.
- Be available for general consultation with Board Members or other Town Officials for general (egal inquiries as deemed necessary.
- Preparation of Local Laws and Ordinances, performance of legal research, preparation of correspondence and similar matters as deemed necessary.
- The representation of the Town in Town various matters or a referral for representation of the Town in tax assessment proceedings or other litigation.

Provide legal services in connection with the formation of Special Use Districts or improvement areas, bond issues, and other borrowings and other related matters per separate special district contracts and separate legal agreement.

As compensation for legal services to be provided under this Legal Services Agreement, the Town will pay the Attorney, in accordance with the following schedule rates and fees:

- For the services described in subparagraphs 1, 2, and 3 above, the annual fee for attorney fees per the Town Budget of that fiscal year. Such sums shall be paid upon the submission of vouchers for the same making reference to this Legal Services Agreement.
- B. For the services described in subparagraph 4 above at the rate of One Hundred and Twenty dollars per hour (\$120.00/hr.) not to exceed an agreed upon amount per the Town and the Attorney.
- C. For the services described in subparagraphs 5 and 6 above, at the rates and fees to be agreed upon by and between the parties in advance by separate agreement.
- D. The Attorney shall voucher the Town of all services rendered under subparagraphs 4, 5, and 6 above and such fees shall be payable upon the approval of the vouchers by the Town.
- 7 The term of this Agreement shall be for a period of one (1) year from January 1, 2016 to December 31, 2016 but the same may be renewed by the parties each Year thereafter either by written agreement or by the approval by the Town Board of the Attorney at the organizational meeting held each year or by a new written Legal Services Agreement, extending the terms hereof and modifying the rates and charges as the parties may hereafter agree.

ATTORNEY:

TOWN: BURN Majorli SUPERVISOR TOWN OF RIDGE WAY 5/17/16

OTHER BUSINESS

A. FIRE COMPANY REPORT

Ridgeway Vol. Fire Co. report (April 2016) read by Councilwoman Fisher.



Ridgeway Volunteer Fire Company, Inc.

11392 Ridge Road PO Box 816 Medina, NY 14103-0816

E-mail: ridgewayfiredept@rochester.rr.com

Station #1 (585) 798-2076

Monthly Alarm Report **April 2016**

Structure Fires	0	Vehicle Fires	0
Grass Fires	0	M.V.A.	5
E.M.S.	5	Haz. Conditions	1
Automatic Alarms	0	Mutual Aid	0
False Alarm	0	Trash Fires	2
		Total Alarms	13

Report Prepared By Chief Woodward

DEPARTMENT AND COUNTY LEGISLATOR REPORT

Assessor, Trisha Laszewski, said that the Tentative Roll was completed by May 1, 2016 (www.townridgeway.org). Also, Grievance Day will be held on May 24, 2016 from 4 p.m. until 8 p.m.

Highway Superintendent, Mark Goheen, stated that paving will begin on N. Marshall Road. Also, highway is still waiting for signs to arrive for the Water District #12 project under the canal.

Code Enforcement Officer, Dan Wolfe, indicated that he has handed out many building permits, done an area variance and site plan review(Co-op extension) and will be in court for property maintenance violations. He also stated that he needs rules to enforce Solar Energy projects.

County Legislator, Lynne Johnson, spoke about the Veterans' Office in Albion, N.Y. who is offering an Open House for anyone interested in learning more about discounts, etc. for vets on Monday, June 27, 2016 from 5 p.m. until 7 p.m.

Town Clerk stated that the 2016 Town and County tax collection ended April 30, 2016. All unpaid taxes have been returned to Orleans County Treasurer along with final payment owed to them for taxes and recycle/waste.

COUNCILMAN REPORT

Councilwoman Sarah Fisher had the pleasure to attend a meeting with the Ridgeway Vol. Fire Company. Repairs were made on the Fire Pumper, which took 30-40 dedicated man hours. Also, the gun raffle brought in close to \$6,000 for the fire company.

Councilman, Jeff Toussaint, spoke about the Summer Recreation Program for 2016. Applications for pool and park supervisors are being accepted. A meeting with the Village of Medina, concerning budgets for the programs, will need to be scheduled soon.

Councilwoman, Mary Woodruff, indicated that changes and updates need to be made to the Town's Code of Ethics and also to the professional evaluation sheets.

BOARD REPORTS: PLANNING, ZONING – View on website www.townridgeway.org

RESIDENT CONCERNS - None

RESOLUTION NO. 7 6-5/16/16

RESOLUTION TO PAY BILLS

Offered by Councilman Toussaint who moved its adoption. Seconded by Councilwoman Fisher.

Resolved to pay bills as presented:

PREPAID ABSTRACT

\$ 10859.51

ABSTRACT

\$ 25038.33

TOTAL ABSTRACT

\$ 35897.84

Adopted:

4 ayes

0 nays

ADJOURNMENT

As there was no further business to discuss, a motion was made to adjourn the meeting at 7:40 P.M.by Councilwoman Woodruff and seconded by Councilwoman Fisher.

Town of Ridgeway,

Barbara J. Klatt Town Clerk