

A. CONVOCAATION:

1. The Canadice Town Board Meeting was held on February 11, 2013 at 7:30 pm at the Canadice Town Hall.

2. Roll call showed the following-

- Present: Supervisor Kristine Singer
- Councilman Michael Virgil
- Councilman Leland Durkee
- Councilman John O'Connor
- Councilman William Hershey

Others Present: Three (3) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of January 14, 2013 Regular/Organizational 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 Durkee motioned, Councilman O'Connor seconded, and it was unanimously carried to approve the minutes of the January 14, 2013 Regular/Organizational Town Board Meeting.

APPROVED Ayes 5 Singer, Virgil, Durkee, O'Connor, Hershey
 Nays 0

With the following correction: Pg 6, top of page, question was regarding using barriers when the road is closed.

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 January was submitted (see T. C. file).

Councilman Durkee motioned, Councilman O'Connor seconded, and it was unanimously carried to accept the Town Clerk/Tax Collector's report.

APPROVED Ayes 5 Singer, Virgil, Durkee, O'Connor, Hershey
 Nays 0

2. Historian- Mrs. Margaret Bott.

a. No report.

3. Code Enforcement Officer- Mr. Robert Best.
 - a. The written report for the month of January was submitted (see T. C. file).
4. Planning Board- Mr. Theodore Mayhood.
 - a. The January draft minutes were submitted (see T.C. file). Mr. Mayhood indicated the draft minutes show Mr. Engard absent and he was at the meeting.
5. Zoning Board of Appeals- Mrs. Linda Moorhouse.
 - a. The January draft minutes were submitted (see T.C. file).
6. Highway Superintendent- Mr. Bruce Longbine.
 - a. A heater was installed at the Highway Department building; the electrician will take a look at the outside lights and the fans.
 - b. Reitz right of way review: Superintendent Longbine has no new information. Supervisor Singer sent a copy of the deed to the attorney for review to determine if Canadice Hill Road is three rods or four rods wide.
 - c. Knapp culvert: Councilman Hershey looked at the area in his capacity with Ontario County Soil & Water to confirm the size of the culvert needed for replacement.
 - d. Equipment Schedule Review: Supervisor Singer didn't have the new numbers in the report yet.
 - e. Highway Personnel request regarding comp time: After some discussion, it might be a possibility with a limited amount of time and restricted to when the time could be taken. Also, advance arrangements would have to be made. Superintendent Longbine indicated if it was capped at one week, they could work around it. If any of them didn't want to participate it wouldn't be an issue either.
7. Honeoye Lake Watershed Research Taskforce Liaison- Councilman Hershey.
 - a. February 7th meeting- The Nature Conservancy is questioning the initiative to construct waterfowl impoundment areas. They feel there should be more studies done before any impoundments are constructed. Additional studies are estimated at costing \$18,000; so grant funding will be researched.
8. Assessor- Mrs. Lisa Bennett.
 - a. The written report for the month of January was submitted (see T. C. file).
9. Supervisor- Ms. Kristine Singer.
 - a. The financial report for the month of January 2013 will be submitted at the next meeting. We are experiencing some software issues that Williamson Law Book will need to fix remotely before the reports can be completed.

E. UNFINISHED BUSINESS:

1. Water District Update: Supervisor Singer met with Mr. Jamie Herman from the New York Rural Water Association. He looked over the steps we have taken and what we are processing now. Mr. Herman indicated we have done very well and have covered a few additional items beyond what we needed to.
 - a. **Resolution Number 12 of 2013** – Authorization To Execute A Contract With The City Of Rochester For Operations And Maintenance Of Canadice Water District #1
The five-year effective date of the contract starts once the water is turned on. Councilman Virgil asked what

these delays may have pushed the start-up date back to. Supervisor Singer estimates we could be behind six to eight months from the initial schedule.

Councilman Durkee motioned, Councilman Virgil seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 5 Singer, Virgil, Durkee, O’Connor, Hershey
 Nays 0

WHEREAS, This Board determined it was in the best interest of residents living in the County Road 36 corridor to move a proposal forward for the installation of a public water system to service these individuals; and

WHEREAS, Resolution Number 35 of 2011 created Canadice Water District #1 after having had the Map, Plan and Report adopted with Resolution Number 30 of 2011 and holding a public hearing on June 13, 2011; and

WHEREAS, A referendum was held on August 20, 2011 resulting in voter approval for the creation of Canadice Water District #1; and

WHEREAS, The original proposal had the Town of Richmond as the provider for operations and maintenance of the system once it becomes operational; and

WHEREAS, The Town of Richmond has since begun to evaluate the feasibility of leasing the operation and maintenance of their system to another entity; and

WHEREAS, The water district proposal also needs approval by the State Comptroller's Office regarding the annual cost to the users; and

WHEREAS, It is necessary for the Town of Canadice to have a contract in place identifying the costs for the operation and maintenance of the system, once operational, before receiving the necessary State Comptroller's approval; and

WHEREAS, This Board has researched other experienced entities to provide operation and maintenance services for Canadice Water District #1 and determined their preferred provider is the City of Rochester; and

WHEREAS, The City of Rochester has provided a contract to the Town of Canadice for the operation and maintenance of Canadice Water District #1; and

WHEREAS, This Board agrees that contracting with the City of Rochester for this service is in the best interest of those individuals residing in Canadice Water District #1; now, therefore, be it

RESOLVED, That this Board authorizes the Supervisor to execute the documents necessary to contract with the City of Rochester for the operation and maintenance of Canadice Water District #1 at the time the system becomes operational; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution to the City of Rochester along with the executed contract and also provide certified copies of this resolution to Andrew Emborsky Attorney for the Town, Michael Schaffron Project Engineer, retain a copy in the official records and also a copy in the project files.

b. Proposed Town of Richmond Contract: Mr. Mike Schaffron had proposed 15 cents per thousand for the municipal transmission fee contract; it might go up to 30 cents per thousand after negotiations are completed. That would include transmission equipment expense contributions.

2. Resolution Number 13 of 2013 – Authorizing The Execution And Delivery Of Lease Purchase Agreement And Related Instruments With Real Lease, Inc., And Determining Other Matters In Connection Therewith

Councilman Virgil motioned, Councilman Durkee seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 5 Singer, Virgil, Durkee, O'Connor, Hershey
 Nays 0

WHEREAS, The governing body of the Town of Canadice ("*Lessee*") a body of politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and WHEREAS, The Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, In order to acquire such equipment, the Lessee proposes to enter into that certain Equipment Lease-Purchase Agreement (the "*Agreement*") with Real Lease, Inc. (the "*Lessor*"), the form of which has been presented to the governing body of the Lessee at this meeting; and

WHEREAS, The governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, therefore, be it RESOLVED, By the governing body of Lessee as follows:

Section 1. *Approval of Documents.* The form, terms and provisions of the Agreement are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the Supervisor of the Lessee is hereby authorized and directed to execute, and the Town Clerk of the Lessee is hereby authorized and directed to attest and countersign the Agreement and affix the seal of the Lessee to such documents.

Section 2. *Other Actions Authorized.* The proper officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. *No General Liability.* Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the Lessee as provided in the Agreement.

Section 4. *Section 265(b)(3) Designation.* Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. Lessee further represents that Lessee reasonably anticipates that Lessee and other entities that Lessee controls will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000,000 during the calendar year in which the Agreement is executed and delivered.

Section 5. *Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason

be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This Resolution shall be effective upon adoption by the governing body of the Lessee and approval of the attorney for the lessee of the Resolution, Agreement and related documents.

3. Fire Contract Update – Meeting with Commissioners.

*Councilman O’Connor indicated there were five Springwater Commissioners, one Hemlock Commissioner and two Richmond Commissioners in attendance along with Councilman Durkee. Everyone was very happy to meet and discuss the fire and ambulance contracts.

*Councilman O’Connor indicated that Richmond is not interested in changing their district coverage. The Richmond and Springwater districts established their own plan by having the Richmond ambulance go out automatically and will wait at the town boundary line even if they are not called first just as a courtesy. They started this practice due to Livingston County 911 having difficulty understanding where to send a call if Springwater can’t respond within the initial timeframe after being called out.

*Councilman Durkee felt the meeting was very constructive. Money still needs to be discussed. Councilman O’Connor asked Springwater what percentage of their budget would go to Richmond if ambulance coverage in Canadice was no longer covered by Springwater. They do not have funds separated anywhere in their budget which would make it difficult to assign a percentage that could be redirected to another district. Supervisor Singer indicated they will have to if they contract out their ambulance service to Wayland. Councilman O’Connor indicated if Wayland Ambulance takes over the service for Springwater, Canadice residents/taxpayers will not be charged for an ambulance ride. Any non-resident/taxpayer will receive a bill. Just for everyone’s information, Mercy Flight is not “Not for Profit” and the billing is very costly.

*Councilman O’Connor indicated the next meeting is Monday March 4th at 7:00 pm at the Canadice Town Hall. The Springwater group will bring their boundary maps to the next meeting to ensure the dividing lines we have are correct. At this point Councilman O’Connor doesn’t foresee any major changes in coverage for the next contract. If anyone has questions they would like presented at the March 4th meeting, just write them down and give them to Councilman O’Connor or Councilman Durkee in advance.

F. NEW BUSINESS:

1. Resolution Number 14 of 2013 – Setting Date, Place And Time For A Public Hearing Pertaining To The Adoption Of Local Law #1 (Intro) Of 2013 Entitled: A Local Law Establishing Grievance Day For The Town Of Canadice

Councilman Durkee motioned, Councilman Hershey seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 5 Singer, Virgil, Durkee, O’Connor, Hershey
 Nays 0

WHEREAS, There has been presented and introduced at a meeting of this Board held on February 11, 2013, a proposed local law entitled “A Local Law Establishing Grievance Day for the Town of Canadice”; and WHEREAS, This proposed law has been introduced at the request of the newly appointed Assessor, Lisa M.

Bennett, due to her duties in multiple towns; now, therefore, be it
 RESOLVED, That this Board will conduct a Public Hearing on the 11th day of March, 2013 at the Canadice Town Hall, 5949 County Road 37, Town of Canadice, County of Ontario, State of New York, at 7:30 pm for the purpose of entertaining comments pertaining to the adoption of Local Law #1 (intro) of 2013 entitled: A Local Law Establishing Grievance Day for the Town of Canadice; 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.

2. Resolution Number 15 of 2013 – Authorization To Execute A Contract With Honeoye Area Senior Citizens Club

Councilman Durkee motioned, Councilman Hershey seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 5 Singer, Virgil, Durkee, O’Connor, Hershey
 Nays 0

WHEREAS, This Board wishes to have the Honeoye Area Senior Citizen Club provide their services to eligible Canadice residents; and

WHEREAS, The Honeoye Area Citizen Club agrees to offer membership to eligible residents from the Town of Canadice to participate in all of their programs; now, therefore, be it

RESOLVED, That this Board directs the Supervisor to execute the contract with the Honeoye Area Senior Citizens Club for the year 2013; and, be it further

RESOLVED, That the Town of Canadice will contribute \$950 to the Club in consideration of the above services in accordance with the contract; and, be it further

RESOLVED, That the Clerk of this Board is to send a copy of this resolution, and copy of the signed contract with the agreed payment.

3. Approval of the Bills –

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

ABSTRACT #2

General Account Voucher	#21 to #49	\$ 19,406.91
Highway Account Voucher	#03 to #021	\$ 10,194.90
Trust & Agency Voucher	#2	\$ 457.91

APPROVED Ayes 5 Singer, Virgil, Durkee, O’Connor, Hershey
 Nays 0

Councilman O’Connor questioned the bill for bolts. Superintendent Longbine indicated the amount due on the bill was for the total number of pieces ordered, but just showed the quantity of bolts for the backorder.

G. PRIVILEGE OF THE FLOOR:

1. Councilman O’Connor indicated he was informed there have been a number of daytime break-ins in the Canadice/Springwater/Livonia area. A late model red ford pickup with the step-side bed and a green SUV (jeep or ford) have been seen. They make a huge mess dumping out drawers and looking through a property quickly.

2. Councilman Hershey mentioned that someone had shot through Mr. Uderitz’s barn with a 308 – through

- and through in December. This is a good example why a rifle for deer hunting is not reasonable for our area.
3. Councilman Hershey indicated it might be helpful if Emergency Management spent some of their budget training fire departments on properly setting up road blocks. There were some possible safety issues on County Road 37 and Serenity Drive when a fire was responded to. Supervisor Singer will talk to Mr. Harloff.
 4. Mr. Mayhood asked what the status of the County Road 36 property as an unsafe structure is at this time and the status of the committee working on the hydrofracking draft. Supervisor Singer indicated the property owner provided a letter from an engineer indicating the structure is stable for remodeling. Supervisor Singer does not have the next meeting date for the committee working on the hydrofracking draft. She also mentioned a presentation/webinar that she just received notice of regarding hydrofracking. Mr. Kane might be able to attend. Supervisor Singer will contact him.
 5. Councilman O'Connor asked what the status of the Fiber Optic Ring is and Supervisor Singer indicated the construction is completed. We are not connected to the Fiber Optic Ring; the initial fee to be included is approximately \$6,000 and is not feasible at this time.

H. ADJOURNMENT:

Councilman O'Connor motioned, Councilman Durkee seconded, and it was unanimously carried to adjourn the meeting at 9:09 pm.

APPROVED	Ayes 5	Singer, Virgil, Durkee, O'Connor, Hershey
	Nays 0	

Respectfully submitted, _____ Eileen Schaefer, Town Clerk