

A. CONVOCATION:

1. The Canadice Town Board Meeting was held on April 8, 2013 at 7:30 pm at the Canadice Town Hall.

2. Roll call showed the following-

- Present: Councilman & Deputy Supervisor Michael Virgil
- Councilman Leland Durkee
- Councilman John O’Connor
- Absent Supervisor Kristine Singer
- Councilman William Hershey

Others Present: Four (4) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of March 11, 2013 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 Durkee seconded, and it was unanimously carried to approve the minutes of the March 11, 2013 Regular Town Board Meeting after some discussion regarding Resolution 17.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 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 March 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 3 Virgil, Durkee, O’Connor
 Nays 0

b. Flyers to take note of on the bulletin board are as follows:

*Saturday April 13th, Spring Open House at Mueller Station 10:00 am to 2:00 pm.

*Tuesday April 16th, Presentation by Bruce Gilman at Mueller Station “Hey! What’s Up With The Weather?” 7:00 pm to 8:30 pm.

*Saturday April 20th, Annual Clean-up Day 9:00 am meet at the Richmond Town Hall.

*Saturday April 26th, On-Site Mobile Destruction by Shred Text 10:30 am to 1:30 pm at 3019 County

Complex Drive in Canandaigua; free to Ontario County employees and residents.

2. Historian- Mrs. Margaret Bott.
 - a. No report.
3. Code Enforcement Officer- Mr. Robert Best.
 - a. The written report for the month of March was submitted (see T. C. file).
4. Planning Board- Mr. Theodore Mayhood.
 - a. The March draft minutes were submitted (see T.C. file).
 - b. Mr. Mayhood commented on the 36 proposed townhouses being built near the Bristol Mountain Ski Resort.
5. Zoning Board of Appeals- Mrs. Linda Moorhouse.
 - a. The March draft minutes were submitted (see T.C. file).
6. Highway Superintendent- Mr. Bruce Longbine.
 - a. 75 million additional CHIPS funds were approved, giving Canadice approximately \$12,000 more.
 - b. Councilman O'Connor asked if the \$27,500 is the final payment on the road widener and if the other towns have been contributing to the cost. Superintendent Longbine indicated they have contributed and it should be the last payment.
 - c. Councilman O'Connor asked about the trees on Middle Road. Superintendent Longbine indicated he plans on dealing with that situation, but hasn't had a chance yet.
7. Honeoye Lake Watershed Research Taskforce Liaison- Councilman Hershey.
 - a. No report.
8. Assessor- Mrs. Lisa Bennett
 - a. The written report for the month of March was submitted (see T. C. file).
9. Special Reports
 - a. Harriet Hollister Park User Group Meeting – Councilman Virgil indicated there were quite a few people in attendance for the meeting. The new park manager is interested in spending more time at Harriet Hollister even though he works out of Stony Brook. Communication is a big piece for cooperation between the different groups that use the park. It may be useful to hold two meetings a year, one in the spring and one in the fall.
 - b. Multi-Jurisdictional Natural Resource Extraction Meeting- no report.
 - c. Fire District Discussions- Councilman O'Connor indicated they had a very short meeting. Springwater did not have the information needed for their report. The next meeting will be May 1st at 7:00 pm.
10. Supervisor- Ms. Kristine Singer.
 - a. The financial report for the month of March was submitted (see T.C. file).

Councilman Durkee motioned, Councilman O’Connor seconded, and it was unanimously carried to approve the March financial report.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 Abstained 0
 Nays 0

b. Resolution Number 21 of 2013 – Budget Modifications

Councilman Durkee motioned, Councilman O’Connor seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 Nays 0

WHEREAS, At the time the 2013 Budget was being prepared there existed encumbered funds in Appropriation Accounts A1410.2 and A1355.4 in the 2012 Budget totaling \$3,000 for the purchase of replacement computers; and

WHEREAS, The purchase of the replacement computers was delayed into the 2013 budget year; and

WHEREAS, There also existed a software problem with the accounting program with regards to encumbered monies; and

WHEREAS, The Budget Officer determined that to resolve the program anomaly, all encumbered amounts would be liquidated and not carried forward to resolve the issue; and

WHEREAS, It was still the intent to purchase replacement computers; and

WHEREAS, Said replacement computers were ordered and as a result of the cost, an additional computer was added with the total cost below the original encumbered amounts; and

WHEREAS, The expenditure of funds for said computers was intended from the encumbered funds that were carried forward as Fund Balance in the 2013 Budget; now, therefore, be it

RESOLVED, That this Board directs the Budget Officer to make the following 2013 budget modifications to accurately reflect the purchase of the replacement computers:

- Increase A599, Appropriated Fund Balance by \$2,100.00
- Increase A1410.2, Town Clerk, Equipment by \$700.00
- Increase A1355.2, Assessor, Equipment by \$700.00
- Increase A5010.2, Highway Superintendent by \$700.00

E. UNFINISHED BUSINESS:

1. Resolution Number 22 of 2013 – Bid Acceptance

Councilman O’Connor motioned, Councilman Durkee seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 Nays 0

WHEREAS, This Board established an Equipment Replacement Schedule in order to maintain the efficient and cost effective operation of the Canadice Highway Department; and

WHEREAS, In accordance with said replacement schedule this Board authorized the purchase of a replacement truck for the 2003 Mack Dump Truck; and

WHEREAS, A bid in the amount of \$72,500 was received from the Town of Groveland for the purchase of the 2003 Mack Dump Truck being replaced; and

WHEREAS, This Board has determined this bid is within the limits of the approved equipment replacement

plan; now, therefore, be it

RESOLVED, That this Board authorizes the Supervisor to accept the bid in the amount of \$72,500 for the 2003 Mack Dump Truck and execute all necessary documents for transfer of the vehicle; and, be it further RESOLVED, That the Clerk of this Board is to send a certified copy of this resolution to Gregory Adamson, Groveland Highway Superintendent and a copy to Bruce Longbine, Canadice Highway Superintendent.

2. Water District Update – no report.

3. **Resolution Number 23 of 2013** – Resolution Authorizing The Execution And Delivery Of Lease Purchase Agreement And Related Instruments With Real Lease, Inc., And Determining Other Matters In Connection Therewith

Councilman O’Connor motioned, Councilman Durkee seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 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.

F. NEW BUSINESS:

1. **Resolution Number 24 of 2013** – Authorizing Disposal Of Surplus Equipment Through Auction
Councilman O’Connor motioned, Councilman Durkee seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 3 Virgil, Durkee, O’Connor
 Nays 0

WHEREAS, This Board established an Equipment Purchase & Replacement Schedule in order to maintain the efficient and cost effective operation of the Canadice Highway Department; and

WHEREAS, In accordance with said schedule the 1998 New Holland Mowing Tractor has been replaced and the Town will be taking delivery of the new equipment; and

WHEREAS, Canadice Highway Superintendent Bruce Longbine has determined the replaced equipment should be disposed of through auction administered by Roy Teitsworth, Inc.; now, therefore, be it

RESOLVED, That this Board authorizes Highway Superintendent Bruce Longbine to dispose of said equipment by contract for auction with Roy Teitsworth, Inc.; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution to Bruce Longbine, Canadice Highway Superintendent.

2. Approval of the Bills –

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

ABSTRACT #4

| | | |
|-------------------------|--------------|--------------|
| General Account Voucher | #75 to #102 | \$ 15,951.21 |
| Highway Account Voucher | #045 to #068 | \$ 69,217.00 |
| Trust & Agency Voucher | #4 to #6 | \$ 1,986.56 |

APPROVED Ayes 3 Virgil, Durkee, O'Connor
 Nays 0

G. PRIVILEGE OF THE FLOOR:

1. Councilman O'Connor asked if anyone attended the DEC draft management plan public meeting for Hemlock-Canadice Forest. Mr. Mayhood attended. He indicated a DEC representative made a statement at the beginning of the meeting that DEC is not going to allow hydrofracking in the Hemlock-Canadice Forest property. Then another representative presented an overview of the draft management plan. Attendees could make comments, but there was no question and answer period. Nothing was recorded and no notes taken. Councilman O'Connor asked Superintendent Longbine if he feels the State will contribute funds for maintaining the roads around the Hemlock-Canadice Forest. Superintendent Longbine didn't have high hopes for financial contributions from the State, but does plan on pursuing the issue. Mr. Mayhood mentioned the presenters commented on possibly expanding and or improving parking areas at the Hemlock-Canadice Forest.

2. Councilman O'Connor also questioned when the stipends for the VFW and Legion would be sent out. The Town Clerk will check with Kris or the Bookkeeper.

H. ADJOURNMENT:

Councilman O'Connor motioned, Councilman Durkee seconded, and it was unanimously carried to adjourn the meeting at 8:09 pm.

APPROVED Ayes 3 Virgil, Durkee, O'Connor
 Nays 0

Respectfully submitted, _____ Eileen Schaefer, Town Clerk