

**A. CONVOCAATION:**

1. The Canadice Town Board Meeting was held on August 12, 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: Nine (9) guests/residents attended the Regular Town Board Meeting.

3. Salute to the Flag.

4. Approval of July 8, 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 Durkee motioned, Councilman O'Connor seconded, and it was unanimously carried to approve the minutes of the July 8, 2013 Regular Town Board Meeting.

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

**B. PUBLIC HEARING: To Entertain Comments Pertaining To Fire Protection District Contracts For 2014**

\*Supervisor Singer provided the proposed increases for each of the three fire districts we contract with. Hemlock \$203, 1% increase for a total of \$20,530; Springwater \$355, 1% increase for a total of \$35,807; Richmond \$1,875, 2.8% increase for a total of \$67,750. Richmond's portion was amended to a \$15,000 increase for a total of \$80,875.

\*Supervisor Singer opened the public hearing for comments.

\*William and Edith Herbison of Southwest Shores inquired about the Fire Protection District Contracts and what they would include or the process involved with securing the contracts.

\*Supervisor Singer gave an overview of the process that took place over the past year with two of the Board members, the three fire district representatives, the increase in cost of services and why we are considering a one year contract instead of a three year contract. Councilman O'Connor indicated Hemlock only attended a couple of meetings since they were satisfied with their portion of the contract.

\*Councilman O'Connor also mentioned that Richmond requesting additional funds was a result of covering the increased costs of providing Advanced Life Support services as opposed to Basic Life Support services that many other ambulance crews' offer. The contracts are for fire and ambulance protection in Canadice.

\*Supervisor Singer indicated it might be feasible to split out the cost of services provided by each Fire Protection District and assign those costs to the taxpayer within the individual district.

\*Supervisor Singer mentioned an email she received from a resident that suggested a liaison might be appointed to attend the Fire District meetings. Mr. Rick Frost from the Richmond Fire District indicated he would contact their attorney to see if something can be set up. Mr. John Renner from the Richmond Fire

District indicated their meetings are open to the public. Mr. Frost feels it would be a good idea to have a liaison; there have been commissioners that would not let people speak at meetings. Supervisor Singer will provide a copy of the email to Mr. Frost and Mr. Renner.

Councilman O’Connor motioned, Councilman Durkee seconded, and it was unanimously carried to close the public hearing.

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

**C. PRIVILEGE OF THE FLOOR:**

1. Mrs. Herbison asked what the status of the water district and natural gas for Canadice is at this time. Supervisor Singer provided an overview of why the packet still remains with the comptroller’s office. With Richmond looking at outsourcing their water department, our project couldn’t move forward until they decided how their water department would be managed. Richmond has just contracted with Monroe County Water Authority; therefore the commitment letter for water transmission would come from MCWA to complete our packet for the comptroller. Our water district project is approximately a year behind at this point. National Fuel comes to our town line with natural gas. We have the option of contracting with RG&E, NYSEG or National Fuel if any or all of them are interested. A contract is in place with the City of Rochester Water Authority to handle our operation and maintenance for the water district. Mrs. Herbison also commented on the poor condition of Honeoye Lake.

2. Supervisor Singer announced that as of 10:30 this morning the Captain Redbeard’s Feast is canceled for 2013.

**D. COMMUNICATIONS:**

Note: Communications are filed with the Town Clerk. Discussion on any item may be called for by any Member of this Board.

**E. REPORTS:**

1. Town Clerk/Tax Collector- Mrs. Eileen Schaefer.  
a. The financial report for the Town Clerk/Tax Collector for the month of July was submitted (see T. C. file).

Councilman Durkee motioned, Councilman Virgil 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 July was submitted (see T. C. file).

4. Planning Board- Mr. Theodore Mayhood.

a. The July draft minutes were submitted (see T.C. file).

b. The subdivision application for a section at the south end of Helen Mastin’s property was approved.

c. The site plan application for Turtle Rock Ropes Course will be opened at the next meeting.

Councilman Hershey asked what kind of oversight will be needed. Mr. Mayhood indicated there is an annual operating permit required from New York State and the NYS Department of Labor issues a permit initially, not sure if that permit is renewed annually.

5. Zoning Board of Appeals- Mrs. Linda Moorhouse.

a. The July draft minutes were submitted (see T.C. file).

6. Highway Superintendent- Mr. Bruce Longbine.

a. Canadice Lake Road has been profiled; in the next couple of weeks they will put down oil and stone. Councilman Virgil asked if Ontario County will be finishing County Road 37 with oil and stone. Superintendent Longbine indicated Ontario County is done for this season; they put up signs beyond where they were going to work on 37 by mistake.

b. DEC inspected the tanks and drains, everything was good.

c. The mowing still needs to be finished, all the rain we have had delayed that schedule.

d. Superintendent Longbine has a letter regarding the change in CHIPS contributions; he will go over it with Supervisor Singer.

e. Councilman O’Connor asked if there will be profiling on Canadice Hill Road along the park and Superintendent Longbine indicated they have done some work along there. They received funds from a grant three or four years ago. Due to some complications they had to work on the road again.

7. Honeoye Lake Watershed Research Taskforce Liaison- Councilman Hershey.

a. Soil & Water and the Task Force have been testing Honeoye Lake for blue green algae for DEC; so now the lake is officially on the list of known lakes with toxic blooms. A meeting took place with Princeton Hydro, the consultant that is doing the hydrologic budget for the grant work. New WQIP RFP paperwork is available to apply for funds for the new basins on the hill.

8. Assessor- Mrs. Lisa Bennett

a. The written report for the month of July was submitted (see T. C. file).

9. Special Reports

a. There were no special reports at this time.

10. Supervisor- Ms. Kristine Singer.

a. The financial reports for the month of June and July were submitted (see T.C. file).

Councilman Virgil motioned, Councilman Durkee seconded, and it was carried to approve the June and July financial reports.

APPROVED            Ayes 4            Virgil, Durkee, O’Connor, Hershey  
                                 Abstained 1        Singer

Nays 0

**F. UNFINISHED BUSINESS:**

**1. Resolution Number 36 of 2013 – Authorization To Execute One-Year Fire Protection & Ambulance Service Agreements**

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

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

WHEREAS, The Town of Canadice Currently contracts with the Richmond Fire District, the Springwater Fire District and the Hemlock Fire District for fire protection and ambulance service within the Towns fire protection district as set forth in executed agreements between the Town and said districts, and

WHEREAS, Said agreements will expire on December 31, 2013; and

WHEREAS, This Board wishes to renew said agreements for one year commencing January 1, 2014 and terminating on December 31, 2014; now therefore, be it

RESOLVED, That this Board is hereby authorized to execute the fire and ambulance protection agreements with the above mentioned Fire Districts under the terms set forth in the attached documents; and, be it further

RESOLVED, That the Clerk of this Board send a certified copy of this resolution along with two copies of each agreement to the respective Fire Districts to be signed by their Commissioners, and returned to the Town Clerk of the Town of Canadice for signatures of this Board at the September meeting.

**G. NEW BUSINESS:**

**1. Resolution Number 37 of 2013 – Designating The Canadice Town Clerk As The Official To Receive Service Of A Notice Of Claim From The Secretary Of State**

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, Article 4 of General Municipal Law of New York requires that prior to commencing any lawsuit again the Town of Canadice, a Notice of Claim must be served; and

WHEREAS, Effective June 15, 2013, Article 4 of the General Municipal Law of the State of New York has been amended to add the Secretary of State as an agent to receive service of a Notice of Claim against the Town of Canadice; and

WHEREAS, The Town of Canadice is required to file a certificate designating an official to receive service of a Notice of Claim from the Secretary of State; and

WHEREAS, This Board recommends adoption of this resolution designating the Canadice Town Clerk as the agent to receive a Notice of Claim on behalf of the Town of Canadice from the Secretary of State; now, therefore, be it

RESOLVED, That the Canadice Town Clerk is hereby designated as the official to receive a Notice of Claim from the Secretary of State; and, be it further

RESOLVED, That the Supervisor and Town Clerk are authorized to execute any forms necessary to authorize the Secretary of State to accept service of a Notice of Claim, and designate the Canadice Town Clerk as the agent-in-fact for the transmittal of any Notice of Claim served upon the Secretary of State; and,

be it further

RESOLVED, That a certified copy of this resolution along with any copies of required filing certificates be retained in the Town records.

**2. Resolution Number 38 of 2013 – Requesting County Assistance For A Revaluation Project For The Town Of Canadice**

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, The Town of Canadice has undergone the data collection of real properties within the Town; the Town feels that it is necessary to conduct a revaluation project of all properties for the 2014 assessment roll to maintain a uniform standard of assessment for the Town; and

WHEREAS, The State of New York may provide financial assistance to the Town for the implementation of a system of real property tax administration which conforms to the standards established pursuant to Subdivision 1 of #1570 of the Real Property Tax Law; now, therefore, be it

RESOLVED, That the Town Board of the Town of Canadice, Ontario County, State of New York hereby requests County assistance, specifically from the Real Property Tax Office of Ontario County to help do a revaluation project to achieve and maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and, be it further

RESOLVED, That the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program and to make application to the Office of Real Property Tax Services for financial assistance pursuant to #1572 of the New York State Real Property Tax Law; and, be it further

RESOLVED, That certified copies of this resolution be sent to Lisa Bennett, Canadice Assessor, Robin Johnson, Ontario County Real Property Tax Director, and the regional office of New York State Office of Real Property Tax Services.

**3. Resolution Number 39 of 2013 – Support Of Proposed Legislation To Amend Real Property Tax Law Definition Of Telecommunications Equipment**

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, Real Property Tax Law Section 102(12)(d) defines real property as telecommunication equipment owned by a telephone company including all telephone and telegraph lines, wires, poles, supports and enclosures upon, above and underground; and

WHEREAS, Real Property Tax Law Section 102(12)(i) defines real property as telecommunication equipment owned by other than a telephone company including all lines, wires, poles, supports and enclosures, upon, above and underground used in connection with the transmission or switching of electromagnetic voice, video and data signals between different entities separated by air, street or other public domain; and

WHEREAS, A recent decision of the Appellate Division, First Department determined that fiber optic

telecommunications equipment located on private property cannot be assessed under this statute; and  
 WHEREAS, The Court of Appeals denied New York City’s attempt to appeal that decision; and  
 WHEREAS, The New York State Department of Taxation and Finance, Office of Real Property Tax Services removed all fiber optic telecommunications equipment located on private property from their utility advisory appraisals; and  
 WHEREAS, Assessments of all telecommunication fiber optic equipment located on private property was removed from all 2013 municipal assessment rolls in Ontario County, totaling a \$2,273,333 lost in tax base; and  
 WHEREAS, Fiber optic telecommunication equipment located in the public right of way remains assessable; and  
 WHEREAS, Senate bill S5349 and its companion bill in the Assembly, A7595 propose to amend Real Property Tax Law Section 102(12)(d) and (i) to clarify the definition of real property as telecommunication equipment including equipment used for conducting or transmitting electricity, power, light or other energy or substance; and  
 WHEREAS, This Board has reviewed the proposal and supports its enactment into law; now, therefore, be it  
**RESOLVED**, That this Board is committed to the equitable distribution of property taxes within the Town and County and supports the passage of Senate bill S5349 and its Assembly companion bill A7595; and, be it further  
**RESOLVED**, That the Clerk of this Board shall forward copies of this resolution to Governor Andrew Cuomo, Senators Michael Nozzolio and Ted O’Brien and Assemblyman Brian Kolb and any others deemed necessary and proper.

4. Approval of the Bills –

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

ABSTRACT #8

General Account Voucher	#198 to #223	\$ 5,054.47
Highway Account Voucher	#128 to #149	\$ 88,873.56
Trust & Agency Voucher	#11	\$ 344.75
Richmond Fire Dept. Voucher	#02	\$ 1,421.45
Hemlock Fire Dept. Voucher	#002	\$ 447.49
Springwater Fire Dept. Voucher	#0002	\$ 763.37

\*\*General Account Voucher #198 was duplicated in Abstract 7 & 8.

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

**H. PRIVILEGE OF THE FLOOR:**

1. Superintendent Longbine mentioned a situation regarding a driveway on Purcell Hill Road. The owners contacted Superintendent Longbine to replace the culvert after the driveway was already paved. Superintendent Longbine would like to know if it is feasible to have a permit at no cost to the resident so the Highway Department would know in advance before a driveway was paved and could check out the culvert before the work was done. After the Board discussed the situation, they did not feel a permit sounded reasonable or enforceable. Councilman Hershey suggested having an employee check the status of the

culverts periodically. Supervisor Singer will check with the county to see what they use.

2. Superintendent Longbine indicated they are planning on wedging along the shoulders on County Road 37.

3. Councilman O'Connor mentioned an article in the paper that Governor Cuomo reduced the tax cap to reflect the rate of inflation.

4. Councilman O'Connor spoke with MedEx, the company that will handle billing for Springwater. They can't give any specific costs because nothing has been contracted with them officially yet. A representative from MedEx would be glad to attend one of our meetings to explain the contract process to the Board.

5. Councilman O'Connor mentioned the discussion that took place regarding the \$33,000 short fall in the Richmond Fire District budget for this year. Some of that discussion related to the properties in the Hemlock Fire District that Richmond's ambulance service covers. Mr. Frost mentioned that Livonia has two separate lines on their tax bill, one for fire coverage and one for ambulance.

**I. ADJOURNMENT:**

Councilman O'Connor motioned, Councilman Durkee seconded, and it was unanimously carried to adjourn the meeting at 8:50 pm.

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

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