

**KENDALL TOWN BOARD**  
**SPECIAL MEETING**  
Friday, May 27, 2016, 4:00 p.m.  
Kendall Town Hall ó 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 4:05 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

Councilwoman Flow	present
Councilman Martin	arrived at 4:20 p.m.
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

**SUPERVISOR'S REMARKS**

The purpose of this meeting is to present the maps, plans, and reports for the potential water districts 7 and 8, respectively, to the Town Board, to review the estimated costs to the affected property owners and debt incurrences associated with these potential water districts, and to set Public Hearings to solicit public input on these projects.

**PUBLIC COMMENT**

County Legislator DeRoller expressed optimism at the stage these projects have reached.

**RESOLUTIONS**

Attorney for the Town, Andrew Meier, explained the resolutions, said he would be responsible for mailing all affected parcel owners notices, and answered questions from the Board members.

Councilwoman Szozda made a motion to pass the following resolution, as written, with reading waived, seconded by Councilman Newell:

**RESOLUTION 61-0516 Setting Water District 7 Public Hearing**

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town" respectively), in the County of Orleans, New York, has heretofore caused the preparation of a general map, plan and report for the proposed construction of water improvements to provide a source of potable water in an area of the Town hereinafter described (the "Water District"), including land or rights in land, original furnishings, mains, pipes, appurtenances, equipment, machinery, apparatus, all within the unincorporated area of the Town outside of any villages, as more particularly described in Schedule "A", annexed hereto, (the "Benefited Area"), such improvements to involve the installation of approximately 8,000 linear feet of 10" diameter PVC water main along a portion of Norway Road, (the "District No. 7

Area) pursuant to Article 12-A of the Town Law, and which map, plan and report have been heretofore duly filed in the Office of the Town Clerk for public examination; and

WHEREAS, such Water District will benefit the entire Benefited Area, said area being hereby designated as the benefited area pursuant to the Town Law; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Conservation Law prior to final authorization for this action; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water District is estimated to be \$860,000.00 and which is planned to be financed by the issuance of \$860,000.00 serial bonds offset by any funds received from the federal, state, county, and/or local grants including, but not limited to, grant and/or loan funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Water District No. 7, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District No. 7 shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, and

WHEREAS, the annual cost of operation and maintenance of said Water District No. 7 shall be paid with a charge upon the Benefited Area which shall be levied and collected in the same manner and at the same time as other Town charges or by water rents or rates; and

WHEREAS, the estimated total first year costs to the typical property and typical one or two family home is the sum of One Thousand Four Hundred Nineteen and 84/100 (\$1,419.84) Dollars calculated by estimating (1) purchase of water meter, \$215.00 (2) installation of water service (50 lf x \$10.00 lf), \$500.00 (3) MCWA account initiation, \$15.00 (4) repayment of long term bonding, \$406.68, and (5) operation and maintenance, \$265.31, and (6) maintenance reserve \$17.85; and

WHEREAS, the cost of the district to a typical property and the cost of the district to a typical one or two family home (as defined in the Town Law) for the second year and beyond is now estimated to be the sum of Six Hundred Eighty-nine and 84/100 (\$689.84) Dollars per year, calculated as follows:

Repayment of Long Term Bond

Parcel Charge \$406.68

Operation and Maintenance \$265.31

Maintenance Reserve \$ 17.85

\$689.84 parcel/year

and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the construction of the Water District to such Typical Property is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts as computed by the State Comptroller and thus is a "low cost" district not requiring the approval of the State Comptroller,

NOW, THEREFORE, BE IT:

ORDERED, that the Town Board of the Town of Kendall meet and hold a further public hearing at the Town Hall, Town of Kendall, 1873 Kendall Road, Kendall, New York, on the 21st day of June, 2016, at 7:00 P.M. (Prevailing Time) to consider the construction of the said proposed facilities and improvements of the Water District, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMLIN HERALD," a newspaper having a general circulation in the Town of Kendall, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the bulletin board in the Office of the Town Clerk, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty days (20) days before the day designated herein for said public hearing as aforesaid; and mail by first class mail to each owner of the taxable real property in the District a notice of such public hearing in substantially the form attached hereto designated

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Kendall, Orleans County, New York, will meet at the Town Hall, 1873 Kendall Road, in the Town of Kendall, at 7:00 o'clock P.M. on June 21, 2016 for the purpose of conducting a Public Hearing to consider the construction of the facilities and improvements of proposed Water District No. 7 consisting of the installation of approximately 8,000 linear feet of 10" diameter PVC water main along a portion of Norway Road within the Town, all of the foregoing to include land or rights in land, original equipment, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work (referred to herein as the "Water District") in the Town, at the estimated maximum of cost of \$860,000.00 which is planned to be financed by the issuance of \$860,000.00 serial bonds offset by any funds received from and/or local grants, including, but not limited to grant and/or loan funds from USDA

Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the parcels within the Benefited Area; total estimated first year costs to a the federal, state, county, typical property and to a typical one or two family home (as defined in Town Law) in the amount of \$1,419.84 and total estimated second year and beyond costs to a typical property and to a typical one or two family home in the amount of \$689.84.

At such public hearing, the Town Board will hear all persons interested in said subject matter thereof.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF KENDALL, ORLEANS COUNTY, NEW YORK

and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of a copy of this Order.

Supervisor Cammarata called for a roll call vote, with the following results:

- Councilwoman Flow                    aye
- Councilman Newell                    aye
- Councilwoman Szozda                aye
- Supervisor Cammarata                aye

Motion carried.

Councilwoman Szozda made a motion to pass the following resolution, as written with reading waived, seconded by Councilwoman Flow:

**RESOLUTION 62-0516 Setting Water District 8 Public Hearing**

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town" respectively), in the County of Orleans, New York, has heretofore caused the preparation of a general map, plan and report for the proposed construction of water improvements to provide a source of potable water in an area of the Town hereinafter described (the "Water District"), including land or rights in land, original furnishings, mains, pipes, appurtenances, equipment, machinery, apparatus, all within the unincorporated area of the Town outside of any villages, as more particularly described in Schedule "A", annexed hereto, (the "Benefited Area"), such improvements to involve the installation of approximately 12,900 linear feet of 12" diameter PVC water main along portions of Kendall and Creek Roads, (the "District No. 8 Area") pursuant to Article 12-A of the Town Law, and which map, plan and report have been heretofore duly filed in the Office of the Town Clerk for public examination; and

WHEREAS, such Water District will benefit the entire Benefited Area, said area being hereby designated as the benefited area pursuant to the Town Law; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Conservation Law prior to final authorization for this action; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water District is estimated to be \$1,340,000.00 and which is planned to be financed by the issuance of \$1,340,000.00 serial bonds offset by any funds received from the federal, state, county, and/or local grants including, but not limited to, grant and/or loan funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Water District No. 8, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District No. 8 shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, and

WHEREAS, the annual cost of operation and maintenance of said Water District No. 8 shall be paid with a charge upon the Benefited Area which shall be levied and collected in the same manner and at the same time as other Town charges or by water rents or rates; and

WHEREAS, the estimated total first year costs to the typical property and typical one or two family home is the sum of One Thousand Five Hundred Seventy-four and 84/100 (\$1,574.84) Dollars calculated by estimating (1) purchase of water meter, \$215.00 (2) installation of water service (50 lf x \$10.00 lf), \$500.00 (3) MCWA account initiation, \$15.00 (4) repayment of long term bonding, \$571.20 and (5) operation and maintenance, \$265.31, and (6) maintenance reserve \$8.33; and

WHEREAS, the cost of the district to a typical property and the cost of the district to a typical one or two family home (as defined in the Town Law) for the second year and beyond is now estimated to be the sum of Eight Hundred Forty-four and 84/100 (\$844.84) Dollars per year, calculated as follows:

Repayment of Long Term Bond	
Parcel Charge	\$571.20
Operation and Maintenance	\$265.31
Maintenance Reserve	\$ <u>8.33</u>
	\$844.84 parcel/year

and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the construction of the Water District to such Typical Property is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts as computed by the State Comptroller and thus is a "low cost" district not requiring the approval of the State Comptroller,

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FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMLIN HERALD," a newspaper having a general circulation in the Town of Kendall, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the bulletin board in the Office of the Town Clerk, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty days (20) days before the day designated herein for said public hearing as aforesaid; and mail by first class mail to each owner of the taxable real property in the District a notice of such public hearing in substantially the form attached hereto designated

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At such public hearing, the Town Board will hear all persons interested in said subject matter thereof.

BY ORDER OF THE TOWN BOARD OF THE TOWN  
OF KENDALL, ORLEANS COUNTY, NEW YORK

and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of a copy of this Order.

Supervisor Cammarata called for a roll call vote, with the following results:

Councilwoman Flow	aye
Councilman Newell	aye
Councilwoman Szozda	abstain
Supervisor Cammarata	aye

Motion carried.

Attorney Meier asked all voting members and the Clerk to stay and sign necessary documents.

Councilwoman Flow said Partyka Farms would like to donate part of any proceeds earned at the Homegrown Days dinner to the Town.

Councilman Martin entered the meeting, and the Attorney for the Town said a vote from Councilman Martin could be counted and recorded in the minutes of the meeting. Councilman Martin stated he records a vote of öayeö for each of the resolutions, 61-0516 and 62-0516. So recorded.

Councilwoman Szozda asked what has been done regarding the "Diesel situation" since the meeting in May.

Attorney Meier said all conversations have been positive, and MCWA has been cooperative. As these new water districts are completed, the Board will want to pay extra mind to the easement situation and be aware that an easement is not a deed, conveying limited, specified use, not ownership.

The Board is in agreement that it prefers the Town to hold those easements, rather than Monroe County Water Authority.

Supervisor Cammarata recognized and gave the floor to Ken DeRoller, Kendall resident and County Legislator. Mr. DeRoller suggested the Board prepare for questions at the Public Hearings regarding revisiting the Town's agreement with the MCWA. Mr. DeRoller listed several things he feels MCWA has done wrong, including removing two vaults in 2013 which belonged to the Districts and filing easements without proper approval, saying MCWA "thinks they're dealing with a bunch of farmers here" and suggested Kendall take a stand.

Attorney Meier agreed the agreement with MCWA is one-sided, but cautioned that it may not behoove the Town to force a standoff with the Water Authority at a time it is attempting water expansion projects.

Supervisor Cammarata expressed optimism that the issues can be resolved between the attorneys and the Board will closely monitor the process.

With no further business coming before the Board, Councilwoman Szozda requested the meeting be adjourned, seconded by Councilwoman Flow; all ayes. Meeting adjourned at 4:51 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk