

**KENDALL TOWN BOARD**

Tuesday, March 21, 2017 7:00 p.m.

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:01, and led the Pledge of Allegiance.

**ROLL CALL**

Councilwoman Flow	present
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

The Public Hearing on the ESTABLISHMENT OF WATER DISTRICT NINE was opened at 7:03 p.m.

**SUPERVISOR/TOWN BOARD SUMMARY**

Supervisor Cammarata described the area for this proposed district, explained it will close the loop between Districts 7 and 8, and said a State and Municipal Grant for \$150,000 has been awarded toward the cost of this proposed district.

Mike Schaffron was LaBella Engineering and Assessor Massey were introduced.

**PUBLIC INPUT**

Loralei Kessler, affected resident – asked if the \$65,000 bonded cost projection was an updated one.

Supervisor Cammarata said the numbers are projections. True costs may be less.

Mr. Schaffron said some adjustments were made during the Map, Plan and Report process.

Water rates have increased. So few properties are affected that the cost is not widely spread.

Mrs. Kessler asked about water meter charges.

Mr. Schaffron said the meters are purchased through MCWA directly.

David Maslyn, Kendall Road – asked how the water source for District Nine will be tied into that of Districts Seven and Eight.

Mr. Schaffron described the flow path, from the source at Water District Seven and to Water District Eight.

Mr. Maslyn said at the Public Hearing held regarding the establishment of Water District Eight, he was told in response to his query as to whether the lines for District Eight were being sized to accommodate growth that they were not. Now this plan will tie in several current and possible future users. How is the additional capacity justified?

Mr. Schaffron responded that the initial engineering for Districts Seven and Eight were based on “dead end runs”. If District Nine were to be completed, Seven and Eight will be working in tandem, which reinforces the capacity of each line. If funding of District Eight is approved, final engineering details can then be prepared. Closing the loop may actually reduce overall costs of the three new districts, and improve service in the event of a break.

Ken DeRoller, Kendall Road – spoke in favor of the proposed district.

Maxine Downey, affected resident – asked who would be doing the site work.

Mr. Schaffron explained that the project would go out to public bid.

Mrs. Downey asked if the Town Highway Department can bid.

Mr. Schaffron said due to the financing obtained, that is not an option. The grant brings stipulations, and one is the Town cannot be its own contractor.

Mrs. Downey expressed that the uneven financial burden between districts seems “off”. She asked about the \$50.00 annual charge for maintenance.

Mr. Schaffron explained that the charge is mandated by MCWA to establish a reserve fund for future maintenance costs associated with using PVC (a more affordable option) rather than its preferred iron ductile pipelines. In the unlikely event of a break, the benefitted properties split the cost.

Mr. DeRoller asked if the Highway Department can bid for the District Eight and Seven projects.

Mr. Schaffron said that is being researched.

Mr. DeRoller asked if the annual maintenance fee is for the life of the debt (40 years).

Mr. Schaffron responded that is determined by the Town Board. There can be no co-mingling of funds for different districts.

Councilman Newell asked if the work comes with warranty.

Mr. Schaffron said the construction contract generally specifies a warranty period, typically two years.

Mrs. Downey asked if the bids are open to the public, and if the lowest bid is always accepted.

Mr. Schaffron explained that sealed bids come to the Town, are unopened until an appointed time which was publically noticed, read aloud publically, and if all criteria are met and in order, the lowest bid is accepted, after engineering review.

Mrs. Downey asked which order the districts will be built.

Supervisor Cammarata said District 7 will be first, and construction should begin around Labor Day. District Nine will follow, and Eight will likely be last.

Mr. Maslyn, Kendall Road, asked if bidding all three districts together to save administration and overhead costs incurred would make more sense than each being bid separately.

Mr. Schaffron said they must be bid separately, as each has different rules due to funding, different time constraints, and separate bidding helps ensure competition.

Mr. Mann, Kendall Road, asked who monitors construction.

Mr. Schaffron said LaBella Associates does.

With no one else wishing to speak, Supervisor Cammarata closed the Public Hearing at 7:33 p.m.

The public hearing for **LOCAL LAW 1 OF 2017 THE TOWN OF KENDALL EXTENSION OF MORATORIUM ON INDUSTRIAL SOLAR ENERGY GENERATION FACILITIES** was opened at 7:34 p.m.

#### **SUPERVISOR/TOWN BOARD SUMMARY**

The Town Board wishes to extend the moratorium currently in place for an additional six months, in order to complete its review of the Planning Board's recommendations for the potential regulations regarding industrial solar power.

Mrs. Downey, Creek Road, asked what solar generation is affected by the current moratorium. Councilman Newell responded that it concerns industrial applications only.

With no one else wishing to speak, Supervisor Cammarata closed the Public Hearing at 7:36 p.m.

**OPEN REGULAR MEETING - 7:36 p.m.**

#### **SUPERVISOR'S REMARKS**

Supervisor Cammarata thanked Councilwomen Flow and Szozda, Clerk Richardson, and Superintendent Kruger for their extra efforts during the recent storm and electric outage. Special thanks to the Kendall Lions' Club, Girl Scout Brownie Troop 60513, and residents Phil Haight, and Ken DeRoller for donated food and beverage items for those needing services or warming within the Town Hall. The Fire Department was helpful to so many, and many members of the Kendall community cooperated and helped each other.

The Town Hall is equipped to be a shelter in emergencies, thanks to its generator, and the Red Cross was present in case those without heat would need a place to stay.

The flags for the Town Hall were damaged in the windstorm and will be replaced.

#### **CORRESPONDENCE**

Doyle Security – Inspection and Test Report  
All passed

Flow made motion to accept the following minutes, seconded by Szozda; ayes – Martin, Flow, Szozda, Cammarata; abstention - Newell

Town Board Meeting – January 17, 2017

Recessed Meeting – February 7, 2017

#### **PUBLIC COMMENT**

Glen Spellan, Kenmor Road, spokesman for the Kendall Community Innovation Advisory Committee, passed each member of the Board the committee's AREAS OF FOCUS LIST.

Supervisor Cammarata said the Board will discuss this list at a workshop.

#### **REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS**

##### **Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings, & Grounds – Martin

Highway – Martin

Supervisor Cammarata has made a list of storm damage.

Community Relations - Flow

Culture & Recreation – Flow

Recreation Director Werth has a newsletter for distribution listing many events.

Information Services – Flow

Newsletter coming out soon; several groups' fundraiser meals are on the website;

Homegrown plans are underway

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

No report

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

Written report submitted

Orleans County Representative – DeRoller

The county is putting together opiate abuse prevention programs.

## **Boards**

Planning Board – A. Kludt, Chair – written report submitted

Zoning Board – P. Bolton, Chair – no report

## **Department Heads**

Assessor – G. Massey – There are two vacancies on the Board of Assessment Review.

One will be filled tonight by resolution reappointing Robert Hart.

Code Enforcement – P. Hennekey

Both CEO Hennekey and Deputy Strong attended their week long training session. New energy conservation codes have been put in place and are being emphasized.

Four permits have been issued for breakwalls.

A marina tour was completed, and a dialog took place as to what must be completed to bring the building up to code. The town is awaiting submittals from the marina's engineers.

Troutburg has plans for several new homes this season, and will need an onsite person for waste water according to the Health Department.

Code Enforcement met with the Innovations Committee to discuss concern about vacant homes. Feedback was received to inquiry about one such property, from an attorney involved, which stated the property is in an estate situation.

Highway - W. Kruger – no report (b

usy with storm cleanup)

Historian – H. Banker – no report

Recreation – M. Werth – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Drennan, D. Gaudioso – written reports submitted

## **RESOLUTIONS**

Martin made the following motion, seconded by Flow:

### **RESOLUTION 49-0317 DECLARING MECHANICAL VOTING MACHINES AS SURPLUS**

Be it hereby resolved to declare as surplus the Town of Kendall mechanical voting machines; and also

Be it resolved to authorize the Town Board to dispose of the described equipment, as per the Town of Kendall's policy for the disposition of property.

Discussion: These take up a great deal of space in the meeting room closet, and have scrap value.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Szozda made the following motion, seconded by Martin:

### **RESOLUTION 50-0317 RE-APPOINTING ROBERT HART TO THE BOARD OF ASSESSMENT REVIEW**

Whereas there is currently a vacancy in the Kendall Board of Assessment Review as a result of Robert Hart's expired term on September 30, 2016, and,

Whereas Robert Hart has declared interest in being reappointed to this position, and

Further that Robert Hart has done an admirable job during his term,

Therefore be it resolved to appoint Robert Hart, 1256 Kendall Road, Kendall, NY 14476 to the position of Board of Assessment Review with this term of office to expire on September 30, 2021.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Attorney Meier suggested the full reading of the following three resolutions be dispensed with. (Clerk's note: minor typographical errors and punctuation were corrected during the preparation of minutes)

Flow made the following motion by title, seconded by Szozda:

### **RESOLUTION 51-0317 SEQR RESOLUTION - NEGATIVE DECLARATION REGARDING WATER DISTRICT NINE**

**WHEREAS,**

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Kendall announced its intent to serve as Lead Agency on February 7, 2017, to conduct an environmental review of public water supply improvements within proposed Water District 9 service area. The project will ensure a safe and reliable potable water supply and fire protection for area residents and businesses.
- 2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project are located in an Orleans County Agricultural District.
- 3) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On February 8, 2017, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Kendall Town Board serving as Lead Agency for this project. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 5) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Kendall declares that it will serve as Lead Agency for the water system improvements proposed in Water District 9; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the form entitled "Negative Declaration Notice of Determination of Non-Significance."

Discussion: Attorney Meier said this resolution states that the Town Board has determined the project will have no significant environmental impact.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Newell made the following motion by title, seconded by Martin:

**RESOLUTION 52-0317 ESTABLISHING WATER DISTRICT NINE**

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 duly caused LaBella Associates, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for a proposed Water District 9 (the “District”) in the Town, consisting of the construction and installation of approximately 2,525 linear feet of 8 inch diameter PVC water main along portions of Creek Road including land or rights in land, stream and road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances, related site work and other ancillary work; which, map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, on February 21, 2017, a petition was filed in the office of the Town Clerk bearing the signatures of owners, in the aggregate, of at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District, and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property in the proposed Water District; and

WHEREAS, pursuant to the Order duly adopted on February 21, 2017, the Town Board has determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk’s Office for public inspection and specifying March 21, 2017, at 7 o’clock p.m. (Prevailing Time) as the time when, and the Kendall Town Hall, located at 1873 Kendall Road, Kendall, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law and a Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration the Town Board has found that no substantial adverse environmental impact will be caused by such District and a Negative Declaration has been issued; 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 Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 21<sup>st</sup> day of March, 2017, commencing at 7 o'clock p.m. (Prevailing Time) at such Kendall Town Hall, at which time all interested persons desiring to be heard were heard;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF KENDALL, IN THE COUNTY OF ORLEANS, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) The aforesaid Petition to Request Water District was signed and acknowledged or proved or authenticated as required by law and is otherwise sufficient.

(b) the Order Calling Public Hearing was published and posted as required by Law, and is otherwise sufficient;

(c) the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District;

(d) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(e) all the property and property owners benefited are included within the limits of the proposed District; and

(f) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Water District 9, in the Town of Kendall, and shall be bounded and described as more particularly described in annexed Schedule "A".

Section 3. The maximum amount proposed to be expended for said District improvements is \$215,000.00, which is planned to be financed by the issuance of \$215,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 5. This Resolution is not subject to a permissive referendum.

Section 4. The permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) 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 a full application will not need to be submitted to the State Comptroller's Office for approval.



Discussion: This is the actual establishment of the district.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Martin made the following motion by title, seconded by Szozda:

**RESOLUTION 53-0317 FINAL ORDER ESTABLISHING DISTRICT NINE**

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town", respectively), in the County of Orleans, New York, has, pursuant to Town Law Article 12, caused LaBella Associates, D. P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Water District 9 (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 2,525 linear feet of 8-inch diameter PVC water main along a portion of Creek Road, including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances and related site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto; and

WHEREAS, on February 21, 2017, a petition was filed in the office of the Town Clerk bearing the signatures of owners, in the aggregate, of at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District, and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property in the proposed Water District; and

WHEREAS, on February 21, 2017, the Town Board adopted an Order Calling Public Hearing, and

WHEREAS, pursuant to the Order Calling Public Hearing, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying March 21, 2017 at 7 o'clock p.m. (Prevailing Time) as the time when, and the Kendall Town Hall, located at 1873 Kendall Road, in the Town as the place where, the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law and a Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District, and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and the mailing of the Notice of Public Hearing and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted March 21, 2017, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, that the Notice of Public

Hearing was mailed by first class mail to each owner of taxable real property in the District, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$215,000; and that the plan of financing is the issuance of serial bonds in the amount of \$215,000, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Orleans and/or local grants, and the balance of the costs will be assessed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District 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 permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property as defined in the Town Law is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, or computed by the State Comptroller; and

WHEREAS, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration the Town Board has found no substantial adverse environmental impact will be caused by such District; and

WHEREAS, this Order is not subject to permissive referendum; and

WHEREAS, the Town and the Town Board have complied in every respect with all applicable laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act (SEQR);

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved, in the Town of Kendall, to be known as Water District 9 in the Town of Kendall, situate wholly outside of any incorporated village or city, and bounded and more particularly described in annexed Schedule "A".

ORDERED, that Water District 9 hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$215,000.00, and the plan of financing is the issuance of serial bonds in the amount of \$215,000.00, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Orleans and/or local grants, and the balance of the costs will be assessed by the assessment, levy and collection of the special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Orleans and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by said Town Clerk.

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

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

Supervisor Cammarata declared the motion passed.

Szozda made the following motion, seconded by Martin:

**RESOLUTION 54-0317 AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN THE TOWN OF KENDALL WATER DISTRICT NO. 9, AT AN ESTIMATED MAXIMUM COST OF \$215,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$215,000, SUCH AMOUNT OF BONDS TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Kendall, Orleans County, New York (the “Town”), pursuant to Article 12 of the Town Law, created a water district designated and known as Water District 9 (the “District”); and

WHEREAS, the Town Board desires to undertake a water system capital improvements project (the “Project”) generally consisting of the construction of the infrastructure for the District; and

WHEREAS, the Town anticipates applying funds in the approximate amount of \$150,000 from a State and Municipal (“SAM”) grant through the Dormitory Authority of the State of New York toward the Project; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held a public hearing with respect to the Project, (c) determined that the Project would not have a significant effect on the environment under Article 8 of the Environmental Conservation Law and (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1: The Town is hereby authorized to undertake a certain water system capital improvements project generally consisting of, but not limited to, the installation of approximately 2,525 linear feet of 8-inch water main along portions of Creek Road in the Town, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$215,000.

SECTION 2: The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$215,000, said amount of bonds to be offset by the receipt of any federal, state, county and/or local funds received including, but not limited to, approximately \$150,000 of grant money from the Dormitory Authority of the State of New York ("DASNY"), and unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3: It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4: Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5: It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6: The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7: Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the

authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9: The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10: The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11: The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12: In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13: The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14: The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15: This resolution is effective immediately.

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

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

Supervisor Cammarata declared the motion passed.

The following resolution was read by Attorney Meier as an addition to the agenda:

**RESOLUTION 55-0317 A RESOLUTION TO COMMIT TO PROVIDE THE LOCAL SHARE OF THE COST TO CONSTRUCT IMPROVEMENTS TO KENDALL WATER DISTRICT NINE**

WHEREAS, The Town of Kendall has been awarded a State and Municipal Facilities (SAM) grant in the amount of \$150,000 which is being administered by the Dormitory Authority of New York State, to fund a portion of the cost to construct water system improvements to the proposed Water District 9, and

WHEREAS, LaBella Associates, the engineering firm retained by the Town of Kendall to prepare construction cost estimates, has determined the cost to construct the water system improvements to be \$215,000, and

WHEREAS, it will be necessary for the Town board to provide financing for the project costs which exceed the \$150,000 SAM grant,

NOW THEREFORE BE IT RESOLVED, that the Kendall Town Board hereby commits that it will provide local funds for project costs in excess of the funds provided through the SAM grant, estimated to be \$65,000, to construct the improvements recommended in the preliminary engineering report prepared by LaBella Associates, said local funds to be provided through the issuance of a Bond Anticipation Note issued by the Town Board consistent with applicable New York State laws.

Szozda made a motion to accept the resolution, as read, seconded by Martin.

Hard copies were made and distributed.

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

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

Supervisor Cammarata declared the motion passed.

Flow made the following motion, seconded by Szozda:

**RESOLUTION 56-0317 BUDGET ADJUSTMENT TO INCLUDE GRANT FROM JUSTICE COURT ASSISTANCE PROGRAM**

Whereas the Town of Kendall has been awarded a Justice Court Assistance Program (JCAP) grant in the amount of \$4,098.99, so then be it

Resolved, to add Revenue Account A2770.30, Grant State Aid and fund it with the grant proceeds of \$4,098.99, and also to

Generate a new Expense Account A1110.41, Grant Contractual and fund it with \$4,098.99.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Newell made the following motion, seconded by Flow:

**RESOLUTION 57-0317 APPROVING PURCHASE OF NEW AUTOMATIC ELECTRONIC DEFIBRILLATOR (AED)**

Whereas, the Town of Kendall desires to provide an AED for use in case of life-threatening emergency, and

Whereas, after obtaining bids from three expert AED providers and finding Cardiac Life to be the best value for both equipment and services offered, and

Whereas \$1,111.00 of the received Justice Court Assistance Program Grant is allowed for the purchase of an AED, so be it

Resolved, to purchase a Zoll AED Plus Automatic model AED, with a seven-year warranty from Cardiac Life for \$ 1,300.00. The balance of the cost, \$101.00, will be borne by the Buildings and Grounds expense fund.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Martin made the following motion, seconded by Szozda

**RESOLUTION 58-0317 AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH LABELLA ENGINEERING FOR WATER DISTRICT NINE**

WHEREAS, Labella Associates D.P.C. has provided a proposal, Labella Proposal No. P170895, for engineering services to the Town of Kendall for Water District 9, and

WHEREAS, The Town Board has determined such proposals to be fair and reasonable for the scope of services to be provided by Labella Associates, D.P.C.,

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Cammarata is authorized to sign and accept Labella Proposal P170895.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Szozda made the following motion, seconded by Flow:

**RESOLUTION 59-0317 ADOPTION OF LOCAL LAW ONE OF 2017**

WHEREAS, this Town Board did heretofore adopt a resolution on the 21st day of February 2017 introducing Local Law No. 1 of the Year 2017, being a local law entitled “The Town of Kendall Extension of the Moratorium on Industrial Solar Energy Generation Facilities Law” (for 180



days), and providing that the same be placed on the desks and the tables of the members of the Town Board at least seven (7) days prior to final adoption; and

WHEREAS, the Town Board conducted a Public Hearing to consider the adoption of proposed Local Law No. 1 on the 21<sup>st</sup> day of March, 2017, at which public hearing all persons wishing to be heard in favor of or against said adoption were heard, and;

WHEREAS, it is now the intent and desire of the Town board to authorize the adoption of Local Law No. 1 of the Year 2017, now therefore, be it

RESOLVED, that the Local Law No. 1 of the Year 2017 of the Town of Kendall, Orleans County, New York, being a local law entitled "The Town of Kendall Extension of the Moratorium on Industrial Solar Energy Generation Facilities Law" be, and the same is hereby adopted.

Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion passed.

Councilwoman Flow made a motion to accept the payment of claims as presented on Abstract 3, and to pay those bills listed, seconded by Councilwoman Szozda; all ayes:

**PAYMENT OF CLAIMS 2017**

General Fund	Abstract 3	\$ 23,327.96	Vouchers 117-148
Highway Fund	Abstract 3	\$ 23,496.48	Vouchers 121,122,149-188
Light District One	Abstract 3	\$ 479.81	Voucher 137
Light District Two	Abstract 3	\$ 287.42	Voucher 137
Light District Three	Abstract 3	\$ 164.69	Voucher 137
Water District Six	Abstract 3	<u>\$ 46.25</u>	Vouchers 138,146
		\$ 47,802.61	

**OLD BUSINESS**

NYS Department of Labor – PESH citations and follow-up

Training necessary

Defibrillators – availability and training

Coming soon, Martins will organize training, certificates will cost \$10 each

Kendall's Finest

No progress

Marina

Nothing new

Surveillance cameras to be placed around and in Town Hall, including in meeting room

No progress

Industrial Solar Energy Law – current draft

Supervisor Cammarata has the latest draft and will provide it to the Clerk and Board.

Dollar General

Public Hearing by the Planning Board will be held on March 28.

## **NEW BUSINESS**

### **Clean Energy Community Grant**

Councilman Newell and Supervisor Cammarata met with representatives from Genesee Regional Clean Energies Use.

Clean Energy Community designation can help the Town obtain grants to further efforts toward further use of clean energy. Several projects must be completed to obtain this designation. Board will hold discussion at a work session.

Morton Union Cemetery – Trustees are ready to dissolve the Association and present the cemetery to the Town. Process has begun.

Memorial Day - May 30th at Beechwood. Invitations have been sent to dignitaries.

Councilman Newell said Orleans County has received a \$40,000 grant to rework the LWRP. Three firms have submitted proposals to act as consultant. Selection will be made shortly.

A local business and a property owner have expressed interest in participating in a community solar project.

With no further business coming before the Board, Szozda called for adjournment, seconded by Martin. Meeting adjourned at 8:37 p.m. Board members remained to sign documentation.

Respectfully Submitted,

Amy K. Richardson