

TOWN OF KENDALL
SPECIAL TOWN BOARD MEETING
Monday, December 30 2013, 4:00 P.M.

Supervisor opened the meeting at 4:15 p.m. and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present, Al and Bev Lofthouse

SUPERVISOR'S REMARKS

This meeting was called to pay year-end bills to aid in close-out.

Appointments are being made to cover the gap between 2013 and the organizational meeting.

Extension of Water District Five

Assessor Agreement

ACCEPTANCE OF MINUTES

Councilman Schuth made a motion to accept the following minutes, as written, seconded by Councilman Joseph:

November 19, 2013 Town Board Meeting

December 3, 2013 Recessed Town Board Meeting

PUBLIC COMMENT

Mr. Lofthouse asked for clarification of the 2014 organizational meeting time.

RESOLUTIONS

Councilman Schuth made the following motion, seconded by Councilman Joseph:

**RESOLUTION 89-1213 APPROVING THE ESTABLISHMENT OF EXTENSION NO. 1 TO
THE TOWN OF KENDALL WATER DISTRICT NO. 5**

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town", respectively), in the County of Orleans, New York, has previously created the Town of Kendall Water District No. 5 (the "District") in the Town; and

WHEREAS, the Town Board has received a petition, pursuant to Section 191 of the Town Law, for the establishment of Extension No. 1 to the District (the "Extension") as more specifically described in a report prepared by LaBella Associates, P.C.; and

WHEREAS, such petition was signed by the owners aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed Extension, as shown upon the latest completed assessment roll of the Town; and

WHEREAS, such petition was accompanied by a map, plan and report, dated, December 2, 2013, prepared by LaBella Associates, P.C., competent engineers duly licensed by the State of New York; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such project will generally include, but not be limited to, the installation of a network of 8-inch and 12-inch diameter private mains with isolation valves and hydrants and the connection to the District's water main, the installation of isolation valves, master meters and backflow prevention devices, as well as other such improvements as more fully identified in such map, plan and report referred to above or as required by the Town, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively the "Water Improvements"); and

WHEREAS, the construction cost for the Water Improvements will be financed privately; and

WHEREAS, the estimated cost to a typical property, being a unit in the Cottages development, will be \$231.75 per unit annually; and

WHEREAS, unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension 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 the benefit conferred upon the same, except as provided by law.

WHEREAS, 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; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was posted and published, held a public hearing on December 17, 2013 to consider the creation of the proposed Extension, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN KENDALL, as follows:

SECTION 1: The Town Board has reviewed the petition and found it to be sufficient.

SECTION 2. That the notice of public hearing was published and posted.

SECTION 3: That all properties and property owners benefited by the improvements are included in the Extension.

SECTION 4: That all properties and property owners included in the Extension are benefited thereby.

SECTION 5: That it is in the public interest to establish Extension No. 1 to the Town of Kendall Water District No. 5.

SECTION 6: That the Town Board hereby approves the creation of the Extension and shall be bounded and described as follows:

Town of Kendall
Water District Ext. No. 1 Description

Beginning at a point in the centerline of Monroe Orleans County Line Road at the intersection of the division line between Tax Account Nos. 011.000-0001-014.0000000 to the north and 011.000-0001-015.0000000 to the south, said division line being the southerly boundary of Water District No. 5, thence:

- 1) Westerly through the right-of-way of Monroe Orleans County Line Road a distance of 33 feet more or less to a point, said point being the intersection of western boundary line of the right- of-way of Monroe Orleans County Line Road and the northern property line of Tax Account No. 011.000-0001-015.0000000, thence;
- 2) Westerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 349 feet more or less to an angle point, thence;
- 3) Northerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 223 feet more or less to an angle point, thence;
- 4) Westerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 1236 feet more or less to an angle point, thence;
- 5) Northerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 307 feet more or less to an angle point, thence;
- 6) Westerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 56 feet more or less to an angle point, thence;
- 7) Northerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 25 feet more or less to an angle point, thence;
- 8) Westerly along the northern property line of Tax Account No. 011.000-0001-015.0000000, said line being the southern boundary of Water District No. 5, a distance of 1295 feet more or less a point, said point being on the western property line of Tax Account No. 011.000-0001-015.0000000 and being the northwest corner of Tax Account No. 011.000-0001-015.0000000, thence;

- 9) Southerly along the western property line of Tax Account No. 011.000-0001-015.0000000 a distance of 1401feet more or less to a point, said point being on the southern boundary of Tax Account No. 011.000-0001-015.0000000 and being the southwest corner of Tax Account No. 011.000-0001-015.0000000, thence;
- 10) Easterly along the southern property line of Tax Account No. 011.000-0001-015.0000000 a distance of 2,935 feet more or less to a point, said point being the southeast corner of Tax Account No.011.000-0001-015.0000000, thence;
- 11) Easterly along a line drawn perpendicular to the centerline of Monroe Orleans County Line Road a distance of 50 feet more or less to a point, said point being on the centerline of Monroe Orleans County Line Road, thence;
- 12) Northerly along the centerline of Monroe Orleans County Line Road a distance of 392 feet more or less to the point of beginning.

SECTION 7: Unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension 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 the benefit conferred upon the same, except as provided by law.

SECTION 8: That the permission of the State Comptroller is not required with respect to the establishment of the Extension because the cost for the Water Improvements will be financed privately and the Town does not expect to issue any bonds or notes in anticipation of such bonds.

SECTION 9: That the establishment of the Extension is hereby approved and is to be known as Extension No. 1 to the Town of Kendall Water District No. 5 in the Town of Kendall, situate wholly outside of any incorporated village or city.

SECTION 10: That within ten 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 Resolution and Order, certified by said Town Clerk

SECTION 11: This Resolution and Order shall take effect immediately.

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

Councilman Joseph	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Councilwoman Szozda made the following motion, seconded by Councilman Schuth:

RESOLUTION 90-1213 REAPPOINTING AMY RICHARDSON AS REGISTRAR AND RECORDS MANAGER

Be it resolved to reappoint Amy Richardson as Registrar and Records Manager for the Town of Kendall with a term of office that is coterminous with that of Town Clerk, which will expire December 31, 2017.

Discussion: Councilwoman Szozda asked if this was discussed with the Supervisor-elect. Councilman Joseph answered affirmatively.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Councilman Joseph made the following motion, seconded by Councilman Schuth:

RESOLUTION 91-1213 APPOINTING INTERIM CODE ENFORCEMENT OFFICER

Be it RESOLVED, to appoint Paul Hennekey Interim Code Enforcement Officer for the period from January 1, 2014 to January 7, 2014.

Discussion: Supervisor Gaesser felt this was necessary to ensure protection and services for the town in cases of fire or other emergency for the week which would be left without coverage.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Supervisor Gaesser made the following motion, seconded by Councilman Joseph:

RESOLUTION 92-1213 BUDGET TRANSFERS

Be it RESOLVED, to make the following budget transfers:

Transfer \$9,100.00 from account A8810.40 Cemetery Contractual Mowing to account DA5142.40 Snow Removal Contractual

Transfer \$1,891.00 from account A5132.40 Highway Garage to account DA5142.40 Snow Removal Contractual

Transfer \$5,100.00 from A1990.40 Contingent to account A1620.20 Buildings, Equipment (Copier)

Transfer \$1,500.00 from account A1355.40 Assessor Contractual and \$1,100 from A8010.40 Zoning, Contractual and \$400.00 to A8020.40 Planning Contractual (General Code)

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Supervisor Gaesser made the following motion, seconded by Councilman Joseph:

RESOLUTION 93-1213 BUDGET ADJUSTMENTS

Be it RESOLVED, to make the following budget adjustments:

Increase Account SW6-0599 Appropriated Fund Balance By \$3,100.00 and Increase SW6-8310.40 Kendall Contractual \$3,100.00 (Water District Six Bond Counsel)

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Councilman Schuth made the following motion, seconded by Councilman Joseph:

RESOLUTION 94-1213 CARLTON ASSESSOR AGREEMENT

Be it RESOLVED, to authorize Supervisor Gaesser to enter into an Intermunicipal Agreement Between the Town of Kendall and the Town of Carlton for Assessment Services, subject to attorney review as to form and content.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Councilman Joseph made a motion to pay the bills, as presented on Abstract 13, seconded by Councilman Schuth; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 13	\$18,136.69	Vouchers 876-890,892-894,896-905,907,908
Highway Fund	Abstract 13	\$23,053.99	Vouchers 909-927
Light District One	Abstract 13	\$538.37	Voucher 896
Light District Two	Abstract 13	\$314.88	Voucher 896
Light District Three	Abstract 13	\$177.01	Voucher 896
Water District Two	Abstract 13	\$4,025.00	Voucher 906
Water District Six	Abstract 13	\$3,829.76	Vouchers 891,895
Library	Abstract 13	<u>\$400.00</u>	Voucher 883
		\$50,475.70	

Supervisor Gaesser said he and Councilman Joseph met with the incoming Supervisor to highlight and review important issues, some of which may lead to litigation, to discuss Councilwoman Szozda now handling all medical insurance, HRA, benefits and State Retirement issues, and Councilman Joseph having been transitioning with accounting and other current topics. Supervisor Gaesser will meet with the new proposed incoming bookkeeper for an organized transition after the first of the year.

With no further business being brought before this board, Councilman Schuth motioned for adjournment, seconded by Councilwoman Szozda, all ayes. Meeting adjourned at 4:37 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk