

**KENDALL TOWN BOARD**

Tuesday, August 16, 2016 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR'S REMARKS**

- Justice Audit for 2015 is finalized.
- The Town of Hamlin Employee Handbook is being reviewed to glean ideas for one for the Town of Kendall.
- The bank branch in Holley is closing, which will cause additional time and costs in our banking activities.

**CORRESPONDENCE**

NYMSA SCHOLARSHIP RECIPENTS: JUSTICE GAUDIOSO

**PUBLIC COMMENT**

none

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

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety ó Martin  
Buildings, & Grounds ó Martin  
Highway ó Martin

- Progress on Kendall's Finest is being made.
- New kickplates will be installed in the Town Hall.
- Mold growth under the drinking fountain in the Town Hall will be addressed.
- The kitchen needs upgrades.

Community Relations - Flow  
Culture & Recreation ó Flow  
Information Services ó Flow

- Homegrown Days activities were excellent, with many great comments given.
- Bow Hunting Class is scheduled.
- Webpage is consistently updated.

Human Resources and Ethics ó Szozda  
Employee Benefits ó Szozda

No report

Planning, Zoning & Agriculture ó Newell

- Zoning Board has a public hearing for an area variance.

Finance, Taxes & Special Districts ó Cammarata

Town of Carlton has been sent an invoice for the assessor agreement payment.

Orleans County Representative ó DeRoller

- Plans of the NYS DOT now include portions of the Lake Ontario State Parkway being reviewed through a \$55,000 grant for determining future use of the Parkway. The hope of the County is that it will not be decommissioned, but improved and repaired.
- County roads are being repaired, including the interchanges to the Parkway.
- Household Hazardous Waste collection was successful. This is a biennial event.
- Outdated and excess prescription drugs are being collected at various sites throughout the county to prevent street use and improper disposal.
- Economic Development program won an award for excellence in their website design and innovative marketing programs.
- \$600,000 grant was received to further develop the Medina business park.
- Post Office issue ó rural areas service is reduced and is causing issues. New legislation from Congress may help improve decision-making regarding local postal services.

**BOARDS**

Planning Board ó A. Kludt, Chair

Training in Batavia is scheduled.

The Cottages at Troutburg investors are considering becoming a four rather than three season resort.

Wilson's subdivision application being reviewed

Zoning Board ó P. Bolton, Chair

No report

**Department Heads**

Assessor ó G. Massey ó no report

Code Enforcement ó P. Hennekey

Several new builds have begun this year.

Property issues have been time-consuming. Some cases are going to court.

The new "zombie property" legislation includes a registry of ill-maintained abandoned properties. The NYS Department of Finance hopes to pressure banks to maintain the properties they are foreclosing.

Highway - W. Kruger

- West Kendall Road being paved
- Shoulder work underway
- Culverts and tree work will be addressed next
- Orleans County Snow and Ice contract is due for renewal
- Greenwood Cemetery has a woodchuck infestation problem. Deputy CEO said there are services to remove them for a fee. Councilman Newell suggested smoke bombs to eradicate them. Clerk Richardson suggested authorizing select bowmen to exterminate them. Contact information for two Orleans County area nuisance animal control technicians is available.

Historian ó H. Koch ó no report

Recreation ó M. Werth ó no report

Town Clerk ó A. Richardson ó no report

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

Supervisor ó A. Cammarata ó written report submitted

**RESOLUTIONS**

Martin made the following motion, seconded by Szozda:

**RESOLUTION 87-0816: BUDGET TRANSFER FOR ZONING BOARD OF APPEALS**

Reduce Account A8010.10 Personal Services by \$ 75.00 and Increase Account A8040.10 Zoning Board Contractual Expenses by \$75.00 from \$340.00 to \$415.00. \*

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

Szozda made the following motion, seconded by Newell:

**RESOLUTION 88-0816 BUDGET TRANSFER FOR UNALLOCATED INSURANCE**

Reduce Account A8030.40 Research by \$75.09 and Increase Account A1910.40 \* Unallocated Insurance by \$75.09 from \$19,000.00 to \$19,075.09. \*

Discussion: A walk-through of the building by NYMIR resulted in an increase in premium.

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

Flow made the following motion, seconded by Martin:

**RESOLUTION 89-0816 REAPPOINTMENT OF REBECCA CHARLAND TO THE ZONING BOARD OF APPEALS**

Be it resolved , to reappoint Rebecca Charland of 2269 Norway Road, Kendall, N.Y., to the Town of Kendall Zoning Board of Appeals, for a four term, with such term beginning retroactively to January 1, 2016, and ending December 31, 2019.\*

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

Newell made the following motion, seconded by Szozda:

**RESOLUTION 90- 0816 SETTING PUBLIC HEARING ON SOLAR MORATORIUM AND REFERRING TO COUNTY PLANNING BOARD**

Resolved, that a Public Hearing be scheduled for September 20, 2016, at 7:00 p.m., on the adoption of Local Law No. 1 of 2016 entitled "The Town of Kendall Moratorium on Industrial Solar Energy Generation Facilities Law," and be it further

Resolved, that the Clerk is directed to post and publish notice of same, and be it further

Resolved, that proposed Local Law No. 1 of 2016 be referred to the County Planning Board, pursuant to General Municipal Law 239-m.

Discussion: Councilman Newell asked if this moratorium would be binding on applications which may be received prior to the moratorium being placed. Attorney Meier responded that any such application would be halted at the stage it was as of the filing of the law.

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

Introduction to final order: Attorney Meier explained that the next two portions (\* to be presented as resolutions) are the next step in the water district establishment. These are final orders. The estoppel period has expired. Schedule A, a legal description, is not included, but will be provided and attached to the minutes. The orders can be adopted with a motion reading *as presented*, rather than read aloud. Orders need all council members' signatures, and the Clerk will need to seal certified copies of each.

Cammarata made a motion to establish the district, seconded by Flow:

**\*RESOLUTION 91-0816 ESTABLISHING WATER DISTRICT SEVEN**

**FINAL ORDER ESTABLISHING DISTRICT  
AUGUST 16, 2016**

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-A, 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 No. 7 (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 8,000 linear feet of 10 inch diameter PVC watermain along a portion of Norway 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 May 27, 2016, 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 June 21, 2016, at 7:00 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-A 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-A 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 June 21, 2016, 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 \$860,000.00; and that the plan of financing is the issuance of serial bonds in the amount of \$860,000.00, 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, including but not limited to loan and/or grant funds from USDA Rural Development, 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, said resolution adopted June 21, 2016, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within thirty (30) days after the date of adoption thereof, or at any other time since said adoption; 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, 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 No. 7 in the Town of Kendall, situate wholly outside of any incorporated village or city, and bounded and more particularly described in annexed Schedule 6A.

ORDERED, that Water District No. 7 hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$860,000.00, and the plan of financing is the issuance of serial bonds in the amount of \$860,000.00, 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 including but not limited to loan and/or grant funds from USDA Rural Development, 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.

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

Motion carried.

Flow made a motion to adopt the following Order, as presented, seconded by Newell:

**\*RESOLUTION 91-0816 ESTABLISHING WATER DISTRICT EIGHT**

**FINAL ORDER ESTABLISHING DISTRICT  
AUGUST 16, 2016**

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-A, 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 No. 8 (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 12,900 linear feet of 12 inch diameter PVC watermain along a portions of Kendall Road and 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 May 27, 2016, 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 June 21, 2016, at 7:00 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-A of the Town Law and a Notice of Public Hearing was mailed by first class mailed 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-A 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 June 21, 2016, 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 \$1,340,000.00; and that the plan of financing is the issuance of serial bonds in the amount of \$1,340,000.00, 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, including but not limited to loan and/or grant funds from USDA Rural Development, 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, said resolution adopted June 21, 2016, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within thirty (30) days after the date of adoption thereof, or at any other time since said adoption; 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, 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 No. 8 in the Town of Kendall, situate wholly outside of any incorporated village or city, and bounded and more particularly described in annexed Schedule 8A.

ORDERED, that Water District No. 8 hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$1,340,000.00, and the plan of financing is the issuance of serial bonds in the amount of \$1,340,000.00, 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 including but not limited to loan and/or grant funds from USDA Rural Development, 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.

Discussion: Councilwoman Flow reiterated that no petition for referendum was received regarding this formation. Councilman Martin questioned where the cut off on Creek Road is for this District. The description of area was not attached. Supervisor Cammarata answered from Carton Road west. Clerk Richardson asked if the road name West Creek Road was corrected in the legal description. Attorney Meier said that road has three names, and the choice was to use the name found in old tax rolls. Richardson asked if the assessment of those properties would be affected by the name on current tax rolls not matching the legal description. Attorney Meier answered it is fine as is. Supervisor Cammarata said perhaps the tax roll name should be changed. He will talk to the assessor.

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

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

Motion carried.

Attorney Meier explained that the next two portions can be presented as resolutions to borrow the money to form these districts. These were prepared by Bond Counsel John Alessi.

Newell made a motion, seconded by Szozda:

**RESOLUTION 93-0816 ADOPTING THE BOND RESOLUTION FOR WATER DISTRICT SEVEN**

**A BOND RESOLUTION, DATED AUGUST 16, 2016, OF THE TOWN BOARD OF THE TOWN OF KENDALL, ORLEANS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN WATER DISTRICT NO. 7 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$860,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$860,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, 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-A of the Town Law, created a water district designated and known as Water District No. 7 in the Town (the "Water District"); and

WHEREAS, the Town Board desires to undertake a water system capital improvements project generally consisting of the installation of the infrastructure for the Water District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to such project: (a) prepared maps, plans and boundaries for the Water District and such project, (b) held a public hearing with respect to such 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-A of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of such 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 capital improvements project generally consisting of the construction and installation of approximately 8,000 linear feet of 10-inch diameter PVC water main along a portion of Norway Road, including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs 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 \$860,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$860,000 of the Town, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, grant funds from USDA Rural Development, and unless paid from other sources or charges, the cost of the project will 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 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 cost of the project will 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 said bonds 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 the 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, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such 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 date hereof) 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 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.

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

Motion carried.

Resolution 94 did not appear on the agenda provided. The resolution was obtained from Attorney Meier post-meeting, for inclusion in minutes.

Martin made the following motion, seconded by Newell:

**RESOLUTION 94-0816 ADOPTING THE BOND RESOLUTION FOR WATER DISTRICT EIGHT \***

**A BOND RESOLUTION, DATED AUGUST 16, 2016, OF THE TOWN BOARD OF THE TOWN OF KENDALL ORLEANS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN WATER DISTRICT NO. 8 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$1,340,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,340,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, 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-A of the Town Law, created a water district designated and known as Water District No. 8 in the Town (the "Water District"); and

WHEREAS, the Town Board desires to undertake a water system capital improvements project generally consisting of the installation of the infrastructure for the Water District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to such project: (a) prepared maps, plans and boundaries for the Water District and such project, (b) held a public hearing with respect to such 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-A of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of such 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 capital improvements project generally consisting of the construction and installation of approximately

12,900 linear feet of 12-inch diameter PVC water main along portions of Kendall Road and Creek Road, including land or rights in land, stream and road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances, as well as other such improvements

as more fully identified in such map, plan and report prepared in connection with the project, including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs 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 \$1,340,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$1,340,000 of the Town, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, grant funds from USDA Rural Development, and unless paid from other sources or charges, the cost of the project will 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 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 cost of the project will 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 said bonds 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 the Town a tax sufficient to pay the principal of and interest on such bonds or notes as

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such 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 date hereof) 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 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. the same become due and payable.

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.

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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 removed which appeared in error)\*

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	abstain
Supervisor Cammarata	aye

Motion carried.

Szozda made a motion to pay the claims, as presented, seconded by Martin; all ayes.

#### **PAYMENT OF CLAIMS**

General Fund	Abstract 8	\$ 10,939.68	Vouchers 536-569,573-575
Highway Fund	Abstract 8	\$ 86,980.38	Vouchers 540,573,576-607
Light District One	Abstract 8	\$ 389.24	Voucher 559
Light District Two	Abstract 8	\$ 232.52	Voucher 559
Light District Three	Abstract 8	\$ 121.87	Voucher 559
Water District One	Abstract 8	\$ 4,502.32	Voucher 572
Water District Two	Abstract 8	\$ 1,290.45	Voucher 572
Water District Three	Abstract 8	\$ 1,653.45	Voucher 572

Water District Four	Abstract 8	\$ 3,183.45	Voucher 572
Water District Five	Abstract 8	\$ 1,384.82	Vouchers 571,572
Water District Six	Abstract 8	\$ <u>45.49</u>	Vouchers 558,574
		\$ 110,723.67	

## OLD BUSINESS

Kendall's Finest 6 no update

Innovations Committee - no update

Solar Energy 6 solarize Orleans push to run municipalities with solar power; usage information has been collected, and proposals from two companies are being sought.

## NEW BUSINESS

Troutburg – the current investors have expressed a desire to change the site plan from a three-season to a four-season resort. Attorney Meier expressed that he sees no wording indicating that the approval of The Cottages at Troutburg site plan was dependent on it being a three-season community. The "whereas clauses" in resolutions allowing the project excepted, no other indication that the full year request is a significant change. Hodgson-Russ was contacted, and concurred. No modifications should be necessary to reflect this change. Councilman Newell inquired if this means they can do what they are doing now, with no new uses, for twelve months, instead of nine. Attorney Meier answered affirmatively. Councilman Newell stated that the engineering report, and other documentation submitted at the time of formation was all specific to a three season operation, and the change to full year does seem like a significant change. There were two local laws passed about this. One, establishing the process of establishing a Waterfront Planned Development, and the second specific to Troutburg. The first does not expressly state anything about three season or full year use. The Troutburg specific law does state its use as three season. CEO Hennekey said the application stated the use as a three season operation, and all Planning Board discussion was with that plan for development as submitted. Councilman Newell agreed and is concerned that if this change is not considered significant, further changes in the submitted plans may also be overlooked, with possible detrimental effects. Attorney Meier said in some other examples, the site plan would have to be adhered to, even if the matter was not specifically mentioned in the law authorizing a WPDD to be established. He suggested this brings up the need for the Board to review all associated documents to make an informed answer to the Troutburg investors. Each question raised should be handled case by case. Anything not forbidden in the first law may be allowed. Councilman Newell said the level of documentation incorporated into the laws at the time was lacking, and he wants to avoid a situation wherein the previous mistakes are exacerbated. Attorney Meier said there is no indication the previous work was lacking; this is a matter of specificity of conditions being set forth. The "whereas clauses" stating the approval is for a three season development is "contextual", but the binding law begins with "resolved". Supervisor Cammarata said that is why Hodgson and Russ were contacted. Councilman Newell suggested caution to remember that they were working for the Town Board at that time, and reflected the desires of that previous Town Board. If that Board did not see the importance of three-versus-four season use, then it was not mentioned. Attorney Meier suggested that that may have been left out purposefully or "subliminally" at the time. Councilman Newell does not necessarily disagree with the opinion of the attorneys, but is concerned with opening the door to further changes not being properly evaluated. The attorney said if anything is not stated in the Local Law 1 or 2 of 2012, after a "resolved" statement, it is not addressed. Supervisor Cammarata proposed a meeting with Troutburg. He asked CEO Hennekey and Councilman Newell and Assessor Massey to attend. It was suggested the attorney also attend. Deputy CEO Strong suggested the Town request a statement from the developers outlining their plans, including issues like road plowing and winter availability to emergency services. Supervisor Cammarata said that statement is unnecessary and he wants to see Troutburg, the Town and the County all benefit.

Flow motioned for adjournment, seconded by Szozda; all ayes. Meeting adjourned at 8:29 p.m.  
Respectfully Submitted,

Amy Richardson,  
Kendall Town Clerk

**Clerk's note: Grammatical, spacing, punctuation and Account number and math corrections were made in resolutions to improve clarity and accuracy where necessary. Also, certification statements were deleted, and resolution titles and numbers were added. Corrections were NOT made to those portions of the resolution which were not read aloud, except as noted in RESOLUTION 94. All changes are marked with "\*". Intent was not changed.**