

KENDALL TOWN BOARD MEETING
Kendall Town Hall ó 1873 Kendall Road, Kendall, New York
December 15, 2015 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:03 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

CORRESPONDENCE

- LaBella letter re. Norway Road water project
- Orleans County Health Department re. Norway Road Water System Improvement Project
- Daniel Engert re. Ad Hoc Committee
- Jessica Hofer re. Carton Road bridge
- DOT letter re. events involving road closures, and this summer will be their biennial road marking
- DOT letter requesting shared service trade expansion-short deadline

Councilman Martin made motion to accept the minutes, as presented, seconded by Councilwoman Szozda; all ayes:

ACCEPTANCE OF MINUTES

Budget Hearing and Special Meeting November 5
Town Board Meeting November 17, 2015

PUBLIC COMMENT

none

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety ó Martin
Defibrillator will be installed this weekend.

Buildings, & Grounds ó Martin
Roof has heat leaks and ice buildup problems, which may be addressed this winter.
Highway ó Martin

Community Relations ó Flow
Tree lighting included many community groups, and was wonderful.
Kendall's Finest ó woodcrafter Mr. Driesel needs the wording this week to work up a template. Supervisor Cammarata wil provide this.

Culture & Recreation ó Flow
Elementary chorus and band will perform for the seniorsøChristmas lunch tomorrow.
Library is settled.

Information Services ó Flow

Webpage is being updated for the Historian information.

Human Resources and Ethics ó Szozda

No report

Employee Benefits ó Szozda

All MVP change notice letters have been mailed to retirees.

Planning, Zoning & Agriculture ó Newell

No reports

Finance, Taxes & Special Districts ó Cammarata

(Issues addressed later in meeting)

Orleans County Representative ó DeRoller

No report

Boards

Planning Board ó A. Kludt, Chair

Subdivision and site plan review applications are being reviewed.

Codification has been reviewed and the board has no further comments.

Zoning Board ó P. Bolton, Chair

No report

Department Heads

Assessor ó G. Massey

No report

Code Enforcement ó P. Hennekey

No report

Highway - W. Kruger

Favorable weather has resulted in additional ditching work being addressed, garage and equipment repairs, and additional cemetery work being completed.

The newly elected Sherriff Bower held a meeting with the Highway Superintendents of the county to exchange contact information, discuss shared services, and emphasize community service.

New York State has still not sent the money owed to the Town.

Ground checks for LaBella to test for soil conditions as to the potential new water lines have shown favorable results.

The Governor has plan to purchase up to 500 snow plows, to be stored across the state, so that personnel can be moved, rather than personnel and equipment. There are serious concerns for local governments which should be addressed before this is put into place.

The Woodchuck Alley brush pile has been closed due to illegal dumping. Supervisor Cammarata authorized installing a camera(s) to prevent this.

The Carton Road bridge is Orleans County's responsibility, and its priority is unknown.

Norway Heights has been worked on to prepare for winter.

An information packet was presented to the Board regarding the new loader.

Historian ó H. Koch ó no report
Recreation ó M. Werth ó written report submitted
Town Clerk ó A. Richardson ó written report submitted
Town Justices ó D. Drennan, D. Gaudioso ó written reports submitted
Supervisor ó A. Cammarata ó written report submitted

RESOLUTIONS

Councilman Newell made the following motion, seconded by Councilwoman Flow:

RESOLUTION 120-1215 RESOLUTION TO ENACT LOCAL LAW NUMBER 1 OF 2015

WHEREAS, a public hearing was held on the 17th day of November, 2015 by the Town Board of the Town of Kendall, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the state of New York; and

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 1 of 2015, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF KENDALL INTO A MUNICIPAL CODE TO BE DESIGNATED THE :CODE OF THE TOWN OF KENDALL," and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law,

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2015 be enacted as originally presented.

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 carried.

Maps will be updated as soon as possible. Clerk Richardson will provide the records of zoning changes. Councilman Newell will look into help available for map production. There will be a great deal of work to make copies and assemble the books.

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

RESOLUTION 121-1215 BUDGET AMENDMENT:

Increase Account A2190.0,	by \$3,000.00 to \$4,400.00
Increase Account A3005.0,	by \$8,223.00 to \$32,723.00
Increase Account A9010.80,	by \$4,125.24 to \$33,684.25
Increase Account A9030.81,	by \$800.00 to \$4,055.52
Increase Account A9030.80,	by \$2,100.00 to \$15,625.70
Increase Account A1010 .40	by \$250.00 to \$1,532.08
Increase Account A1220.41	by \$100.00 to \$923.65
Increase Account A1220.42	by \$150.00 to \$1,386.34
Increase Account A1920.40	by \$150.00 to \$950.00
Increase Account A7550.40	by \$80.24 to \$1,680.24
Increase Account A8160.40	by \$42.31 to \$1,042.31
Increase Account A5130.40	by \$234.21 to \$234.21
Increase Account A8810.42	by \$400.00 to \$1,800.00
Increase Account A1110.40	by \$1,337.69 to \$6,337.69
Increase Account A1450.40	by \$326.49 to \$3,826.49
Increase Account A1620.20	by \$546.60 to \$1,168.50

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

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

RESOLUTION 122-1215 BUDGET TRANSFER:

Decrease Account A1410.11	by \$3,500.00 to \$8,800.00
Decrease Account A1420.40	by \$3,397.64 to \$8,602.36
Increase Account A9060.80	by \$6,897.64 to \$66,897.64

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

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

RESOLUTION 123-1215 BUDGET TRANSFER

Decrease Account DA5140.10 by \$3,296.50 TO \$26,270.50

Increase Account DA9010.80 by \$846.50 to \$33,956.50

Increase Account DA9030.81 by \$460.00 to \$3,120.00

Increase Account DA9030.80 by \$1,990.00 to \$14,788.48

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

Councilman Newell made the following motion, seconded by Councilwoman Flow:

RESOLUTION 124-1215 RECREATION BUDGET ADJUSTMENT

Whereas there has been increased participation in recreation programs, be it

Resolved, to make the following budget adjustment:

Increase Revenue Account A2001 Recreation Fees by \$1,060 from \$16,000 to \$17,060, and

Increase Appropriations Account A7310.4 Youth Program, contractual from fees, by \$1,060 from \$16,000 to \$17,060.

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

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

RESOLUTION 125-1215 A BOND RESOLUTION, DATED DECEMBER 15, 2015, OF THE TOWN BOARD OF THE TOWN OF KENDALL, ORLEANS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF A CATERPILLAR LOADER FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$150,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$150,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH 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.

BE IT RESOLVED, by the Town Board of the Town of Kendall, in Orleans County, New York (the "Town") (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 acquire a Caterpillar loader for use by the Town including any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$150,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$150,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the Town to pay the principal of said bonds and the interest thereon as the same will become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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 such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not 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 will 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, there will 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 details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale 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 determined that the Project will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

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 such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

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

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were 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 the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 15. This Resolution is effective immediately.

Discussion: Attorney Meier explained that this is the first step to borrowing the money for the new equipment. No permissive referendum is necessary. Each year, the principal and interest payments will have to be budgeted, starting in 2017.

Highway Superintendent explained why this purchase is necessary.

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 carried.

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

RESOLUTION 126-1215 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN A SHARED SERVICES AGREEMENT WITH THE NYS DOT, SUBJECT TO REVIEW AND APPROVAL BY THE ATTORNEY FOR THE TOWN AND THE HIGHWAY SUPERINTENDENT

Discussion: Attorney Meier said this would circumvent a need for a declaration of a state of emergency for the state to step in to aid the town in an emergency.

Highway Superintendent said caution should be taken in the review before approval.

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

Councilwoman Flow motioned for the bills to be paid, as presented on Abstract 12. This was seconded by Councilman Newell; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 12	\$ 56,489.14	Vouchers 856-863,865,867-893
Highway Fund	Abstract 12	\$ 46,831.89	Vouchers 860,878,889,894-913
Light District One	Abstract 12	\$ 414.08	Voucher 876

Light District Two	Abstract 12	\$ 246.35	Voucher 876
Light District Three	Abstract 12	\$ 130.41	Voucher 876
Water District Six	Abstract 12	\$ 43.20	Vouchers 877,890
Library	Abstract 12	<u>\$ 676.74</u>	Vouchers 864,866
		\$ 104,831.81	

OLD BUSINESS

Hamlin/Kendall Water District: Tentative Joint Meeting, between the Town of Hamlin and the Town of Kendall Town Boards in Hamlin, scheduled for the second week in January, 2016.

Refunding for Water Districts: 2-5, to be reviewed with Attorney John Alessi in January of 2016.

NEW BUSINESS

SunKing electronics waste collection ó will take place in the Spring

With no further business being brought forward, Councilwoman Szozda motioned for adjournment, seconded by Councilman Newell; all ayes; meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk