

KENDALL TOWN BOARD

Tuesday, January 17, 2017 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:04 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

SUPERVISOR’S REMARKS

Invoice for Town of Carlton’s portion of the Assessor’s salary has been sent.
Water District Seven – meeting was held with USDA representative and LaBella representative, to review the next step the Town Board has to take, since the grant was awarded.
Another meeting is necessary to clarify. Construction is scheduled to start in the Spring.

CORRESPONDENCE

Justice Court Assistance Program – grant awarded to Kendall Justice Court
Volkmar letter regarding active military personnel recognition
DOT – letter of intent to investigate reduction of speed limit on Rte. 18

PUBLIC COMMENT

Donald Mann, Kendall Road, expressed appreciation for the Town library being available in the Town Hall, particularly the books on tape.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings & Grounds – Martin
Highway – Martin
No report

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

A Euchre Tournament is coming up.
Lions’ Club chicken dinner to benefit an ill woman is scheduled.
Methodist chicken and biscuits dinner fundraiser is scheduled.

The webpage has had old information removed, and new, more streamlined information is being included.

Lego Camp and the swimming program will be held in February.

Human Resources and Ethics – Szozda
Employee Benefits – Szozda
No report

Planning, Zoning & Agriculture – Newell
No report

Finance, Taxes & Special Districts – Cammarata
No report

Orleans County Representative – DeRoller
No report

Boards

Planning Board – A. Kludt, Chair

Chairman Kludt asked that the webpage correct the meeting nights listed for Planning Board to the 4th Tuesday of each month.

The Marina owners have not approached the Planning Board since their meeting with that Board in December.

The Solar Code draft is nearly done. Board member Newell has a current draft, as do the Town Supervisor and Attorney for their comments, and it is expected that the Town Board will receive the Planning Board's recommendation in February for review and finalization. The Town Board is asked to develop an official position on industrial solar energy generation facilities in general, whether for or in opposition.

A retail store corporation has sent a packet requesting a subdivision near the corner of Roosevelt Highway and Kendall Road. Representatives will be at the next Planning Board meeting to discuss potential intentions of the retailer.

Zoning Board – P. Bolton, Chair
No report

Department Heads

Assessor – G. Massey
No report

Code Enforcement – P. Hennekey
No report

Highway - W. Kruger
No report

Historian – H. Banker
No report

Recreation – M. Werth
No report

Town Clerk – A. Richardson – written report submitted

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

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

Szozda made the following motion, seconded by Flow:

RESOLUTION 38-0117 BUDGET TRANSFER FOR THE YEAR 2016 FOR GENERAL ACCOUNT WATER ADMINISTRATION-HIGHWAY BUILDING

Be it hereby resolved to reduce account A8030.4 Research Contractual by \$348.78, and to Increase account A8310.4 Public Water Meter Water Admin-Hwy Bldg by \$348.78.

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

Flow made the following motion, seconded by Szozda:

RESOLUTION 39-0117 BUDGET TRANSFER FOR THE YEAR 2016 FOR HIGHWAY HOSPITAL & MEDICAL INSURANCE

Be it hereby resolved to reduce account DA9010.8 State Retirement by \$189.00, and to Increase account DA9060.80, Hospital & Medical Insurance by \$189.00.

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

Szozda made the following motion, seconded by Flow:

RESOLUTION 40-0117 BUDGET TRANSFER FOR THE YEAR 2016 FOR WATER DISTRICT SIX

Be it hereby resolved to reduce account SW6-9710.73 Serial Bond Interest by \$693.34, and to Increase account SW6-8310.41 Contractual Expense Murray by \$210.00, and to Increase account SW6-8310.43 Contractual Water by \$483.34.

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

Flow made the following motion, seconded by Szozda:

RESOLUTION 41-0117 2017 BUDGET TRANSFER

Be it hereby resolved to reduce account A1440.40 Engineer Contractual by \$300.00, and to Increase account A1950.4 Special Items Taxes on Property from \$920.00 to \$1,220.00.

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

Szozda made the following motion, seconded by Flow:

RESOLUTION 42-0117 FISCAL ADVISORS

Be it hereby resolved to authorize Supervisor Cammarata to sign an agreement with Fiscal Advisors for the purpose of undertaking a review of bond anticipation notes for the Town's Water Districts Seven and

Nine, as well as the consolidation of bond anticipation notes for Water District Six and the Caterpillar Loader. Cost not to exceed \$6,650. This is subject to review and approval by Attorney Meier as to form and content.

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

Flow made the following motion, seconded by Szozda:

RESOLUTION 43-0117 AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE

Be it hereby resolved to authorize Supervisor Cammarata to sign a Water and Waste System Grant Agreement with the USDA for Water District Seven.

Discussion: Councilwoman Flow asked to what this resolution refers. Supervisor Cammarata said it is a requirement of the USDA that the agreement be signed before the grant money is released.

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

Szozda made the following motion, seconded by Flow:

RESOLUTION 44-0117 BORROWING AND GRANT FOR DRINKING WATER FROM UNITED STATES DEPARTMENT OF AGRICULTURE

See Attached.

Discussion: Supervisor Cammarata directed the Board members to a LOAN RESOLUTION provided by Attorney Meier. Councilwoman Szozda asked if this is the agreement referred to in the previous resolution, which the Board authorized the Supervisor to sign. Supervisor Cammarata said yes. Councilwoman Flow asked if the particular Water District it refers to should be named in the resolution, since there are concurrent projects. The resolution was amended without motion to RESOLUTION 44-0117 BORROWING AND GRANT FOR DRINKING WATER FROM USDA FOR WATER DISTRICT SEVEN...See Attached (Agreement).

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Board
OF THE Town of Kendall

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Drinking Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Kendall

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Three Hundred Thirty-Five Thousand & 00/100

pursuant to the provisions of New York State Local Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(e)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ 525,000.00

under the terms offered by the Government; that the Supervisor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the Town Board of the

Town of Kendall has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By Anthony Cammarata

Attest:

Title Supervisor

Amy Richardson
Title Town Clerk

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Town Clerk of the Town of Kendall
herby certify that the Town Board of such Association is composed of
 members, of whom, constituting a quorum, were present at a meeting thereof duly called and
held on the day of ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this day of

Amy Richardson
Title Town Clerk

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

Flow made the following motion, seconded by Szozda:

RESOLUTION 45-0117 AGREEMENT WITH LABELLA ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO POTENTIAL WATER DISTRICT NINE

Be it hereby resolved that the Kendall Town Board authorizes Supervisor Cammarata to enter into an agreement with La Bella Associates, P.C., for engineering services related to the water distribution improvements and extension to be constructed within potential Water District NINE. This is subject to review and approval by Attorney Meier as to form and content.

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

This month, two Abstracts were created, in order to more easily determine those expenses to be paid from the 2016 Budget prior to close-out, and those which are 2017 expenses.

Szozda motioned to accept the claims as presented, seconded by Flow; all ayes:

PAYMENT OF CLAIMS 2016

General Fund	Abstract 14	\$ 2,074.67	Vouchers 950-958,960
Highway Fund	Abstract 14	\$ 189.00	Voucher 950
Light District One	Abstract 14	\$ 542.38	Voucher 955
Light District Two	Abstract 14	\$ 317.98	Voucher 955
Light District Three	Abstract 14	\$ 186.29	Voucher 955
Water District Six	Abstract 14	<u>\$ 1,410.79</u>	Vouchers 956,959,960
		\$ 4,721.11	

Flow motioned to accept the claims as presented, seconded by Szozda; all ayes:

PAYMENT OF CLAIMS 2017

General Fund	Abstract 1	\$ 29,488.05	Vouchers 1-5, 7-17, 32
Highway Fund	Abstract 1	\$ 20,869.75	Vouchers 2, 11, 18-31
Water District Two	Abstract 1	\$ 2,260.00	Voucher 6
Water District Three	Abstract 1	\$ 4,555.63	Voucher 6
Water District Four	Abstract 1	\$ 17,508.13	Voucher 6
Water District Five	Abstract 1	\$ 6,479.38	Voucher 6
Fire District	Abstract 1	<u>\$ 33,481.00</u>	Voucher 11
		\$114,641.94	

OLD BUSINESS

Defibrillators – availability and training

\$1,199 will be provided toward this from the Justice grant. Bids will be sought.

Kendall's Finest

No update

Solar Moratorium

May need to be extended, as solar code will likely not be in place before the moratorium expires.

Water District 9

Meeting scheduled with LaBella. WD 9 will connect the potential Water Districts 7 and 8 to each other.

Marina – nothing new

Voting machines – Town may dispose of as it desires. They can be declared surplus and sold for scrap.

NEW BUSINESS

Surveillance cameras will be placed around and in the Town Hall, including in the meeting room. The justification is that it may deter criminal activity or help to prosecute the perpetrators if any does occur. Funds for these cameras will be provided by the Justice grant.

Attorney Meier asked the Board to call an executive session to discuss pending litigation.

Councilwoman Flow made a motion to go into executive session to discuss pending litigation, seconded by Councilwoman Szozda; all ayes. Executive session called at 7:42 p.m. Open meeting was returned to at 7:58 p.m.

If decisions are derived during an executive session, rather than simply discussion, those decisions must be recorded in official minutes. During this executive session, a decision was made to have Attorney Meier draft a Notice of Appearance on behalf of the Town Board to be filed with the Orleans County Court regarding litigation over a drainage issue.

Cammarata asked for a motion to recess rather than adjourn this meeting, so resolutions pertaining to Water District Seven can be addressed before the regularly scheduled February meeting. Flow called for recess until February 7th at 7:00 p.m., seconded by Szozda; all ayes. Meeting recessed at 8:00 p.m.

Respectfully Submitted,

Amy K. Richardson,
Kendall Town Clerk