

**KENDALL TOWN BOARD**

Tuesday, June 21, 2016, 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:07 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

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

Supervisor Cammarata opened the Public Hearing at 7:09 p.m., describing it as a question and answer period with the Engineer.

**SUPERVISOR’S and TOWN BOARD MEMBERS’ REMARKS**

Supervisor Cammarata introduced Mike Schaffron of LaBella Associates, Engineer for the Town.

Mr. Schaffron opened with general remarks about the process so far, the reasons for the projects being pursued, the various permits required, the expected and estimated costs, anticipated help with funding, and then gave specific information regarding potential Water District 7 (Norway Road project).

**Question and Answer Period/Public Hearing** – (Clerk’s note: no instruction was given, and no one introduced him/herself, or was formally given the floor, so only comments (questions) can be recorded. Also, Water District 7 and Water District 8 comments are intermingled.)

“Which side of Norway Road will the lines run?”

Mr. Schaffron – “Possibly both”

“Will Old Creek Road be included?”

No one was able to answer this question.

(Clerk’s note: Old Creek Road is described as part of the Kendall Road project, but is identified throughout the Map, Plan and Report as West Creek Road)

Funding and operation costs charged were explained to several people asking for the breakdown of first year charges and maintenance fund buildup.

“Would a driveway torn up for line installation be replaced?”

Answer: “No. A repair would be done on the affected patch, in like material.”

“If settling of the affected part of the driveway occurs in subsequent years, is it the owners’ responsibility to repair that?”

Answer – “Yes.”

“If landscaping and trees are damaged or destroyed during the installation, is there any compensation?”

Answer – “No.”

An assessment question was answered by the engineer with an explanation of how subdivisions and parcel consolidations, as well as the option to opt into the (exempt) agriculture district would affect all those in each district. Each year the assessment will vary.

In answer to a question regarding a realistic timeline to completion, Mr. Schaffron answered by year-end 2017 for the first of these two districts.

A man asked what happens if you own several contingent parcels. Those who own several parcels will incur several charges. A vacant parcel is assessed at 0.5 unit. The questioner was in opposition to the water district.

An additional cost is that of running a line from the right of way to the house. Often, several neighbors wishing to hook into the new service line hire the same contractor to save money. Monroe County Water Authority (MCWA) hooks the meter into the line after completion. MCWA does not require certified contractors. That is up to the individual landowner and possibly local code enforcement inspection.

A question was posed as to the efficacy of the water testing protocol, as to number tested and whether the samples were derived from the site of the well, or at the site of use (inside the house), which can be quite different. Supervisor Cammarata said the tests were done as random sampling by the Orleans County Health Department and at the percentage required. Point of collection is not known. The Engineer said it was targeted to justify need, but did not know how the Board chose which to test.

The engineer asked if there had been advertising done to solicit those who wanted their water tested. Councilwoman Szozda answered that well testing letters were sent only to those who answered they wanted water on the original survey, and those names were provided to the Orleans County Health Department.

A question was posed as to whether a right of way (to a land locked parcel) would be assessed a charge. No one answered this question.

A man asked if the actual assessment of property, aside from water debt and use costs, is affected by being on a public water line. Assessor Massey answered that it increases the value of the property by \$1500, regardless of hookup. The man asked if that difference in taxes was included in the annual costs estimate. No one answered.

Supervisor Cammarata asked if there were other questions about Water District 7.

A woman asked when the formation decision would be made. Supervisor Cammarata said it was on the agenda for immediate approval. The speaker expressed surprise that the Board already made the decision to proceed without time to digest the public input. The engineer said this is the first step in district formation, and the next steps include a full application being submitted, hopefully an approval letter for funding, a design approval, and many other steps. The questioner asked if the Board believed they had a majority supporting this endeavor. Supervisor Cammarata said he believed so. Councilwoman Szozda said everyone in the Town not currently on a water line was surveyed by mail to determine areas of need and desire. Those results, with the help of Highway Superintendent Kruger, were used to determine highest areas of interest. Then income surveys were solicited and these two areas met the low income threshold for grant funding.

Supervisor Cammarata asked if there were more questions, and closed this portion of the hearing.

### **PUBLIC HEARING – PROPOSED WATER DISTRICT 8**

Started at 7:57 p.m.

### **SUPERVISOR’S and TOWN BOARD MEMBERS’ COMMENTS**

none

Mr. Schaffron gave specific information regarding potential Water District 8, including fire-fighting water sufficiency results, wetland status, and projected costs, assuming loan availability.

David Maslyn, Kendall Road, stated his opposition to the water district formation, and said he did not sign any petition, did not receive an interest survey, and did not receive an income survey.

A woman asked about the thirty eight year debt charge. The engineer answered that the charge goes with the property and ceases upon full payment. The yearly charge tends to decrease as principal is repaid.

A man asked if the costs could be spread town-wide to ease the burden of those affected. The answer was that it is not legal to charge those not receiving the benefit of a special district.

The woman who lives on Old Creek Road again asked if her property is included in the potential district. No one knew. A lengthy discussion followed, with no determination.

A man asked how future development is taken into calculations, both for indebtedness, and for sufficiency of supply. The engineer responded that fifteen year history and projected growth was studied, and taken into account.

The direction of the main was discussed. There are no plans to connect to the Town of Murray main.

A man asked if the excavation will be occurring within the current NYS right of ways. The engineer answered affirmatively. A question was posed as to whether the MCWA or Kendall would replace culverts damaged by the project. The engineer said it is anticipated that the contractor hired by the Town would be expected to do so, at no additional cost to the property owner. Specific excavation details were discussed. Construction of this district, if all goes as hoped, will begin in 2018. Hydrant distance would be approximately 500 feet. MCWA bears the cost of any breaks or maintenance. Infrastructure is

maintained through easements obtained by the Town or the MCWA.

Supervisor Cammarata said each district would require only one blanket easement, and the Attorney for the Town is working on a template for this easement.

An affected resident asked for details explaining this “blanket template” as he does not feel an additional easement can be obtained by the Town for his private property, without his permission. A discussion took place between some of those in attendance, without Board participation, which could not be recorded clearly. Attorney Meier assured the resident that each easement, if necessary, would require the individual property owners’ signatures.

A question was posed as to how the money already spent on advertising and engineering would be repaid to the general fund, so that those not benefitted by the water lines are not funding those lines through taxes. The Board did not respond.

A property owner asked if the landscaping and trees damaged by the process will be replaced. The engineer said the damage should be minimal, and the contractor placing the line should have an on-site inspector to ensure proper care is taken. Any replacement would be at the property owner’s expense.

A question was asked about fund balance being built and first year costs, which the engineer explained.

A property owner on district 8 said that since his well is adequate in quality and quantity, yet he has to pay the six hundred dollar debt service each year whether or not he chooses to hook in to the public water, as well as an increase in his taxes due to an assessment increase, he does not feel “benefitted.”

A resident suggested that in light of the confusion and opposition expressed, the decision should be postponed until more feedback is gathered.

Supervisor Cammarata responded, “No. For many years, the number one priority of this Town has been to get water. It has been my primary objective to try and get water for as many people; some people have had terrible water...so the objective of this Board has been and will be to obtain water, as a staple of life...we are at a point where we can move this process forward...we are trying to be progressive...There have been a lot of hours and work put into this, and you cannot believe the paperwork that has been involved.”

A man asked if the decision will be postponed or altered due to the negative feedback at this hearing.

Supervisor Cammarata commented that the vast majority of people want the water, but are not in attendance. The speaker commented that it does not seem that the Board is hearing the negative comments. Supervisor Cammarata responded that he chooses to take the comments as constructive, and the Board is trying to perform a service to the people who need water.

A comment was made that in many cases, the annual cost of public water is offset by not having to purchase or haul water for those who have inadequate or poor quality wells. Also, the current trend of clearing land for farming may change the water table, so public water is a positive addition.

A man communicated that he and his wife chose Kendall for a variety of reasons. Being young and just starting out, and planning to stay in Kendall, a major factor was affordability. The additional hundreds of

dollars added to their tax bill will pose a real hardship. He inquired if he was able to take an agricultural district exemption.

Supervisor Cammarata stated that it would be the commenter's prerogative to move, his assessment would be "better", and resale value might be positively affected by having public water. No comments made as to ag exemption process.

Supervisor Cammarata closed the Hearing at 8:52 p.m., and ordered a ten minute recess.

## **REGULAR JUNE MEETING OPENED AT 9:03 p.m.**

### **SUPERVISOR'S REMARKS PERTAINING TO REGULAR MEETING**

none

### **CORRESPONDENCE**

- Veterans' Service Agency – invitation to Open House June 27
- SUNNKING – Certificate of Donation
- Resignation letter from Alan Lambert

### **ACCEPTANCE OF MINUTES**

Councilwoman Szozda motioned acceptance of the following minutes, seconded by Councilwoman Szozda; all ayes:

Town Board Meeting April 20, 2016

Town Board Meeting May 17, 2016

Special Meeting May 27, 2016

### **PUBLIC COMMENT**

none

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

#### **Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin  
Buildings, & Grounds – Martin

Highway – Martin

No reports

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

Newsletter nearly complete

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Resolution on the agenda to address NYS Retirement requirements.  
Resolution not appearing on the agenda will switch our health insurance broker.

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

Water District Six B.A.N. will be closed on June 30

Orleans County Representative – DeRoller

Parkway issue being aggressively pursued.  
Canal system temporarily closed for repair.  
Chamber of Commerce – Becky Charland is new Director.  
Restore NY money has been released to address blighted areas.

On a non-county issue, the Innovation Committee is growing in membership. It will be heading up a scheduling of use of the town park, soliciting scouting projects to improve Kendall, and will be taking on identifying veterans in the cemetery.  
Councilman Newell met with Mr. DeRoller regarding property maintenance and best practices to utilize Code Enforcement.  
Post Office – rural services being shortchanged

**Boards**

Planning Board – A. Kludt, Chair

Written report submitted

Zoning Board – P. Bolton, Chair

No report

**Department Heads**

Assessor – G. Massey

No report

Code Enforcement – P. Hennekey

No report

Highway - W. Kruger

Paving is underway and Kendall Road work has begun.

Historian – H. Koch

No report

Recreation – M. Werth – written report submitted

Town Clerk – A. Richardson – written report submitted

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

Supervisor – A. Cammarata – written report submitted

**RESOLUTIONS**

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

**RESOLUTION 63-0616 ACCEPTING THE RESIGNATION OF ALAN LAMBERT**

Be it Resolved to accept the resignation of Alan Lambert, as building maintenance worker, effective immediately.

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

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

**RESOLUTION 64-0616 APPOINTING JAMES CARROLL, TO THE POSITION OF BUILDING MAINTENANCE WORKER.**

Be it Resolved to appoint James Carroll, 16696 Woodchuck Alley, Kendall, N.Y., to the position of Building Maintenance Worker, effective June 21, 2016 through December 31, 2016.

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 65-0616 WAIVER OF OPEN CONTAINER LAW**

Be it Resolved that The Town of Kendall Open Container Ordinance be waived during the Kendall Fireman's Carnival in 2016 as follows:

Thursday: July 7<sup>th</sup> from 6:00 pm to 12:00 midnight

Friday: July 8<sup>th</sup> from 5:00 pm to 2:00 am

Saturday: July 9<sup>th</sup> from 12 noon to 2:00 am

And further, that this waiver shall cover an area ¼ mile in each direction, North, South, East and West commencing at the intersection of Kenmor Road and Kendall Road and

Further, such waiver is in effect on the specific dates and times set forth herein and only in the geographical area described herein.

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 66-0616 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT**

Whereas the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk, and,

Whereas, said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Kendall Town Board,

To approve a conditional permit, subject to receiving technician certification, so therefore...

Be it Resolved that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York to the Kendall Fire Department for a fireworks display commencing at 10:00 pm on Saturday, July 9<sup>th</sup>, 2016.

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

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

**RESOLUTION 67-0616 DONATION OF OFFICE EQUIPMENT**

Whereas the Town of Kendall has surplus office furniture, as listed below:

- 1 desk
- 1 small table

And, whereas the Town of Kendall desires to donate this office furniture to the Kendall Fire Department, a nonprofit and tax exempt organization, and

Whereas, neither item is greater in value than \$100, be it

Resolved to authorize and direct the Supervisor to dispose of this furniture in a manner consistent with the Town of Kendall policy for the Disposition of Property.

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

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

**RESOLUTION 68-0616 TOWN EASEMENT ACCEPTANCE AND RECORDING**

WHEREAS, Driesel Properties, LLC has requested a water connection from the Monroe County Water Authority (MCWA) serving property on the West side of Kendall Road described in a deed recorded at Liber 852 of Deeds and Page 398, to serve a new millworks operation which is being constructed on the Premises, and

WHEREAS, as a condition to such connection, the MCWA requires the grant of a 15-foot wide easement along Kendall Road for future repairs, replacements and extensions of such water line, and

WHEREAS, the MCWA has consented that such easements may be vested in the Town of Kendall,

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to accept delivery and sign any documents required for the acceptance and recording of the above-described easement, subject to review and approval by the Attorney for the Town as to form and content, and further is directed to forward the same to the MCWA for recording.

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

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

**RESOLUTION 69-0616 ESTABLISHING STANDARD WORK DAY FOR SPECIFIED TITLES**

Be It Resolved that the Town of Kendall, Location Code 30127, hereby establishes the following as standard work days for the employees and will report days worked to the New York State and Local Employee's Retirement System based on the time keeping system or the record of activities maintained and submitted

Title	Standard Work Day (Hours/Day)
Council person #1	6
Council person #2	6
Recreation Director	6

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

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

**RESOLUTION 70-0616 STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS**

BE IT RESOLVED, that the Town of Kendall, Location Code 30127, hereby establishes the following standard work days for these titles and will report the results to the New York State Retirement System based on time keeping system records or their record of activities:

Elected Officials	Standard Work Day (HRS./day)	Names	Current Term Begin & End Dates	Record of Activities Result(ROA)	Not Submitted (ROA)	Participates Hourly time keeping
Council Woman#1	6	Lynn Szozda	1/1/16-12/31/20	5		no
Council Woman #2	6	Barbara Flow	1/1/16-12/31/20	4.3		no

Appointed Officials						
Recreation Director	6	Michele Werth	1/1/16-12/31/16	7		no

DISCUSSION: Councilwoman Szozda said there was a three month collection of hours of each employee. A state formula is used to calculate days accumulated toward NYS Retirement. Councilwoman Flow said she questioned her calculated days. There was no response.

Supervisor Cammarata called for a vote, resulting in ayes from Martin, Szozda and Cammarata, and abstention by Flow. Motion carried.

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

**RESOLUTION 71-0616 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN PROPOSAL FOR PROJECT MANAGEMENT SERVICES AND USDA APPLICATION SERVICES FROM LABELLA ASSOCIATES, D.P.C. FOR WATER DISTRICT 7**

WHEREAS, Labella Associates D.P.C. has provided proposals dated June 1, 2016, Labella Proposal Nos. P161175 [P161172] and P161173, for Project Management and USDA Application Services to the Town of Kendall for Water District 7, and

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

NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Cammarata is authorized to sign and accept Labella Proposals Nos. P161172 and P161173.

DISCUSSION: Councilwoman Szozda said an error in the first paragraph, P161175 should be P161172. Attorney Meier agreed. Supervisor Cammarata motioned for the resolution, with this correction, no second.

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

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

**RESOLUTION 72-0616 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN PROPOSAL FOR PROJECT MANAGEMENT SERVICES AND USDA APPLICATION SERVICES FROM LABELLA ASSOCIATES, D.P.C. FOR WATER DISTRICT 8**

WHEREAS, Labella Associates D.P.C. has provided proposals dated June 1, 2016, Labella Proposal

Nos. P161174 and P161175, for Project Management and USDA Application Services to the Town for Water District 8, and

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

NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Cammarata is authorized to sign and accept Labella Proposals Nos. P161174 and P161175.

Supervisor Cammarata called for a vote, resulting in ayes from Cammarata, Flow and Martin; abstention by Szozda. Motion carried.

Attorney Meier summarized the intent of the following resolution, in order to waive public reading of its entirety.

Councilwoman Szozda made a motion for the following resolution to be passed, as presented, seconded by Councilwoman Flow:

**RESOLUTION 73-0616 ESTABLISHING WATER DISTRICT NO. 7 IN THE TOWN OF KENDALL, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM**

Recitals

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town" respectively) in the County of Orleans, New York has heretofore duly caused LaBella Associates, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for a proposed Water District No. 7 (the "District"), in the Town, 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 related site work and other ancillary work; which, map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order duly adopted on May 27, 2016, the Town Board has determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying 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, Kendall, New York, in the Town, as the place where the Town Board would meet to consider the establishment of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law: and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the

provisions of Article 12-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, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such District and a Negative Declaration has been issued; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 21<sup>st</sup> day of June, 2016, commencing at 7:00 o'clock P.M. (Prevailing Time), at such Kendall Town Hall, at which all interested persons desiring to be heard were heard,

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

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

Section 1. It is hereby determined that:

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

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

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

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

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

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Water District No. 7, in the Town of Kendall, and shall be bounded and described as more particularly described in annexed Schedule "A".

Section 3. The maximum amount proposed to be expended for said District improvements is \$860,000.00, which is planned to be financed by the issuance of \$860,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants including, but not limited to, loan and/or grant funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water

District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval.

Section 5. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adopted resolution, to cause to be published at least once in the "Hamlin Herald" a newspaper having a general circulation in the Town of Kendall, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town, a Notice which shall set forth an abstract of said foregoing resolution, which shall be in substantially the following form:

LEGAL NOTICE  
TOWN OF KENDALL, NEW YORK

PLEASE TAKE NOTICE that on June 21, 2016, the Town Board of the Town of Kendall, in the County of Orleans, New York, adopted a resolution entitled:

**"RESOLUTION 73-0616 ESTABLISHING WATER DISTRICT NO. 7 IN THE TOWN OF KENDALL, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM"**

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Kendall ("Town Board" and "Town", respectively), New York, has heretofore duly caused the preparation of a general map, plan and report for the proposed Water District No. 7, in the Town (the "District") 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 and related site work and other ancillary work; which map, plan and report have been duly filed in the office of the Town Clerk of Town public inspection; that an Order was adopted on May 27, 2016, reciting a description of the boundaries of the proposed 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 therefore, the proposed method of financing, 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 the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, that all environmental laws and regulations will be complied with, and that such hearing has been duly held on June 21, 2016, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Order Calling Hearing was published and posted as required by Law and is otherwise sufficient, (b) the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District (c) all the property and property owners within the proposed district are benefited thereby, (d) all the property and property

owners benefited are included within the limits of the proposed District, and (e) that the establishment of the District is in the public interest.

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, DESIGNATING such District as Water District No. 7 in the Town of Kendall, and DESCRIBING the District by metes and bounds;

FOURTH: FURTHER RESOLVING that the maximum amount proposed to be expended for said District improvements is \$860,000.00, which is planned to be financed by the issuance of \$860,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants, including but not limited to loan and/or grant funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

FIFTH: FURTHER RESOLVING that the permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval; and

SIXTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the  
Town of Kendall, in the County of  
Orleans, New York.

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

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

Motion carried.

Attorney Meier summarized the following resolution, in order to dispense with public reading of the resolution

Councilman Martin made a motion to accept the following resolution, as presented, seconded by Councilwoman Flow:

**RESOLUTION 74-0616 ESTABLISHING WATER DISTRICT NO. 8 IN SAID TOWN, AND**

**PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM**

Recitals

WHEREAS, the Town Board of the Town of Kendall (herein called “Town Board” and “Town” respectively) in the County of Orleans, New York has heretofore duly caused LaBella Associates, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for a proposed Water District No. 8 (the “District”), in the Town, 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 related site work and other ancillary work; which, map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order duly adopted on May 27, 2016, the Town Board has determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk’s Office for public inspection and specifying 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, Kendall, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law: and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-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, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such District and a Negative Declaration has been issued; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 21<sup>st</sup> day of June, 2016, commencing at 7:00 o’clock P.M. (Prevailing Time), at such Kendall Town Hall, at which all interested persons desiring to be heard were heard,

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

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

Section 1. It is hereby determined that:

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

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

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

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

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

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Water District No. 8, in the Town of Kendall, and shall be bounded and described as more particularly described in annexed Schedule "A".

Section 3. The maximum amount proposed to be expended for said District improvements is \$1,340,000.00, which is planned to be financed by the issuance of \$1,340,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants including, but not limited to, loan and/or grant funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval.

Section 5. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adopted resolution, to cause to be published at least once in the "Hamlin Herald" a newspaper having a general circulation in the Town of Kendall, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form:

LEGAL NOTICE  
TOWN OF KENDALL, NEW YORK

PLEASE TAKE NOTICE that on June 21, 2016, the Town Board of the Town of Kendall, in the

County of Orleans, New York, adopted a resolution entitled:

“RESOLUTION 74-0616 ESTABLISHING WATER DISTRICT NO. 8 IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM”

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Kendall (“Town Board” and “Town”, respectively), New York, has heretofore duly caused the preparation of a general map, plan and report for the proposed Water District No. 8, in the Town (the “District”) 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 and related site work and other ancillary work; which map, plan and report have been duly filed in the office of the Town Clerk of Town public inspection; that an Order was adopted on May 27, 2016, reciting a description of the boundaries of the proposed 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 therefore, the proposed method of financing, 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 the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, that all environmental laws and regulations will be complied with, and that such hearing has been duly held on June 21, 2016, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Order Calling Hearing was published and posted as required by Law and is otherwise sufficient, (b) the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District (c) all the property and property owners within the proposed district are benefited thereby, (d) all the property and property owners benefited are included within the limits of the proposed District, and (e) that the establishment of the District is in the public interest.

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, DESIGNATING such District as Water District No. 8 in the Town of Kendall, and DESCRIBING the District by metes and bounds;

FOURTH: FURTHER RESOLVING that the maximum amount proposed to be expended for said District improvements is \$1,340,000.00, which is planned to be financed by the issuance of \$1,340,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants, including but not limited to loan and/or grant funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

FIFTH: FURTHER RESOLVING that the permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be

submitted to the State Comptroller's Office for approval; and

SIXTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the  
Town of Kendall, in the County of  
Orleans, New York.

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

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

Motion carried.

Councilwoman Szozda made a motion from the floor with wording provided by Attorney Meier as follows, seconded by Councilman Martin:

**RESOLUTION 75-0616 AUTHORIZE SUPERVISOR TO ENTER INTO SIGNING A BROKER OF RECORD LETTER**

Resolved, to authorize the Supervisor to sign a Broker of Record Letter with Paychex, for the purpose of soliciting insurance quotation and reporting.

DISCUSSION: Councilwoman Flow asked what this means. Attorney Meier stated it allows Paychex to approach an insurance company to get a quote on the Town's behalf. Councilwoman Flow asked if this meant health insurance quotes. Councilwoman Szozda answered affirmatively. She had a meeting with a representative of Paychex, who pointed out there are a lot of forms, due to the Affordable Healthcare Act, which are necessary. Paychex will, at no cost to the Town, provide these forms, reports, and employee packets.

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

Councilman Martin moved the bills be paid, as presented on Abstract 6, seconded by Councilwoman Flow; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 6	\$ 25,836.03	Vouchers	354-363,365-422,449
Highway Fund	Abstract 6	\$ 21,736.44	Vouchers	359,417,423-448,450-456
Light District One	Abstract 6	\$ 401.37	Voucher	393
Light District Two	Abstract 6	\$ 239.36	Voucher	393
Light District Three	Abstract 6	\$ 126.07	Voucher	393
Water District Six	Abstract 6	\$ 43.13	Vouchers	394,418

