

KENDALL TOWN BOARD – REGULAR MEETING – MARCH 9, 2006 7:30 PM
Recessed to MARCH 16, 2006 7:30 PM
PUBLIC HEARING – MARCH 16, 2006 – SMALL CITIES GRANT APPLICATION
PUBLIC HEARING – MARCH 16, 2006 – ESTABLISHMENT OF WATER DISTRICT #6
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC PRESENT:

Gerald and Alyce Reamer, Sheriff Scott Hess, Scott Allen, Bob and Ellie Nelson, Al and Bev Lofthouse, Lisa Stenshorn, Stephen Seaman, Don and Mary Mann, Gert Hauck.

CALL TO ORDER

Meeting was called to order by Supervisor Vick at 7:30 PM and the Pledge of Allegiance was led.

ROLL CALL

Christine DiNatale, Councilwoman	Present
Donald Pritchard, Councilman	Present
David Schuth, Councilman	Present
Charles Scroger, Councilman	Present
William Vick, Supervisor	Present
Douglas Heath, Attorney	Present

Department Heads Present: Kenneth DeRoller, Assessor; Warren Kruger, Highway Superintendent; Barbara Flow, Recreation Director; Eric Peters, Water Superintendent, Scott Hardenbrook, Code Enforcement Officer; Christine Syracuse, Deputy Code Enforcement Officer

APPROVAL OF MINUTES

Kendall Town Board – February 9, 2006

Councilman Pritchard moved that the Kendall Town Board meeting minutes of February 9, 2006 be corrected and approved as presented by the clerk, seconded by Councilwoman DiNatale, and the vote resulted as follows:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the motion to accept the minutes as presented is carried.

Corrections: Page 6 should be recess; Res # 60-206 should read Town of Kendall not Murray

SUPERVISORS REMARKS

Water District #6 – Resolution adopted by the Town of Murray for approval to hook into their water system for proposed WD#6. Letters received and water samples from residents. Letters of support will be delivered to Stu Brown. Board commended all who helped pull this together in 30 days rather than the typical multi monthly process it would take.

MCWA Proposed Lease – Engineering Report – Progress Report – March 30th Informational Meeting.

Difficult task to gather information to make decision and to put budget together to run our own Water Department. Highway Superintendent Kruger was asked to help budget together by utilizing other entities that operate Water Departments. Councilman Scroger will provide remarks at March 30th meeting due to a family commitment Vick is unable to attend.

Noon Subdivision – Needs Town Board authorization to make final decision of take over of road after Highway Superintendent's approval that it meets standards and requirements of a highway. Currently there are five deficiencies that need to be corrected and should not be done at a town taxpayers expense. Without the subdivision and the utilities put in place, that creates lack of tax assessment to help maintain the road. If goes to permissive referendum, would be bound by that decision. Every other subdivision placed in this community have been responsible for placement of utilities. Commendations have gone to Dr. O'Laughlin on how he handled communications with Mr.Noon. Vick has spoken with Mr. Noon and he will no longer spend any more of his funds on this subdivision at this time.

A long road since first of January. A lot of energy has been spent by the employees. Asked the public to be understanding of all whom are involved in our local government. Simple to serious issues have been undertaken. Supervisor Vick expressed the failures of the previous administration. Necessary documents have failed to be kept. Town shortfalls will be paid out of 2006 town taxes and Vick does not want to pursue a Tax Anticipation Note. All this is under the previous administrations actions. Budget revenues hopefully will be under budgeted and will offset our expenses. Financial procedures will be addressed to supply the accurate data. Highly unusual workload has occurred due to the lack of follow through and failure to back town employees in previous situations.

Donn Pritchard has put his hands around the Eagle Creek Marina Project. CEO Hardenbrook has met with property owners in area and those neighbors indicate they are happy with the communications.

Accounting system we have will not provide for state requirements, nor to meet the requirements to the tax payers, for reporting. Need to spend funds in the approximate amount of \$7,000. to get an appropriate system of accounting in place. Vick stated it was time to set the tone to lead, follow or step aside. Vick's decision to take this approach, not meaning to be difficult or severe, but to get the job done. Vick indicated he will not certify reports unless they are correct. To eliminate more expenses many of us handle the garbage and recyclables, shovel the walks, and even vacuuming. To sum up Vick asked for support and cooperation, of everybody on all levels to get the job done, anything less would be detrimental.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

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Public Safety Committee: C. Scroger, Chair

Report on Town Hall Security – Exchanging calls with Locksmith. Will try to close out issue by next meeting.

Occupational Safety – D. Pritchard, Chair

No report – working on other projects at this time.

Highway – C. Scroger, Chair

Angotti Property – Attorney Heath to call Mike Jones with status report. Financing will need to be provided because Town does not have money to purchase at this time. Formal proposal will be made to the Board as to what they will accept for the three acres per Kruger. Attorney Heath will contact their attorney.

Buildings, Grounds, & Cemeteries – C. DiNatale, Chair

Cemetery Flag Lighting – Cost would be \$300 a year per pole to light flag per National Grid. Will look into solar. Fly the flag on Holidays until properly budget for lighting of flags. A grant packet was given to Chris to possibly pursue.

Cleaner – update given of Ed Barrett – doing well.

Policy of sales of Assets & Surplus – Chris distributed draft policy for board to review and get feedback from. Focus on April Meeting.

Generator – received 3 quotes and will seek more. Supervisor Vick wrote letter to Senator Maziarz to consider member item to help with this purchase.

Town Hall Flag Pole – Fred's Flags installed new lines and a new flag on pole. Will look at tilt in spring.

Planning, Zoning, & Agriculture – D. Schuth, Chair

Received notice from Attorney that all paper work in order for Out of District user on Bridge Road and that filing will occur of easement at the Orleans County Clerk's Office next Tuesday. No current updates on Major Subdivision at this time because no action has been taken on this by owner. Zoning Board is reviewing zoning violations with unlicensed vehicles and will report back at their March 21st meeting. Boats and Trailers is not mentioned in our ordinance, nor does NYS Codes provide for this. Need to look into this. Zoning will also need to look into changes to zoning ordinance regarding shrubs and screening about 3 feet in height in the Waterfront Residential district. Many other issues at hand such as flag lots, junk on properties, and property maintenance code issues.

Community Relations & Recreation – C. DiNatale, Chair

Chris is still collecting names for Bicentennial celebration. Memorial Day Celebration will be held May 30th at 7:00 PM. Will have reenactment group and 2 cannons will be fired. 21 gun salute will also be in attendance. It will be held at Greenwood Cemetery this year. Roadway Banners have been ordered and brackets for display are in.

Human Resources & Ethics – C. Scroger, Chair

Personnel Records are 70% complete. Will take action on Fair Housing Requirements tonight by presenting resolution for board approval.

Finance, Taxes & Special Districts – W. Vick, Chair

Water District #5 closeout is being worked on by Attorney Heath – Proposed closing date will occur in April. Further update will be presented to the Board by Attorney Heath in writing.

Information Services – D. Schuth, Chair

Will be meeting with this Committee to discuss confidentiality agreements, letterhead. Also discuss computer needs etc. Look into requirements for financial software. Schedule meeting in March and report back at April Town Board Meeting.

Employee Benefits – W. Vick, Chair

Health Plan for Seniors may possibly change, which will present 12% savings to the tax payers and also to those on the new plan. Will also look into Medicare memberships. Will have adequate coverage with the employees contributing a little more. Will have a March 11th Informational Meeting for those who get health insurance through town. Need to make decision so changes will take effect April 1st.

Eagle Creek Marina – D. Pritchard, Chair

Donn has met with two of the residents with concerns. He has responded to them also in writing. 5th draw has been requested and will be presented this evening by resolution. CEO Hardenbrook has addressed major concerns with residents and meetings have been set up. Roof materials have been installed and Architect is doing weekly inspections and provide updated reports to CEO Hardenbrook.

Planning Board – T. Cole, Chair

Councilman Schuth asked for comments from the board after reviewing Adult Entertainment Ordinance. Next is to bring a Local Law before the Board and prepare SEQR and schedule public hearing. County Planning Board comments have been received and reviewed.

Zoning Board – C. Patt, Chair

Zoning Board members are canvassing town for unlicensed vehicles. Will present lists of properties that exceed this ordinance at March 21st meeting.

Department Heads

Assessor – K. DeRoller

All exemptions due by taxable status date of March 1, 2006. STAR Applications, Senior STAR 65 or older with income verification and Aged Exemption 65 or older with income verification processes complete. Optional Income Verification (IVP) (50% of eligible

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for first time sign up). Agricultural Assessment program (100% renewal) 157 applications processed (in Ag district) – 7,426.21 acres and 10 applications processed (not in Ag district) – 677.50 acres. 167 total – exemption value based on assessment of soil types. Added new farm acres into the Ag districts (7 parcels for a total of 342.6 acres). 384 total applications in process.

If in Ag District – protected by nuances laws, Ag and Markets Law protects them for noise, odors etc. Ken has been coaching farmers about this. Supervisor Vick added that a lobby has occurred throughout the county to get all towns signed on for Right to Farm Law. Supervisor Vick is working on it by asking local farmers and feels there is no need for it at this time. Ken further stated at Chairperson of Planning Board felt it is a duplication of process and encourages the Town not to embrace it. Asked the Board that if approached, Ken would like to be involved in discussion because of his research. Supervisor Vick asked the Board to update themselves on this.

INTRODUCTION OF GUEST:

Orleans County Sheriff Scott Hess presented to the Kendall Town Board that his office is open to assist with Zoning Board and Code Enforcement Issues in the Town of Kendall. Either serving appearance tickets, investigations or any other issues. Don't want to take over the job but willing to provide assistance. Very interested in property maintenance issues.

Code Enforcement – S. Hardenbrook

CEO Hardenbrook introduced new Deputy Christine Syracuse, currently CEO for Clarendon, whom is fully certified and will be available when Scott is unavailable or on vacation. Received in Dept of Health all water samples for potential WD#6 and reported results to Stu Brown. These samples will support the grant application.

Highway – W. Kruger

Rabies clinic scheduled at Highway Garage for April 15, 2006. Shifting over equipment due to Spring coming, bobcat is fixed. Spoke with Senator Maziarz regarding drainage grants. Supplied information to the board regarding operating our own water department, as requested, for the Board's review. Lengthy discussion regarding the accuracy of this information. Kruger concerned for the board's commitment to the openness that they expressed they would have on all issue's presented.

Recreation – B. Flow

Submitted 2005 state claim for \$1425.00 and awaiting it's receipt. Busy with registrations – 248 soccer; 138 baseball; 20 softball; 71 basketball; 82 swimming – 559 to date. Busy getting teams organized

Town Clerk – N. Hanlon

1501 out of 1720 tax bills received. Collection season going well. Computer is still a priority but understand committee, with the help of Councilman Pritchard, will make a decision and a recommendation to Town Board will be made soon.

CORRESPONDENCE

- ❖ Kendall Zoning Board of Appeals – January 12, 2006 Public Hearing and Regular Meeting Minutes
- ❖ Kendall Planning Board – January 24, 2006 Meeting Minutes
- ❖ Orleans County Planning Board – January 26, 2006 Meeting Minutes
- ❖ United States Senator Charles Schumer, re. Drug-Free Communities Support Program
- ❖ Jane Schroeder from Congresswoman Louise Slaughter's Office re. Federal Surplus Equipment
- ❖ Kendall Town Clerk Received and Filed
 - Town of Kendall Annual Financial Report
 - Morton Fire Department Annual Financial Report

Supervisor Vick also advised board of his communications with the IRS and he was very satisfied with the response received. Supervisor Vick wrote to Congresswoman Slaughters office commending IRS for good dealings and for their assistance with this issue.

Water Superintendent – E. Peters

With being in an awkward situation with the unknown future of the Water Department, no moving forward plans but doing maintenance work. Annual water quality report to be done and will need to be published. Spoke to Mike at LaBella regarding District No. 6 and MCWA lease. Near \$2,000 in funds from scrap metals received.

PUBLIC PARTICIPATION

Scott Allen – 17165 Ken Mor Road – Concern with drainage. Lived there since 1988 and has always had problems. Creek has been cleaned out in the past and after two years it was back to it's original state. Extra dirt has been brought in too. Since the new school project was put in it appears to be worse. He can also speak for Lentz and Smith, his neighbors. Vick suggest to work with Highway Superintendent Kruger and Councilman Scroger. Need to work with Hamlin in a cooperative effort because it empties into Monroe County. Will approach Senator Maziarz to help with this concern. Crosses boundary lines, Senator Maziarz and Assemblyman Steven Hawley should be presented with a petition and letter to them and Kendall Town Board. Scott will wait to hear from Skip until he makes future contacts.

Jerry Reamer – Ken Mor Road – Concerned with a comment made that government has not changed under this new leadership. Inherited things that were out of their control. People who are complaining, go see those who are in office to address their concerns. Let the public know they are trying to resolve the issues they inherited.

Allen Lofthouse - Center Road – Feels Supervisor Vick has a genuine concern for the tax payer and showing it with the time spent on issues and respects the efforts Supervisor Vick is doing.

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Kenneth DeRoller – Kendall Road – Concern with jobs in Orleans County. Has made a personal commitment to support economic and job development. A million dollar Ethanol plant will be coming to Orleans County. This will give us the opportunity to sell our corn crops and add 50 jobs to the area. Will save the railroad. Many more projects in the works and will help our local tax base. Ken indicated that this Town needs a strategic plan in this community. Please take economic development seriously and keep open dialogue. School enrollment is dropping and layoffs are going to occur. Supervisor Vick added he was in communication with a group to consider placing a small manufacturing organization in our Town. No other information to put out at this time.

PAYMENT OF CLAIMS

General Fund	Abstract 3	\$52,462.56	Vouchers 36-78 (corrected)
Highway Fund	Abstract 3	\$37,750.23 (<i>Corrected</i>)	Vouchers 35-68
Agency Fund	Abstract 3	\$16,329.74 (<i>Corrected</i>)	Voucher 3
Economic Development Fund	Abstract 3	\$15,447.18	Voucher 12

Councilwoman DiNatale moved that the Payment of Claims be approved for payment, seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the motion to pay bills is carried.

RESOLUTIONS: (61-306 through 67-306)

RESOLUTION #61-306 – ADOPT FAIR HOUSING/ANTI-DISPLACEMENT PLANS

Councilman Schuth moved that the following resolution be adopted:

WHEREAS the Town of Kendall, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

NOW THEREFORE BE IT RESOLVED that pursuant to the Town of Kendall being granted CDBG funds by the State; the Town of Kendall, by administrative act, does adopt Fair Housing an Anti-Displacement Plans for the Town.

BE IT FURTHER RESOLVED that the Town Board appoints Charles Scroger to serve as the Fair Housing Officer for the Town of Kendall.

Such motion was seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

FAIR HOUSING PLAN
Town of Kendall
Small Cities Community Development Block Grant Program

I. INTRODUCTION

The Town understands the importance of taking action to further Fair Housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Small Cities funds. To ensure that residents are aware of Fair Housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the Town has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

II. AVAILABILITY OF INFORMATION

The Town's Fair Housing Plan recognizes that public knowledge of Fair Housing provisions is the first step in expanding equal opportunity. Toward that end, the Town will take the following actions:

A. Appoint a Fair Housing Officer

The Fair Housing Officer, appointed by the Town Board will have the following responsibilities:

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1. To post the Fair Housing and Affirmative Action posters in the Town Offices.
2. To ensure that the Fair Housing advertisement is placed in the official, local newspaper.
3. To record initial information regarding housing discrimination complaints on a standard form.
4. To forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the HUD Office in Buffalo.

B. Advertise in Local Newspapers

The Town will, periodically, publish a notice in the official newspapers which names the Fair Housing Officer and provides his /her address and telephone number. The notice will state that persons who feel that they have been victims of housing discrimination should contact the Fair Housing Officer for assistance in discussing the situation and filing a complaint.

C. Provide Information on Federal and State Statutes Related to Fair Housing and Other Appropriate Material

The Town will compile and make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including:

Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

Descriptive brochures issued by the U.S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights, as well as other appropriate materials, will also be available to community residents.

III. DISCRIMINATION COMPLAINTS

The Town will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

A. Discriminatory Housing Practices

For the purpose of this plan, a discriminator housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

B. Receiving Complaints

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint, in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo. If the complainant decides to take his/her case directly to Federal Court, the Town will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low or moderate income.

Small Cities Program - Anti-Displacement Plan

I. Introduction

The Town understands the importance of minimizing and discouraging the displacement of residents and businesses from actions resulting from the implementation of Community Development Block Grant (CDBG) activities. Displacement will only be considered in cases where an activity represents an integral part of the Town's CDBG Program.

In accordance with Small Cities regulations, the Town has first described the required elements of a Displacement Plan. At a minimum, program regulations state that the Displacement Plan must incorporate the following:

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1. Outline the approach the applicant will take to minimize displacement;
2. Describe the specific actions the applicant will take to discourage displacement;
3. Define displacement covered under both the Uniform Act and the new requirements of the Act, as described in CDBG program requirements;
4. Describe the monetary and non-monetary assistance that will be provided.

These requirements, included in the program regulations, for the Small Cities Community Development Block Grant (CDBG) Program are on the following pages.

II. Displacement Plan Requirements for Small Cities CDBG Program

Applicants are now required to minimize displacement resulting from CDBG activities. In addition, the applicant must provide reasonable benefits to any persons involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property. This requirement applies to all such displacement resulting from CDBG assisted acquisition or substantial rehabilitation of non-residential as well as residential property not governed by the Uniform Act. This includes acquisition by an entity that is not a "State Agency" (i.e., private developer, non-profit) and permanent displacement caused by substantial rehabilitation. Each applicant will be required to certify that they will comply with these provisions.

In order to comply with the new certification and meet the other requirements, applicants must prepare a written displacement plan. The plan must:

1. outline the approach the applicant will take to minimize displacement;
2. describe the specific actions the applicant will take to discourage displacement;
3. define displacement covered under both the Uniform Act and the new requirement of the Act, as described in the preceding paragraph;
4. describe the monetary and non-monetary assistance that will be provided.

A copy of the plan must be maintained at the locality for review by the Governor's Office for Small Cities. In addition, information concerning the locality's displacement plan must be provided to citizens during the citizen participation process as required under program regulations.

Applicants may want to avoid displacement. In such cases it is sufficient for purposes of a plan to state that activities will be selected in such a way as to avoid displacement. However, because experience has shown that displacement could occur anyway, applicants must prepare a contingency strategy that details what assistance would be given to displacees in that event (items 3 and 4 above).

Until regulations are issued defining "reasonable benefits", it is the responsibility of the applicant to determine what are reasonable benefits for persons permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property. The locality's housing costs for owners and renters should be considered in establishing reasonable benefits. Localities may use the benefits required by the Uniform Act as a guide, even though Uniform Act benefits are only required for displacement resulting from acquisition by a "State Agency". In any case, applicants must develop written standards available to the payments under this provision, and make such standards available to the public. An applicant that establishes its own definition of reasonable benefits and does not use the Uniform Act benefits must send its definition to the Governor's Office for Small Cities for review prior to submission of the application.

III. Approach to Minimize Displacement

The Town's plan includes all of these elements and sets forth a clear description of policies and procedures to be followed by the Town in carrying out any displacement activities occurring as a result of implementing CDBG activities.

The Town will minimize displacement in the implementation of its CDBG program through the following actions:

- (1) Publicize and request proposals from a substantial amount of parties to ensure that the Town can evaluate all potentially eligible program activities.
- (2) Select project activities that do not require displacement unless a specific proposal is considered to be an integral part of the Town's CDBG Program. Integral means that the proposed activity is viewed as an important element of the CDBG Program. In cases where two proposed activities

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are similar in nature, and one involves relocation while another does not, the Town will give preference to the proposal which does not require displacement.

IV. Actions to Discourage Displacement

1. The Town will provide any interested private or non-profit developer with a copy of its Displacement Plan, which places the financial responsibility for relocation costs on the entity most likely to benefit from the displacement (Town, private developer or non-profit developer).
2. The Town reserves the right to determine whether or not displacement will be permitted in regard to CDBG assisted activities on a case-by-case bases even if a private or non-profit developer is willing to abide by all provisions of the Uniform Act, as well as requirements and conditions of this plan, including a willingness to assume the financial obligations of displacement/relocation as set forth in the Plan. The final decision to permit displacement which would result from the implementation of a CDBG assisted activity rests entirely with the Town.
3. The displacement of tenants by property owners in anticipation of requesting CDBG assistance for a particular activity shall not be allowed. A private or nonprofit developer must supply the Town with information on existing and former tenants to ensure that a development entity does not seek to avoid the payment of relocation costs. Further developers must certify that no tenant has been displaced in compliance with the requirements for relocation set forth in this plan.

V. Definition and Responsibilities

1. CDBG Requirements

As explained in the information from the program regulations included in the preceding section, displacement occurs when any persons (residents or business people) must involuntarily vacate the premises on a permanent (rather than temporary) basis as a result of the use of CDBG funds to acquire or substantially rehabilitate a property. Permanent displacement, therefore, requires that the residents or business be relocated to another site. Under CDBG requirements, the applicant community must provide reasonable benefits to any persons involuntarily and permanently displaced by the implementation of CDBG activities. This requirement applies to all displacement resulting from CDBG assisted acquisition or the substantial rehabilitation of non-residential as well as residential property not governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq; Public Law 91-646) - herein referred to as "the Uniform Act". This includes acquisition by an entity that is not a "State Agency or other public entity" (i.e., private developer, non-profit) and permanent displacement caused by substantial rehabilitation. Each applicant must certify that it has complied with these provisions.

2. Town Requirements

A. Permanent Relocation

The Town defines relocation as discussed in the preceding section. This displacement policy shall apply whether the tenant is covered by a written lease or renting on a month-to-month basis with a written or oral agreement. Any written lease in effect shall not be broken without the consent of the tenant.

If permanent displacement will occur as part of the implementation of a CDBG assisted activity, displacement activities will be carried out in accordance with the requirements of the Uniform Act. This will require that any property owner or tenant who is permanently displaced will be eligible for relocation benefits as described in the regulations for the Uniform Act. (A copy of the implementing regulations and the Act are appended to this plan.)

If displacement occurs as a result of a Town-initiated public project, the Town will be responsible for payment of all relocation costs. The Town's willingness to cover the costs in conformance with the Uniform Act shall be expressed through a formal resolution passed by the Town Board of Trustees at an official public meeting. In cases where a private developer intends to utilize any Small Cities resources to carry out all or part of a project, the private developer shall pay for all relocation costs with private (non-CDBG funds) resources.

In order to ensure that the requirements of the Uniform Act are met, the Town and the party or parties

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to be displaced or the developer and the party or parties to be displaced shall enter into an agreement that sets forth the responsibilities of each. The relocation agreement shall be submitted to the Governor's Office for Small Cities for review before it is executed. The Town shall administer the provisions of the agreement.

As a sign of good faith and to ensure that all financial and non-financial responsibilities of the developer are carried out according to the terms of the agreement, the developer shall establish an escrow account in an amount sufficient to cover relocation costs in accordance with the requirements of the Uniform Act. The Town and the developer will work together to calculate the costs, but the Town reserves the right to determine the final amount of the escrow account. No CDBG resources will be released to the developer for project activities until all relocation costs are paid for.

The Town reserves the right to incorporate any provisions in the relocation agreement in addition to those requirements mandated by the Uniform Act as long as such provisions do not contravene either the intent of or spirit of the Uniform Act.

Any owner or tenant who shall be displaced as a result of the use of CDBG resources will be contacted by the Town prior to a public announcement of the proposed project.

B. Temporary Relocation

Tenants who must be temporarily relocated in order to carry out a CDBG assisted activity will be compensated for such inconvenience under the terms of an agreement executed by the Town and the party or parties or the developer and the party or parties to be temporarily displaced.

All of the procedures for permanent relocation will also apply in cases of temporarily relocation.

VI. Monetary and Non-Monetary Assistance to be Provided

In cases of displacement resulting from any CDBG assisted activity, the monetary assistance to be provided to all owners and tenants shall be in conformance with the Uniform Act.

At a minimum, non-monetary assistance shall be provided in accordance with Section 42.211 of the Uniform Act. Further, as described earlier, the Town shall administer the relocation agreement and, in addition, shall provide technical assistance to the displaced party.

RESOLUTION #62-306 –SEQR - TOWN OF KENDALL SERVE AS LEAD AGENCY WD#6
Councilman Pritchard moved that the following resolution be adopted:

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Kendall announces its intent to serve as lead agency to conduct an environmental review of a project to establish the Town of Kendall Water District No.6. The creation of the proposed water district will allow for the extension of public water service along portions of Peter Smith Road and NYS Route 18 and the provision of a public water supply to serve properties within the area under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCR). The water system improvements include the construction of approximately 12,140 l.f. of 8-inch water main and will provide public water service to a total of 39 residential units.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart 1. Brown Associates, Inc., dated March 9, 2006. The Town Board further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

Such motion was seconded by Councilwoman DiNatale, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #63-306 – VOUCHER SCHEDULE AND AUDIT POLICY
Councilman Scroger moved that the following resolution be adopted:

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Whereas under Town Law section 188 requires that each claim against the town which is subject to audit shall be made by voucher in a form prescribed by the Town Board or town comptroller. This voucher must then be approved by the Town Officer who incurred the obligation.

Therefore be it resolved that the following Payment of Claim and Audit Policy be adopted:

- 1) All vouchers for payment must be submitted to the Kendall Town Clerk by 4PM on the Friday proceeding the week of our regularly scheduled Town Board meetings. Should a holiday fall on this Friday or Monday, after this Friday, vouchers will be due the Thursday preceding the week of our regularly scheduled Town Board Meeting.
- 2) The degree of itemization of a voucher should be sufficient to permit intelligent examination and understanding of the transaction for which the claim is made, at a minimum the following information should be shown: 1) The date the expense occurred, 2) a description of each item so that its legality is apparent, and/or invoice/statement of sale be attached, and 3) The amount.
- 3) Vouchers must have Department Head approval signature on them before claim is considered for payment and audited. Department Heads are responsible for the assignment of a proper account number to the voucher so the appropriate charge can be made to the appropriate account.
- 4) The assigned Council members will be responsible for auditing based on a rotational schedule.
 - a. Christine DiNatale - Jan, May, September,
 - b. Charles Scroger – February, June, October
 - c. Donald Pritchard – March, July, November
 - d. David Schuth – April, August, December

Each Councilmember, during their assigned audit, will provide approval by signature on each audited voucher. Vouchers will be audited within the first two days of the week of the regularly scheduled Town Board Meeting. Copies of Abstracts will then be distributed to each Town Board member for review upon the completion of each audit.

Such motion was seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #64-306 – EAGLE CREEK MARINA – DRAW #5

Councilman Pritchard moved that the following resolution be adopted:

A Resolution releasing \$15,447.18 of Small Cities grant funds for the economic development program, Small Cities grant #591ED522-05 (Eagle Creek Marina, draw #5).

Such motion was seconded by Councilman Scroger, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #65-306 – CORRECT HIGHWAY FUND ABSTRACT #12 OF 2005 , CLAIM #310

Councilman Scroger moved that the following resolution be adopted:

Be it resolved that Highway Fund Abstract #12 of 2005 be reduced by \$6.98 making the total of Highway Fund Abstract #12 of 2005 to \$69,589.88. Claim number 310, to Arnolds Auto Parts, was approved for payment in the amount of \$45.54, however check #10326 was paid in the amount of \$38.56, reducing this claim by \$6.98.

Such motion was seconded by Councilman Schuth, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #66-306 – SUPERVISOR TO PURCHASE AN OFFICE SAFE

Councilman Schuth moved that the following resolution be adopted:

Whereas there is certain reason to maintain the security of financial documents and records within the confines of the Supervisors Office and further that the Supervisor and Confidential Bookkeeper must have access at all times to these documents beyond the normal hours of operation for the Town Clerks Office it is therefore resolved that the supervisor is authorized to purchase a Sentry Model EQ5433-2ST Executive Safe for the sum of \$150.00.

Funds are to be appropriated for this purpose by transfer of \$150.00

From Account # TA-85 Agency Account To Account # A1220.2 Supervisors Equipment

Such motion was seconded by Councilwoman DiNatale, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>

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Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #67-306 – TO PROVIDE FOR EXAMINATION OF RECORDS FOR FISCAL YEAR 2005

Councilman Pritchard moved that the following resolution be adopted:

Whereas there is sufficient concern about the fiscal decisions and practices which have taken place during fiscal year 2005 and the impact of these same decisions and practices on the taxpayers of the Town of Kendall as well as the operations and decisions of the current Kendall Town Board and ...

Whereas it is necessary for the current Supervisor of the Town of Kendall to deal with financial requirements placed on him by the actions of the previous administration during Fiscal Year 2005 which adversely impact the level of the financial resources provided by the tax levy for 2006 operations and which adversely impact the supervisor's ability and resources to provide for the requirement as Chief Fiscal Officer and his ability to provide reasonable assurances for management of contingency and further ...

That the current Supervisor of the Town of Kendall must provide certification for the fiscal operations of the previous administration for the year 2005 to the State of New York Comptrollers Office.

Therefore be it resolved that the Supervisor of the Town of Kendall is authorized to provide for the examination and audit of the records and reports for Fiscal Year 2005 on site, by the Chief Examiners Office of the Comptroller of the State of New York.

Such motion was seconded by Councilman Scroger, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RECESS MEETING TO March16, 2006 AT 7:30 pm

With there being no further business Councilman Pritchard moved for recess of meeting until March 16, 2006 at 7:30 PM, seconded by Councilman Scroger. Unanimously in favor for recess at 9:29 PM.

MARCH 16, 2006 - KENDALL TOWN BOARD MEETING –7:30PM
RECONVENED FROM MARCH 9, 2006
PUBLIC HEARING – SMALL CITIES GRANT APPLICATION
PUBLIC HEARING – ESTABLISHMENT OF KENDALL WATER DISTRICT #6
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC PRESENT:

Al and Bev Lofthouse, Eric Maxon, K. Lillibridge, Nora Reis, Tim Christensen

PUBLIC HEARING FOR SMALL CITIES GRANT APPLICATION
March 16, 2006

Public Hearing called to order by Supervisor Vick at 7:30 PM and Pledge of Allegiance was lead.

Small Cities Grant Program – Town of Kendall is looking to apply for a Small Cities Grant.

Stuart I. Brown from Stuart I Brown Associates, Grants man, Stu Brown, presented information regarding the Small Cities Grant. Stu advised the public that the Town of Kendall must hold two public hearings before application is submitted for grant. The first is to announce to the community the interest to apply for the grant and advise the community what projects can the grant be used for. \$400,000 can be awarded for single purpose application and \$650,000 for comprehensive projects. Ask residents to suggest projects (This hearing was held in February) Second public hearing the Town then must set forth plans as to what the grant money will be used for and provide for the future moving ahead of the project they intend to carry out. The community then can comment on these projects. The Town of Kendall wishes to move ahead with a water project with a cost of about \$520,000. The grant could be awarded for \$400,000 if the town commits to cover the remaining \$120,000 in other financing. Stu indicated that there is an April 3rd grant deadline and we have had to move forward quickly so application can be received timely. This is the only one time this year an application can be made for these funds. Supervisor Vick advised that the project will go north from the Town of Murray line on Peter Smith road 2.2 miles, allowing 39 residents to connect to this public water line.

Supervisor Vick asked for questions or comments from the community. Councilman Pritchard wanted to add that the Town of Murray did pass a resolution giving the Town of Kendall permission to hook to their water line at the Town of Murray/Town of Kendall Town line for this project. Councilman Scroger asked if estimate is predicated on the best information that LaBella engineering provided to us. We intend to use local Highway Department employees to construct. Decisions will be made around

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Labor day and if grant is awarded the state gives community 2 years to complete. Contract will be made effective October 1, 2006 and allow construction up to end of September of 2008. These is an extremely competitive program. Any small community of less than 50,000 people outside of a major urban county. About 200 applications received and last year 94 projects were funded. Based on past history overall percentage 84 out of 205 grant applications.

Eric Maxon – if don't get grant does the Town plan to go ahead. Will have to revisit and ask the residents if they want to fund it on their own. Without this funding it does not look probable that each property owner pay all of it on their own.

Warren – groundbreaking date – probable to have an April date however if the weather allows it could be sooner. Paperwork takes a while therefore it most likely does not happen until spring with doing paperwork during winter months.

Public Hearing closed at 7:42 PM by Supervisor Vick.

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PUBLIC HEARING FOR ESTABLISHMENT OF THE KENDALL WATER DISTRICT #6.
March 16, 2006

Supervisor Vick opened the public hearing at 7:42 pm

Michael Schaffron from LaBella Associates P.C. described the Map, Plan and Report of the proposed Kendall Water District #6. He advised that the water will be purchased from the Town of Murray. Hydraulic conditions are adequate to meet this district based on peak demand conditions. Estimated cost of \$520,000 for the cost to construct this project. Made allowances for attorney and engineering fees. This cost estimate is predicated using Town of Kendall Highway forces. If bid to a private contractor the cost of construction would be in far excess of \$520,000. \$120,000 would need to be financed through bonds over a 30 year term. Principal and Interest of \$8,700 per year. For the 39 homes the first year cost estimate would be around \$188.00 (P/I) for the repayment on debt for construction. Additional cost to pay for water use will occur. Estimated household of 3.2, using 65 gallons per day , 76 thousand gallons a year, an annual cost to use water would be approximately \$345.00. \$553 per year with principal/interest/usage.

Supervisor Vick stated there is no way to compare with what we have now in regards to the cost of water. Albion/Gaines transmission line to Murray does cost more. It is a different rate structure from a totally different district. The Town of Kendall has a good relationship with Town of Murray and this needs to be maintained. Residents on Water District #6 will pay more for their water than what exists in other Kendall Water Districts.

Mike Schaffron indicated that each property owner is responsible for the cost to run the water from the tap in at the right of way to their residence. Restoration comes shortly after hook up and due to use of local forces, restoration will most likely be done in a better way. Water meter will be installed in each home to monitor water usage as part of project cost.

Allen Lofthouse questioned the cost if had to go to bid for contractors. Mike indicated that the cost of construction could be 50% to 75% more based on prevailing wage rate schedules that the contractors would have to pay.

Mike added that a typical household installs a 3/4" service tap, even on long sides. If greater than 200 feet off the road a meter pit and 1" service line would need to be installed.

Eric Maxon questioned if it is 39 houses or parcels. Based on a benefit formula unit. One family home is a single benefit unit. If a home has two dwelling units, it would be assessed at 2 benefit units. Vacant lots, excluding those in an Ag district, would be assessed a 1/2 unit. Taps would be installed only for existing homes. Do not recommend installing taps in speculation that a home will be built. Stagnate water occurs at a service from the main to the right of way, and during certain hydraulic conditions the water can be drawn back into the distribution system. It is optional to connect. If they don't opt in, we don't install that tap. Supervisor Vick questioned that and need to research that. Vick feels that a tap should be put in at all homes seeing they pay a portion of that bond. Communications will be made with homeowner per Mike, as to where they want their tap in the yard. Typically they put a stake in their yard and mark a map at the Town Hall. Per assessors report an estimated 46 1/2 benefit units for this project.

Public Hearing Closed at 8:00 PM by Supervisor Vick.

MEETING OF MARCH 9, 2006 CALLED BACK TO ORDER ON MARCH 16, 2006

RETURN TO ORDER

Meeting was re-opened by Supervisor Vick at 8:01 PM and the Pledge of Allegiance was led.

ROLL CALL

Christine DiNatale, Councilwoman	Present
Donald Pritchard, Councilman	Present
David Schuth, Councilman	Present
Charles Scroger, Councilman	Present
William Vick, Supervisor	Present

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Others Present : Douglas Heath, Attorney, Highway Superintendent Warren Kruger

RESOLUTIONS (68-306 TO 73-306)

RESOLUTION #68-306 – ESTABLISHMENT OF KENDALL WATER DISTRICT #6

Councilman Scroger moved that the following resolution be adopted:

A recessed meeting of the Town Board of the Town of Kendall, Orleans County, New York, was held in the Kendall Town Hall in said Town on March 16, 2006 at 7:30 P.M. to consider the establishment of proposed Water District No.6 of the Town of Kendall, pursuant to the provisions of Article 12 of the Town Law.

A map, plan and report relating to the establishment of the proposed water district, prepared by LaBella Associates, P. C., a competent engineer duly licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk of the Town of Kendall, in accordance with the requirements of Article 12 of the Town Law.

On March 2, 2006, an Order was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed water district, the improvements proposed, the estimated expense of the improvements, the cost of the water district to the typical property in the district, estimated hook-up charges, the proposed method of financing, the fact that the map, plan and report were on file in the Town Clerk's Office for public inspection and all other matters required by law to be stated.

The Order set March 16, 2006 at 7:35 P.M. in the Kendall Town Hall in said Town, to consider the map, plan and report and to hear all persons interested in this matter and to take action as required by law.

The order was published in the March 5, 2006 edition of *Hamlin-Clarkson Herald* and posted as required by law.

A hearing on the matter was held by the Town Board as scheduled on March 16, 2006 beginning at 7:35 P.M., and the matter was fully discussed and all interested persons were heard.

Upon the evidence given at the hearing on March 16, 2006 and upon a motion duly made by Councilperson Scroger seconded by Councilperson Schuth and adopted by the affirmative vote of a majority of the Town Board, the following resolution was adopted:

IT IS HEREBY RESOLVED that:

- (a) The petition complies with the requirements of §191 of the Town Law with respect to sufficiency of signers, describes the boundaries of the proposed water district in a manner sufficient to identify the lands included therein as in a deed of conveyance, is authenticated in the manner provided by the Election Law for the authentication of nominating petitions and is otherwise legally sufficient.
- (b) The notice of hearing was published and posted as required by law, and is otherwise sufficient.
- (c) All the property and property owners within the proposed water district are benefited thereby.
- (d) All the property and property owners benefited are included within the limits of the proposed water district.
- (e) The establishment of the water district is in the public interest.

IT IS FURTHER RESOLVED that the water district, as set forth in the map, plan and report, be approved and established, and that the requested improvements be constructed upon the required funds being made available and provided for.

IT IS FURTHER RESOLVED that this water district shall hereafter be known as the Town of Kendall Water District NO.6 and shall be bounded and described as follows:

Beginning at a point in the southerly boundary of the Town of Kendall at its intersection with a line 500 feet westerly from and parallel with the centerline of Peter Smith Road, thence northerly along said line 500 feet westerly from and parallel with the centerline of Peter Smith Road to a point in the northerly boundary of lands of a parcel of land designated as tax parcel 031.00-1-1.1 extended westerly, thence easterly along said northerly boundary extension a distance of 1000 feet more or less to a point in the said northerly boundary of tax parcel 031. 00-1-1.1, said point being on a line 500 feet easterly from and parallel with the centerline of Peter Smith Road, thence southerly along said line 500 feet easterly from and parallel with the centerline of Peter Smith Road to a point 500 feet northerly from the centerline of Roosevelt Highway ,thence easterly on a line 500 feet northerly from and parallel with the centerline of Roosevelt Highway a distance of 200 feet more or less to a point; thence southerly along a line 700 feet easterly from and parallel with the centerline of Peter Smith Road a distance of 1000 feet more or less to a point 500 feet southerly from the centerline of Roosevelt Highway, thence westerly on a line 500 feet southerly from and parallel with the centerline of Roosevelt Highway a distance of 200 feet more or less to a point 500 feet easterly from the centerline of Peter Smith Road, thence southerly along a line 500 feet easterly from and parallel with the centerline of Peter Smith Road to a point in the southerly boundary of the Town of Kendall, thence westerly along the said southerly boundary of the Town of Kendall a distance of 1000 feet more or less to the point of beginning, all as shown Water District No.6 on a plan by LaBella Associates, PC titled "Proposed Water District No.6" dated February 17,2006.

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IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, legal and engineering fees, administrative fees and all other expenses, not to exceed in the aggregate the sum of \$520,000, be paid in the following manner: \$400,000 of the project cost will be paid out of grant funds being provided to the Town through the 2006 Small Cities Program, with the Town financing the remainder of the project cost through the issuance of bond anticipation notes or serial bonds for a term not to exceed 30 years.

IT IS FURTHER RESOLVED that the cost of establishing and constructing Town of Kendall Water District No.6 shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible, it being the desire and intention of the Town Board to establish Water District No.6 on a benefit basis rather than on an ad valorem basis.

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #69-306 – SUBMIT SMALL CITIES APPLICATION FOR WATER DISTRICT #6

Councilman Pritchard moved that the following resolution be adopted:

RESOLVED, that the Supervisor of the Town of Kendall, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit a Small Cities application to the administrative agency for the Fiscal Year 2006 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required."

Such motion was seconded by Councilwoman DiNatale, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #70-306 – LOCAL SHARE OF COST OF CONSTRUCTION FOR WD#6

Councilman Scroger moved that the following resolution be adopted:

WHEREAS, the Town has commissioned a preliminary engineering evaluation to define the extent of improvements and cost associated with the installation of public water improvements to serve the Town of Kendall Water District No.6; and

WHEREAS, the cost of undertaking these improvements is estimated at \$520,000.00 including construction, legal, engineering and administrative costs;

WHEREAS, the Town Board has previously authorized the Supervisor to file a Small Cities application in the amount of \$400,000.00 for the installation of the needed water system improvements.

NOW, THEREFORE BE IT RESOLVED, that the Town Board commits that it will provide \$120,000.00 in funds plus any overruns that may be incurred to build the proposed improvements recommended in the preliminary engineering analysis referenced herein, to address the problems and eliminate the problems facing residents in these areas due to inadequate private water supplies. **THIS COMMITMENT IS CONDITIONED ON THE TOWN RECEIVING THE \$400,000.00 SMALL CITIES GRANT REFERRED TO ABOVE. THE TOWN'S FUNDS ARE TO BE PROVIDED BY GENERAL OBLIGATION BONDS TO BE ISSUED BY THIS BOARD CONSISTENT WITH APPLICABLE LAWS OF THE STATE OF NEW YORK.**

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

RECESS CALLED for 3 to 4 minutes. (Time in and out not documented by Clerk)

OPEN MEETINGS LAW DISCUSSION

Supervisor Vick questioned Point of Order and asked about Open Meetings law. Vick explained a situation, Attorney Heath that a sign should be placed on closed door welcoming public. Many feel closed doors do not welcome public. Discussion of closed doors

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and open doors. Attorney Heath advised that any time two or more board members together for purposes to discuss town business by definition it is a town meeting per Open Meetings Law. Need to be careful of public's perception. Supervisor Vick only will go into executive session only if dying emergency. Per Heath technically if go behind closed door with another town board member it is considered a meeting, Supervisor Vick feels that it is impossible to get discussions and issues to Board members if can't do this. Attorney Heath advises to just let people know that they can enter when meeting behind closed doors, use of signs would be appropriate. Supervisor Vick wants reaffirm the public that no intent on their behalf to hide any actions whatsoever but to move business of the community forward in a proper way. Supervisor Vick questioned special meetings. Attorney Heath will reserve the right to answer that as see fit based on each individual circumstance. There are circumstances that a special meeting needs to be called on short notice based on tight time lines for the benefit of the community per Attorney Heath. Emergency situations and tight time lines warrant an emergency meetings. Councilman Scroger asked that further research be done and reading the paragraph of law into record at a public meeting. Attorney Heath needs to have time to research this further and give the board a proper legal determination of all the questions at hand. Attorney Heath will report back on this at the April Meeting.

RESOLUTION #71-306 – MEDICAL BENEFITS POLICY CHANGE

Councilman Pritchard moved that the following resolution be adopted:

Whereas: The Town Board considers the full burden of health care for both retired employees and active employees to be unaffordable to the taxpayer;

And Whereas: Federal Programs such as Medicare Parts ABCD and NYS Epic Prescription are available to Seniors;

And Whereas: It is felt that the fulltime employees must accept some additional cost to reduce the taxpayer burden;

Therefore it is resolved that the Town of Kendall Medical Benefits Policy be amended as follows:

- Require 15 years of service to be eligible for retirement coverage.
- That, as of April 1, 2006, the town is requiring that all Medicare-eligible persons participating in this Medical Benefits Program join Medicare and subsequently join the Preferred Care Enhanced Plan we are currently offering.
- From the date ohms policy change, April 1, 2006 forward, existing employees, new employees, or any future applicant will be offered only Medical Insurance Plans offered by Excellus and Preferred Care, or as authorized by the Town Board of the Town of Kendall.

The complete Medical Benefits Policy as of April 1, 2006 is as follows:

TOWN OF KENDALL
MEDICAL BENEFITS POLICY
2006

All Elected Officials and all Full Time Town Employees are eligible for paid Medical Benefits through the Town if they so desire according to the schedule set forth below. (Full Time employment is defined as working at least Thirty (30) hours per week on average) The amount paid for the Medical Benefits Policy by the Town will NOT exceed the CAP AMOUNT established by the Town Board, with the Town Official, Employee or Retiree paying any amount above the CAP AMOUNT.

Medical Benefits are available through the Town Plan or an Equivalent plan of equal or lesser cost. Payment of premiums to the Equivalent Plan must be made to the designated agent of the plan and not directly to the Town Employee.

Dental coverage is not provided.

Part Time Town Employees may join the Town Plan but must pay the Full Cost of the Group Insurance.

Retired Town Employees and their Widow/Widower may join or continue their participation in the Town Plan (or equivalent plan as described above). The cost of participation must be paid in full by the plan member except Retired Full Time Employees (their widow/widower) and Retired Elected Officials (their widow/widower) as provided below;

- Between 15 and 20 years of service Town will pay 50 % of the Cap Amount
- After 20 years of serviceTown will pay 50 % of the Cap Amount PLUS an additional 10% of the Cap Amount for every 2 years of additional service
- After 30 years of serviceTown will pay 100 % of the Cap Amount.

FULL TIME EMPLOYEE & ELECTED OFFICIALS	
<u>PLAN TYPE</u>	<u>CAP AMOUNT</u>
Family Plan	\$6682.00
2-Person Plan	\$4851.00
Single Person Plan	\$2377.00

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PART TIME ELECTED OFFICIALS

<u>PLAN TYPE</u>	<u>CAP AMOUNT</u>
Family Plan	\$6163.00
2-Person Plan	\$4482.00
Single Person	\$2116.00

Discussion: This is a 12% savings to the tax payer. Cost savings of about \$5,000 to the town tax payers. Changes include the time of service from 12 to 15 years. Cap amounts also have been reduced. Reduce the burden of the retired employees. Requires full time employees go from \$31.75 per month to about \$61.00 per month. Kruger commented that the comprise going with the Preferred Care Enhanced version, is a good thing. Councilman Scroger stated that no one enjoys making changes, but due to cost of living, it is inevitable.

Noted: Attorney Heath does not have comment because he did not review as counsel prior to adoption, of the content of this resolution.

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	Abstain (participates in the medical insurance program through the town)
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the foregoing resolution was duly adopted.

WATER DISTRICT #5

Attorney Heath will be responding to this in writing

OUT OF DISTRICT USER- Bridge Road

Wording needs to be reviewed and modified and can wait till next meeting. Attorney Heath did provide resolution to all board members last week and easement has been recorded. After much discussion and review of wording, tabled to next meeting to have re-written resolution. Supervisor Vick felt this should have been done three weeks ago, voiced in frustration. Attorney Heath questions that this was provided as requested and why testy because he provided to the Board what he was asked to provide. Ratify and reauthorize when never authorized in the first place is the issue.

HAMLIN SAND AND GRAVEL CLAIM

Letter received from Hamlin Sand and Gravel, operated by Randy Elliott, for materials that were purchased in October 2005 and bill for which remains unpaid. Supervisor Vick upset that 2006 funds will need to be used for this 2005 expense because follow up was never completed by previous administration. Bill for \$2,610 negotiated downward to \$2,395.00. – weight of load was in question. Bill dated 3/16/2006 which will be changed to reflect that purchase of materials in October 2005 and is not budgeted from 2006.

RESOLUTION #72-306 – APPROVAL TO PAY HAMLIN SAND AND GRAVEL

Councilman Scroger moved that the following resolution be adopted:

A bill be paid for \$2,395.00 to Hamlin Sand and Gravel for an indebtedness incurred in October 2005.

Discussion: Highway Superintendent Warren Kruger submitted a bill and bill was placed in dispute because Warren felt the Town was overcharged for what the Town received (weight of material in question) Kruger gave bill to previous Supervisor who was going to intercede and talk to this vendor. Previous supervisor new of previous issues with this vendor. Expense discussed in length. Posting of bill can not be done in 2005 because those books are closed. Attorney Heath deferred to Supervisor Vick as Chief Financial Officer all bookkeeping issues because Attorney Heath is not aware municipal financing. All in agreement that this bill is far overdue to be paid. Supervisor Vick concerned that this bill will reduce fund balance to pay 2006 charges.

Such motion was seconded by Councilman Pritchard, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the foregoing resolution was duly adopted.

INCREASE MARRIAGE LICENSE FEES

Town Clerk Hanlon advised the board that she will present a resolution at the next meeting to increase the marriage license fee from \$30 to \$40. This is another revenue generating fee for the Town of Kendall. This is authorized by law.

RESOLUTION #73-306 – REQUEST QUOTES FOR LAWN MOWING SERVICE

Councilwoman DiNatale moved that the following resolution be adopted:

KENDALL TOWN BOARD – REGULAR MEETING – MARCH 9, 2006 7:30 PM
Recessed to MARCH 16, 2006 7:30 PM
PUBLIC HEARING – MARCH 16, 2006 – SMALL CITIES GRANT APPLICATION
PUBLIC HEARING – MARCH 16, 2006 – ESTABLISHMENT OF WATER DISTRICT #6
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

Authorization is given to place an ad in the Hamlin Herald to request submission of separate quotes for Lawn Mowing services for Town of Kendall properties and authorization is given to pay for such ad. The following ad will be published:

TOWN OF KENDALL
Request for quotations for Lawn Mowing Service
2006 Season

The Town Board is requesting separate quotations for mowing and lawn care for the 2006 season. Operator must have his own equipment as well as insurance certificate showing coverage. The areas to be mowed are: The Morton Firemen's field on Countyline Road, the Town Hall on Kendall Road, the Greenwood Cemetery on Roosevelt Highway, and the Beechwood Cemetery on West Kendall Road. The grass should be kept to a maximum of 3 to 4 inches; quote should include all necessary hand trimming, weed whacking and bush trimming. The Town of Kendall reserves the right to refuse or reject all quotes. Please respond by April 7, 2006 to the Town Clerk, Town of Kendall, 1873 Kendall Road, Kendall, NY 14476.

Discussion: Change made because now proof of insurance is required

Such motion was seconded by Councilman Scroger, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

UNFINISHED BUSINESS:

Councilman Schuth is working on letter to support the Proposed Water District #6 application.

Closeout action for Water District #5. Attorney needs all information within 28 days so Attorney Heath has time to prepare all final documentation and forward to the necessary authorities. Clerk Hanlon will need to research expenses for the project before granted/ loaned funds were turned over to the Town. To make sure that General Fund was paid back if loaned monies for WD#5 prior to funds released for project costs by grant/loan agencies.

ADJOURNMENT

With there being no further business Councilman Pritchard moved for adjournment, seconded by Councilman Scroger. Unanimously in favor for adjournment at 10:04 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC
Kendall Town Clerk