

PUBLIC PRESENT:

Bob and Ellie Nelson, Al & Bev Lofthouse, MaryEllen Seaman, Ken DeRoller, Gert Hauck, Dan Schuth, Robert Gregory

CALL TO ORDER

Special meeting was called to order by Supervisor Vick at 7:32 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

RESOLUTIONS: #74-306 - #75-306

RESOLUTION# 74-306 CORRECT ERROR OF NORTH BOUNDS FOR PROPOSED WD#6

Councilman Pritchard moved that the following resolution be adopted

WHEREAS, at a recessed meeting of the Kendall Town Board held on March 16,2006, the Town Board did adopt a resolution establishing Kendall Water District No.6, which resolution described the boundaries of said district as set forth in the map, plan and report of LaBella Associates, P.C. dated February 2006; and

WHEREAS, subsequent to the adoption of said resolution, the Town Board determined that the tax account number of the parcel marking the north bounds of proposed Kendall Water District No.6, as appeared in the map, plan and report, was incorrect and such typographical error appeared throughout in the proceedings of the Town Board pertaining to the establishment of the District; and

WHEREAS, the Town Board has further determined upon review of the map, plan and report, the length of water main to be installed, and the estimated project cost, that such error was clearly an inadvertent typographical error and no persons were adversely affected by such error and, further, that no one would be prejudiced by adoption of a correction resolution; and

WHEREAS, it is necessary for the Town Board to hold a special meeting for the purpose of adopting a correction resolution in order to meet the deadline for application for grant funds under the 2006 Small Cities Program to construct said water district; now, therefore, be it

RESOLVED, that the Kendall Town Board does hereby determine that the tax account number of the parcel marking the north bounds of proposed Kendall Water District No.6, appearing in the map, plan and report as 31.-1-1.1 is, in fact, incorrect and that the correct tax account designation is 31.-2-1.1; and be it

FURTHER RESOLVED, that the Town Board has further determined that such error was clearly an inadvertent typographical error, that no persons were adversely affected by such error, and that no one would be prejudiced by adoption of a correction resolution for one or more of the following reasons:

1. A visual inspection of the map affixed to and made a part of the map, plan and report clearly identified the boundaries of the proposed district. The parcel incorrectly identified did not appear on the map, plan and report.

2. The project provided for the installation of approximately 12,140 feet of 8"PVC water main. An additional 5,000 l.f. or more of water main would need to be installed if the parcel incorrectly identified as the north bounds of said district was to be included within the district.

3. The proposed district extends northerly along Peter Smith Road. The parcel incorrectly identified is located on Carr Road.

4. The parcel incorrectly identified consists of approximately 51 acres of open tillable farmland. There is no anticipated need for public water to serve such parcel.

5. The owner of the incorrectly identified parcel did not join in the execution of the petition.

6. Only those persons owning parcels within the boundaries of the proposed district as shown on the map executed the petition.

7. Including the incorrectly identified parcel within the boundaries of the proposed district would increase the cost of construction by more than \$150,000.00, making the entire project unaffordable.

8. The parcel incorrectly identified as within the boundaries of the proposed district was located well outside of the intended boundaries. All notices of public hearings required to be held pertaining to the establishment of such district described the proposed boundaries as larger, not smaller, than the intended boundaries. There are no parcels within the correct district boundaries which were not correctly described in such notices.

and, be it

FURTHER RESOLVED, that upon such determinations, the Town Board does hereby direct that a correction resolution be hereafter adopted by the Kendall Town Board establishing Kendall Water District No.6, therein correcting the typographical error which appears in the resolution adopted by the Town Board at a recessed meeting held on March 16, 2006.

Such motion was 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 foregoing resolution was duly adopted.

RESOLUTION # 75-306 - ESTABLISHING TOWN OF KENDALL WATER DISTRICT #6 (CORRECTED)

A special 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 23, 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. 00-2-1.1 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 031.00-2-1.1, 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.

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.

IT IS FURTHER RESOLVED that this resolution is being adopted to correct a typographical error in the tax account number of the north bounds of the proposed district which appeared in the map, plan and report and the subsequent proceedings of the Town Board pertaining to the establishment of the proposed district, including a resolution establishing such district adopted by the Town Board on March 16, 2006.

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.

ADJOURNMENT

With there being no further business Councilman Schuth moved for adjournment, seconded by Councilman Scroger. Unanimously in favor for adjournment at 7:36 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC
Kendall Town Clerk.