

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

Recessed to APRIL 27, 2006 7:30 PM

Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC PRESENT:

Bob Nelson; Al and Bev Lofthouse; Ed and Alice Smith; Steve and Mary Ellen Seaman; Ken Rush, Orleans County Legislator; Don Mann; 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

Department Heads Present: Douglas Heath, Attorney; Warren Kruger, Highway Superintendent; Barbara Flow, Recreation Director; Eric Peters, Water Superintendent, Scott Hardenbrook, Code Enforcement Officer;

APPROVAL OF MINUTES

Tabled for approval

SUPERVISORS REMARKS

Water District #6 – Submission of grant paperwork complete. Many people worked hard to get this in by deadline.

Monthly Report of the Supervisor submitted to Town Clerk Hanlon and Town Board.

Financial Responsibilities- at work session need to go over the financial responsibilities with respect to state requirements, understanding were the Town is financially, prepare the board for monthly audit of claims to make sure meeting the requirements as outlined in Public Law. Understand the need to look into better accounting methods and change the way we are doing them.

MCWA Lease – Town of Hamlin, 3 to 2 vote on April 10th, decided go with MCWA to operate their water. Worked with Supervisor Roach which reduced 4 scenarios to 2 now, either go with MCWA or create our own water department. Many items need to be resolved with MCWA on our lease agreement. Especially for those who do not have water service now. Don't want to give up on approvals. They have been playing hard ball. Very contentious and disturbing conversations with MCWA, and not prepared to put it on the agenda tonight. Advised that the 10% discount rate is at risk if not move ahead tonight. Prepared to carry the burden if loss it, looking out for the best interest of our residents.

Wilson Building at 1846 Kendall Road – Old Union Hall/Bubba's Pizza in extremely bad shape, no septic only holding tank (buried under the surface of paved right of way), no land area. In sad state of repair. Contacted County Chair of Legislature Bower and County Treasurer Heard to inquire if Town can take possession. Up for tax foreclosure. Bank involved in \$35K+ mortgage. Need to clean up Kendall and try to take this building down. Not an easy task due to proximity of other buildings. Responsibility of the Town Board and will need to work with Highway Department. Try to avoid high cost of engineering and demolishing groups.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Public Safety Committee: C. Scroger, Chair

Report of Town Hall Security – change exterior locks. Change in exterior locks which would effect the master key and could diminish cost. Scroger to contact locksmith.

Occupational Safety – D. Pritchard, Chair

No solution on basement stairs. Wheelchairs have been moved upstairs. No further discussion in moving loan closet. Will possibly enlist our Highway Department to build a Handicap ramp on the rear entrance of Town Hall.

Loss of control report from Insurance carrier, Water ingress eroded the steel plate sills leading to structural damage on the Highway Garage overhead doors. New steel plating installed by highway and calking left to be done to avoid water entry.

Met with Highway Supt. Kruger regarding Occupational safety in general. Subject to random safety inspections by NYS Dept of Labor and our own Insurance Carrier. Last inspection was October 2003. Violations found related to improper fit or wrong type of respirators and were taken care of in follow up visits and resolved satisfactorily. Training occurs periodically and usually done by videos. Resources and guidance is offered to Highway Department by County Office. Look into all our efforts regarding Occupational safety and will discuss with County and NYS PESH offices.

Highway – C. Scroger, Chair

Supervisor Vick –visited by Dr.O'Laughlin, who indicated that because of K. Noon's position, not prepared to move forward with road dedication. K. Noon, developer, has no intent to expend more funds on subdivision project, therefore Town is in no way able to move forward on the possibility of road dedication. School would like to get through their budget exercise and have Town board meet with the School Board sometime over the summer, including our Highway Superintendent in that meeting.

Angotti Property. – Owner under pressure to sell it. Going price is \$1,000 per acre. Town unable to utilize private financing. Kruger investigating a possibility of the 3 acres being obtained by the Town with no cost involved. Need to look at environmental issues and get estimates for this action.

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

Allen Lofthouse volunteered to raise the flags for both cemeteries on a schedule of days provided by Chris. Plaque for Greenwood Cemetery cannon shown to public and Kruger will secure it. Vick asked for the need to discuss a periodic cleaning of window and screen s, rugs, etc. Policy for sales of Assets & Surplus – will be discussed at next meeting, considering all board comments but not typed up yet. One more quote requested for generator. Maziarz line item may happen per Supervisor Vick. Leaning flag pole continues and may need to pull it and re-pound the sand.

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

Water district #6 – Letters out to Maziarz, Hawley and Slaughter for support for our grant.

Met with the Planning Board and distributed NYS Maintenance code for each of them to review. To discuss the pros and cons of accepting this or picking and choosing different points which could be modified in our existing codes. Discuss at our April meeting. Boards agree that our regulations need to be updated. Vick inquired about the variance for a fence. Schuth explained the circumstance and what the Zoning Board decided. It is on the south side and does not restrict the view of the lake for this particular request. Vick stated that those regulations are put there for a reason and variances are necessary to move forward. Per Schuth, CEO Hardenbrook and Chairman Patt advised the Zoning Board that they specifically address individual variances on individual case by case situations. Attorney Heath, asked by Vick for comment, is concerned about setting precedence. Concerned with planting issues last year near lakefront and how it affected the view. If allow for one and not the other is a major concern to him. Need to cautiously proceed to avoid future issues. Title problems are seen with fences and location in relation to property lines. Supervisor Vick's point that implications can occur, and need to focus on equal zoning practices. Entire board felt that variances need to remain at a minimum.

Community Relations & Recreation – C. DiNatale, Chair

Memorial Day Celebration – Sons of the Union Veterans – Shillington, leader, wants to present a program and speech. Supervisor Vick asked Councilman Schuth if he could assist Councilwoman DiNatale for this event. Photographer offered 100 to 200 photographs for \$100 to \$200 dollars. Supervisor Vick felt it may be a good idea to document event. May have money left from member line item for recovery of cannon. Councilpersons Pritchard, Scroger and Schuth felt photographer is not overly expensive. Councilwoman DiNatale said that photos will be placed on disk for our use. Civil war re-enactment will occur. Dr. O'Laughlin will get word passed through school. Vick asked Ken Rush to deliver event info to Legislature and asked for their participation too. Councilman Schuth said large showing will occur from Boy Scouts. Banners look great in town and possibility of additional flags be hung for the Holiday.

Human Resources & Ethics – C. Scroger, Chair

Only two self assessments need to be completed and forwarded to the County. Important for Self Insurance, per Vick

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

Water District #5 – all paperwork completed by Attorney Heath to close this out. Awaiting for info from Bank of America. Four page letter sent to Jim Walfrand with multiple enclosures in anticipation for closing. Final Form E; preliminary bond opinion and information from bond counsel still remain undone. Schaffron collected info for Form E, provided to Heath and Kathy Dear. Clerk Hanlon provided documents of payment due to the contractor and the decrease change order for \$31,000.00 – lowering the expense for construction. Looking for figure called net interest expense which is the difference between the interest we paid out on our initial borrowings and interest earned on capital accounts. Bank of America has failed to provide this at this time, after many requests. Kathy Dear will hold Final Form E for this information. Heath has not had the chance to speak to bond counsel. Open issue regarding how final obligations will be issued. Question of how project was established as of joint obligations with Kendall/Hamlin or individual Town obligations in respect to their respective shares. Need to be resolved with Bond Counsel, Attorney Heath and Jim Walfrand's Office. Supervisor Vick felt that Kendall and Hamlin have agreed with how the obligation was initially agreed upon at time of establishment. Supervisor Vick will contact Jim Walfrand.

Information Services – D. Schuth, Chair

Had meeting earlier in March. Reviewing sample computer policies and procedures of the school and county. Will complete assessment of software and hardware, printers etc. Will make sure all licenses of software are current. Will report on these at April 27th meeting.

Eagle Creek Marina – D. Pritchard, Chair

Received request for draw #6 today. Will not present resolution to pay this evening. Reported on compliance issues with electrical installation, issues with low baring columns. CEO Hardenbrook has been working with contractor and has been inspecting on a regular basis. Shingles and windows are being installed. Three SPEDES permits needed. Completed applications for SPEDES permits are needed before waste water treatment can be installed. Need to get these done! Councilman Pritchard and CEO Hardenbrook will forward letter to this fact and will see if need to include any other outstanding issues. At this time all invoices for Stu Brown are paid.

Planning Board – T. Cole, Chair

Need to prepare Local Law for the introduction of the Adult Business Ordinance. Attorney Heath will have prepared for April 27th meeting.

Zoning Board – C. Patt, Chair

Road canvas was complete for Zoning Violations and Zoning Officer Scarpulla has sent letters out for those whom are violating our ordinance. Many have become compliant and others will be issued appearance tickets. Unauthorized Camping Park is now in compliance

Department Heads

Assessor – K. DeRoller

Written report submitted. Per report, currently working on Tentative roll which is to be filed May 1, 2006. Tentative roll will be printed in the Town of Kendall. All calls to be directed to the County while Ken is on vacation.

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

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Highway – W. Kruger

Written report submitted – County to take down dead tree in Greenwood Cemetery near road and another in the rear. Community Service workers to help clean cemeteries. Scouts and Lions club volunteer to do road side clean up in April. Handicap ramp for rear entrance has been reviewed and needs to follow up with code officer. Concern with property on Woodchuck Alley and the potential dumping by all. Need to establish a way to avoid future dumping – penalty of \$1,000. Attorney Heath to check on Penal Law as to penalties for dumping.

Town Clerk – N. Hanlon

Total tax bills collected 1569/unpaid 151. Mailed 161 unpaid tax notices on April 4th. Mailed over 100 letters concerning delinquent dog licenses and notices regarding upcoming free rabies clinics. Supervisor Vick added that we are looking for Dog Enumerator.

Water Superintendent – E. Peters

Supervisor Vick asked Eric to stay for his input later in the meeting regarding the MCWA Lease.

Orleans County Legislator – K. Rush

New dog pound – purchasing old Starview Kennels corner of Rt., 98 and Rt. 31A for \$150,000.00. Genesee County contracted for euthanizing. Sales Tax appears to be higher this year, about \$35,000.00 to date. Supervisor Vick asked if Legislator Rush can assist in some matters that involve the County.

CORRESPONDENCE:

- Time Warner Cable – Received Franchise Fee
- Deborah Lammes-Redick- Gratitude for the Recreation programs
- Assessor DeRoller – Swierkos Property at 1548 Norway Road – Reassessment /Code Issues
- Kenneth DeRoller – Assessor Update
- Warren Kruger – Highway Update
- William Vick – Financial reports of the Supervisor

Supervisor Vick – Announced foreclosure north of Ken Mor on Kendall Road. Foreclosures are a problem.

Visit from Examiner – State Comptroller’s Office visit was discussed by Supervisor Vick. Concerns addressed reducing the 2006 tax levy by amounts that are no longer available to spend on 2006 operations. We are not going bankrupt. Need to address a possible substantial tax increase in 2007. Will provide the Town with a “State of the Town” address to update financial concerns. Financial review and discussion of proper practices for municipal bookkeeping provided by Supervisor Vick. Audit may occur or just a few items must be corrected, Examiner from Comptroller’s office will advise.

MCWA dilemma – discussion to recess tonight’s meeting til April 27th and work solely on this issue. Councilman Pritchard to get all input from all Board Members to help us go into a definite direction. Supervisor Vick told the board that they can move forward this evening after our extensive discussion later in this meeting.

PUBLIC PARTICIPATION

Alan Lofthouse - If have youth in cemetery, have adults look up for the widow makers. Alan Lofthouse will be given flags this evening for the cemeteries.

Steve Seaman – indicated that Walt Steffen has already picked up the Greenwood Cemetery.

PAYMENT OF CLAIMS

General Fund	Abstract 4	\$ 59,495.32	Vouchers 79-111
Highway Fund	Abstract 4	\$ 27,045.57	Vouchers 69-99
Agency Fund	Abstract 4	\$ 30,443.49	Voucher 4-5
Capital Fund	Abstract 4	\$ 638.55	Voucher 1-3

Councilman Pritchard moved that the Payment of Claims be approved for payment, 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 motion to pay bills is carried.

RESOLUTIONS: (76-406 through 81-406)

RESOLUTION #76-406 – APPROVE OUT OF DISTRICT WATER USER AT 16029 BRIDGE ROAD

Councilman Schuth moved that the following resolution be adopted:

Whereas, the Kendall Town Board, by this resolution dated April 13, 2006 does hereby authorize a so-called “out of district users” agreement dated April 12, 2002 with Linda A. Kludt, for connection of her residence located at 16029 Bridge Road in the Town of Kendall Water District No. 4 upon certain terms and conditions;

Whereas, proof having been put forth before this Town Board that such conditions have now been met, now, therefore, be it

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

Recessed to APRIL 27, 2006 7:30 PM

Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

Resolved, that the Town Board of the Town of Kendall does hereby authorize Linda A. Kludt to connect to and continue an existing connection to the Kendall Water District No.4 as an “out of district use” for her premises known as 16029 Bridge Road, tax account number 20-2-4.2; and be it

Further resolved, that in connection herewith, Linda A. Kludt has executed an “out of district user agreement” with the Town date April 12, 2002, and provided a copy of a duly executed copy of a water line easement agreement by and between Linda A. Kludt and Kludt Family Limited Partnership authorizing the construction and installation of said water line across the adjoining lands of Kludt Family Limited Partnership, in such form as approved by the Attorney for the Town, which easement was recorded in the Orleans County Clerk’s Office on March 13, 2006.

Such motion was seconded by Councilwoman DiNatale, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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 #77-406 – AUTHORIZING THE PURCHASE OF A COMPUTER FOR THE TOWN CLERK’S OFFICE.

Councilman Pritchard moved that the following resolution be adopted:

Whereas the existing computer used at the Town Clerk’s counter is over five years old, is experiencing chronic failures, and contains a hard disk drive that is almost full and can store limited additional files;

It is hereby authorized to purchase a new computer with the following minimum features: 1G RAM, keyboard, video card, mouse, 200G Hard Disk Drive, XP Pro Operating System, DVD+R/W Drive, and external speakers.

It is also authorized by this resolution to purchase Microsoft Office, if necessary.

The cost of this computer, as specified, is not to exceed \$700. The cost of Microsoft Office is not to exceed \$350.

Discussion: Will continue to use the existing monitor. Several hundreds cheaper than quote given at budget time. Town Clerk Hanlon, with the help of Councilman Pritchard, saved the town \$1,000.00 from her equipment budget line and was very patient in waiting for this replacement.

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 #78-406 – LOAN CAPITAL PROJECTS FUND FROM GENERAL FUND TO COVER WD#6 EXPENSES

Councilman Scroger moved that the following resolution be adopted:

A resolution to transfer funds from the un-appropriated fund balance within the General Fund to the Capital Projects Checking in the amount of \$6,526.05 to cover Water District #6 expenses, in which to pay the claims of Hamlin Herald in the amount of 169.05; Erie County Public Health Laboratory (Invoice 11739) of \$357.00; Stuart I Brown Associates of \$6,000.00 for the preparation of the 2006 Small Cities Grant Application for Potential Water District #6.

Note: if we are unsuccessful in the awarding of this grant, the state allows the town forgiveness of these expenses.

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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 #79-406 – AWARD LAWN MOWING SERVICES FOR THE TOWN OF KENDALL

Councilwoman DiNatale moved that the following resolution be adopted:

Whereas; the Town of Kendall has solicited quotations for lawn mowing services for the 2006 season and

Whereas; many replies were received, and

Therefore be it resolved that lawn care for the 2006 season be awarded to:

M&M Mowing and Lawn Care – Greenwood Cemetery
M&M Mowing and Lawn Care – The Town Hall Building Property

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

Recessed to APRIL 27, 2006 7:30 PM

Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

Quality Lawn Mowing – Morton Fireman’s Field

Quality Lawn Mowing – Beechwood Cemetery

Discussion and comments: All taxpaying residents of this town and as questioned by Councilman Pritchard, all are insured. Supervisor Vick expressed that Roger Herman has done a great job mowing the Town Hall lawn but because of the insurance requirement put him “out of the running”. All awarded were the lowest quotes.

Such motion was seconded by Councilman Pritchard, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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.

RESOLUTION #80-406 – INCREASE MARRIAGE LICENSE FEES TO \$40.00

Councilman Schuth moved that the following resolution be adopted:

Whereas New York State Law directs Registrars of Vital Records to collect \$30.00 for a State of New York Department of Health Affidavit, License and Certificate of Marriage;

Whereas New York State Law also allows municipalities to collect an additional \$10.00 to issue a New York State Department of Health Certificate of marriage Registration, in which the Town of Kendall, under our current fee structure of \$30.00 issues a Certificate of Marriage Registration for free and,

Therefore be it resolved that the Registrar of Vital Records in the Town of Kendall is authorized to collect \$40.00 for all New York State Department of Health Affidavit, License and Certificate of marriage that are issued by the Registrar of Vital Records of the Town of Kendall and,

Be it further resolved that the additional \$10.00 collected for each Application for Marriage License and issuing a Certificate of Marriage be paid to the Kendall Supervisor through monthly payments of Town Clerk fees under revenue account number A1255.

Such motion was seconded by Councilman Scroger, 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 #81-406 – TRANSFER OF FUNDS FOR MUNICIPAL ACCOUNTING SYSTEM

Councilman Scroger moved that the following resolution be adopted:

Whereas it is necessary to provide for a much higher level of municipal accounting than presently exists, and the Kendall town Board finds it necessary to do so and...

Whereas this higher level of accounting will provide for the required budgeting, required, monthly, fiscal reporting to the Town Board and the annual reporting requirements for the State Comptrollers Office which is not provided for by the existing accounting system...

Therefore it is hereby resolved to provide for required funding by transferring un-appropriated fund balance within the General Fund to Supervisor’s equipment account A1220.2 in the amount of \$8500.00.

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.

NEW BUSINESS:

Banner Beach Roadway – Potential request for dedication

Attorney Heath presented the Town Board a packet of Historic correspondence produced since 1999. A 14 item Preliminary Checklist was also provided for Banner Beach Road Dedication. This check list could be used for road dedications in Kendall. (Special Note – This check list can not be used for the School Road dedication)

RECESS MEETING TO April 27, 2006 AT 7:30 pm

With there being no further business Councilman Scroger moved for recess of meeting until April 27, 2006 at 7:30 PM, seconded by Councilman Schuth. Unanimously in favor for recess at 10:25 PM.

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM
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APRIL 27, 2006 - KENDALL TOWN BOARD MEETING –7:30PM
RECONVENED FROM APRIL 13, 2006
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC PRESENT: Ken Lillibridge, Jerry Reamer, Bob and Ellie Nelson, Gert Hauck, Bob Snell, Bill Kruger, Mary Mann, Don Mann, Eric Maxon

RETURN TO ORDER

Meeting was re-opened 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

Others Present : Douglas Heath, Attorney; Warren Kruger, Highway Superintendent; Scott Hardenbrook , CEO; Kenneth DeRoller, Assessor

SUPERVISOR'S REMARKS

Forego any remarks, just in summary of the items of discussion of the Monroe County Water Authority agreement that must be negotiated or clarification from the Authority. Kendall Board met on April 17th to discuss all unanswered or negotiable issues of the Draft Water Lease Agreement which allowed the resolution to be presented this evening.

RESOLUTIONS (#82-406; #83-406 - #87-406)

RESOLUTION #82-406 – WATER LEASE WITH MONROE COUNTY WATER AUTHORITY

Councilman Pritchard moved that the following resolution be adopted as modified:

A resolution authorizing the Supervisor to sign an agreement with the Monroe County Water Authority to operate and maintain the Kendall water system for a period ~~of forty (40) years~~ as provided in the draft agreement.

WHEREAS, the Town Board of the Town of Hamlin has signed a Retail Lease Agreement for Operation of Water Districts with the Monroe County Water Authority, and,

WHEREAS, the Joint Hamlin-Kendall Water District must cease to exist because of this action by the Town Board of the Town of Hamlin, and,

WHEREAS, the Town Board of the Town of Kendall has determined that the operation and maintenance of a Kendall water department is a significantly more expensive option for our water consumers than entering into a lease agreement with the Monroe County Water Authority, and,

WHEREAS, the Town Board has held public information sessions on December 6,2005 and March 30, 2006; a Joint Hamlin-Kendall Water District meeting on February 12,2006; and a Special Town Board Workshop on April 17, 2006,

NOW, THEREFORE, BE IT RESOLVED:

THAT, the Town Board of the Town of Kendall authorizes the Supervisor to sign a finalized agreement with the Monroe County Water Authority to operate and maintain the Kendall water system for a period ~~of forty (40) years~~ as provided in the draft agreement upon satisfactory resolution of the following specific items, which are elements of the draft agreement offered to the Town of Kendall (as printed November 1, 2005) by the Monroe County Water Authority:

1. The effective date of the agreement -**Same date as negotiated as Hamlin – August 8, 2006.**
2. That the agreement makes the exception to exclude (from the agreement) potential water district #6 and all future water districts or extensions that are not serviced by Hamlin feeds, until such time as those districts and extensions are connected to Hamlin feeds. This exception should be noted in the introduction and in paragraphs A(1.0), **A (1.3)**, A.(3.1), C(1.1), C(1.5), C(5.1)
3. That the agreement grants the in-county (Monroe County) rates for water.
4. Approval by the Orleans County legislature is not a requirement.
5. A map of the retail service area is missing from Appendix A. [Ref: A(1.0)]
6. [Ref: A(1.1)]- Clarification as to whose expense.
7. The agreement must, by language in the agreement, make allowances and permit sale of water to out-of-district users, water haulers, **water pump station**, and farmers. [Ref: A(1.3), C(1.4)]
8. Clarification language is needed for paragraphs A(1.4), A(2.1), B(3.2a), B(3.2b), C(2.1), C(2.6c), and C(8.4)

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

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9. That the agreement allows dead-ends by specific language in the agreement. [Ref: A(3.1), A(3.3), C(2.6e), C(2.7)]
10. [Ref: A(3.3)]- Only if Section C is in place.
11. [Ref: B(1.1)]- There can be no termination of Section A without conversion to Section C (Terms for Retail Supply).
12. That the agreement specify that Section B supersedes Section A with regard to which party is responsible for expenses. [Ref: B(1.1)]
13. That the agreement defines the terms "additions", "betterments", and "improvements". [Ref: B(2.1)]
14. [Ref: B(3.3)]- Quarterly reports are desired.
15. [Ref: B(4.2)]- That the agreement clarifies by language that the exercise of clause B(4.2) terminates progress toward Section C- Terms for Retail Supply.
16. [Ref: C(2.5)]-Correction-Replace County of Monroe with County of Orleans.
17. [Ref: C(2.6d)]-Clarification needed (others); the agreement needs to clarify, by language, what happens if the lease is terminated.
18. [Ref: C(2.8)]- "not significant" is qualitative. The agreement needs to specify a specific percentage for the cost difference.
19. [Ref: C(6.1)]- The agreement shall specify a final reading of the meters by the effective date of this agreement
20. [Ref: C(6.2c)]- Needs to be exempted.
21. [Ref: C(7.1)]- Schedule C needed.
22. Section C(7.2) needs to be added, calling for the hiring of Eric Peters by MCW A with the salary and position as specified in the agreement between the Town of Hamlin and the MCW A.
23. [Ref: C(8.3)]-A residual value greater than zero must be recognized.
- 24. [Ref: 9.1] – provision if water service is interrupted by some “act of God” circumstance, that the Town of Kendall is permitted to go outside this agreement to seek other sources of water.**

THAT, this resolution is not subject to a referendum, permissive or mandatory, pursuant to Public Authorities Law of the State of New York, Section 1096 paragraph 6-a.

Such motion was seconded by Councilman Scroger,

Discussion: Extensive discussions occurred involving each line item reviewing the draft agreement as they went along. Additions and modifications occurred and summary notes are as follows:

- 1) effective date same as Hamlin negotiated – August 8, 2006
- 2) Vick not ready to put WD#6 in danger (our application for grant) – modify language in the future about connecting WD#6 later.
- 3) Residential rate in 2006 \$2.50
- 4) Attorney Heath to confirm with County Attorney Schubel
- 8) Language not clear – A 1.4 MC sets the rules, do they set the rates
- 9) Don't want to give up our ability to put in other water lines, use of ductile or plastic for materials, discussion of dead ends.
- 14) The Town may want to request full disclosure of water operations and maintenance, water quality, billing, water costs etc.
- 15) We can't terminate once we get to C
- 16) Orleans County Health Department has jurisdiction once cross the county line
- 17) Concern why language changed from “Lease” to “Supply”
- 18) Between Iron and Plastic – want a percentage on material cost – 10% agreed
- 19) Need a final date to read meters
- 21) Inventory – needs a fair assessment – Auction may be best to sell inventory and fairly divide.
- 22) End of lease – they would have the right to purchase

Heath added #24. Attorney Heath also commended the Town Board for not acting on this blindly. Councilman Pritchard stated that they need to address dead ends, other water district extensions. We do need to be flexible but firm Will be meeting with MCWA on May 3rd at 2 PM at MCWA Offices to go over this resolution if adopted this evening. All board members welcome to attend this meeting.

Supervisor Vick requested input from all council members. Pritchard indicated that MCWA is the low cost solution to our residents. With the unreasonableness in MCWA conversations with Supervisor Vick, Pritchard has lost their trust. This gives us more momentum to have strong negotiating tools. Scroger feels we should push everything we can during negotiations and to stand firm. DiNatale stated initially not in favor of going with MCWA and still not sure now, hopes that a good agreement can be made. Understands the cost to residents would be more if run our own Water Department. Schuth asked Attorney Heath if our resolution is reasonable and if our recommendations are appropriate. Attorney Heath advised that MCWA are only going to give us so much. Attorney Heath feels MCWA has a higher purpose to involve Town of Kendall, gets them into Orleans County, which may help with negotiations.

Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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.

CORRESPONDENCE

- Hungerford Vinton, LLC – Resignation as Bookkeeper and Accountant as of 4/17/2006

PUBLIC PARTICIPATION:

Jerry Reamer – Commends the Town Board for all their efforts on the Monroe County Water Authority Lease. Understands it has been a tough decision but appreciates the time given to the community

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

Recessed to APRIL 27, 2006 7:30 PM

Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

Robert Nelson – Echo’s Jerry’s comments. Commends the Town Board on their analytical process used on this situation and proud of what has been done.

RESOLUTIONS – (#83-406 through #87-406)

RESOLUTION #83-406 – EAGLE CREEK MARINA – DRAW #6

Councilman Pritchard moved that the following resolution be adopted:

A Resolution releasing \$8153.66 of Small Cities grant funds for the economic development program, Small Cities grant #591ED522-05 (Eagle Creek Marina, draw #6).

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 #84-406 – ORLEANS COUNTY SALES TAX PAID TO THE TOWN OF KENDALL

Councilman Schuth moved that the following resolution be adopted:

It is hereby resolved that the Town of Kendall wishes to have it’s Orleans County sales tax revenue allotment paid directly to the Town of Kendall commencing such that it can be used for 2007 fiscal year budget and revenue funding and thereafter forward.

It is further resolved that, in keeping with requirements set forth by Orleans County Resolution 529-1299, a copy of this resolution be forwarded to the Orleans County Chief Fiscal Officer Susan Heard, Orleans County Treasurer as official notice of the request to do so with an additional copy to the Orleans County Legislature c/0 Mr. George R. Bower, Chairman.

Such motion was seconded by Councilman Scroger, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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 #85-406 – WAIVER TO THE OPEN CONTAINER ORDINANCE

Councilman Scroger moved that the following resolution be adopted:

BE IT RESOLVED: That the Town of Kendall Open Container Ordinance be waived for the duration of the Kendall Fireman’s Carnival in 2006, as follows:

Thursday	July 6, 2006	6:00 PM to midnight
Friday	July 7, 2006	5:00 PM to 2:00 am
Saturday	July 8, 2006	12:00 PM to 2:00 am

And further, that the waiver shall cover an area ¼ mile in each direction, North, South, East, and West of the Kendall four corners which is the intersection of the Kendall Road (Rte 237) and Ken-Mor Road.

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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 #86-406 – PURCHASE OF AMERICAN FLAGS FOR KENDALL’S MAIN STREET

Councilwoman DiNatale moved that the following resolution be adopted as modified

Whereas the hamlet of Kendall is in need of additional “trimming for spring and,

Whereas we would like to see the Flag of our Nation displayed in our Town,

Therefore be it resolved; that the Town Board of the Town of Kendall purchase seven **3’x 5’** flags from Fred’s Flags, to be placed on the poles on Kendall Road, at a cost of \$26.50 each for a total cost of **\$150.50**.

Be it further resolved that the funds for the purchase of these flags come from General Fund Account number A7550.4 – Celebrations.

Such motion was seconded by Councilman Schuth,

KENDALL TOWN BOARD – REGULAR MEETING – APRIL 13, 2006 7:30 PM

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Discussion: Advised by the Kendall Ladies Auxiliary that they will be donating \$1,500.00 for additional banners for the Town, not flags. Eric Maxon will check existing brackets for the appropriate size flag to be purchased. Councilman Pritchard questioned our need to spend additional monies. Clerk Hanlon asked if placing a donation can on her counter for flags is appropriate.

Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote was done with the following results:

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

Councilman Pritchard asked that it be noted that his No vote was based on economics, not his lack of allegiance.

RESOLUTION #87-406 – TAKE POSSESSION OF 1846 KENDALL ROAD

Councilman Scroger moved that the following resolution be adopted:

Whereas the tax levy due on the building and property known as 1846 Kendall Road, Tax I.D. 32.12-1-26.1 in the Town of Kendall has remained unpaid from tax year 2001 thru and including tax year 2006, and

Whereas the County of Orleans has foreclosed on this property because of the duration of the unpaid taxes and...

Whereas the condition of the building and property has created a continuing health and safety hazard to the public, with negative visual impact on the community, and has been deemed and posted as uninhabitable and...

Whereas the County of Orleans will withhold this property from public auction at the request of the Town of Kendall in order that possession of the property be transferred to the Town and...

Whereas the Town of Kendall will be required to compensate the County of Orleans in the amount of monies equivalent to the unpaid tax levies due to the Town of Kendall, which the County of Orleans has previously advanced to the Town of Kendall in the amount of \$1279.78 as evidence by the property tax bills attached to and made part of this resolution and...

Whereas it is the intent of the Town of Kendall to demolish this building and remove it from the premises...

Now therefore it is hereby resolved that the Supervisor, Town of Kendall is authorized to take possession of the aforementioned property and building from the County of Orleans, by means of legal instrument; thus removing it from the tax roll and with the authorization to cause it to be demolished and removed and...

Further that the method utilized to compensate the County of Orleans will be to reduce the amount owing to the Town of Kendall, for the 2007 levy by \$1279.78.

Such motion was seconded by Councilman Schuth,

Discussion: Met with Orleans County Buildings and Grounds Director Mark Watts, Supervisor Vick, Assessor DeRoller, Highway Superintendent Kruger and CEO Hardenbrook for a walk through to evaluate the building. County will pull out of the auction. CEO Hardenbrook found structural damage. Bob Nelson suggested getting an outside bid on demolishing. Attorney Heath will contact County Attorney Schubel to check if any other outstanding judgments or liens on parcel exist.

Supervisor Vick instructed Town Clerk Hanlon to call the roll of the Town Board, which a vote 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:

Ramp for rear entrance to Town Hall: quote given by Highway Superintendent Kruger in the amount of \$2236.00

ADJOURNMENT

Prior to adjournment CEO Hardenbrook as County Health Department Employee provided the Town of Kendall copies of newly established maps that show existing water lines in the Town of Kendall. Per Supervisor Vick, CEO Hardenbrook was asked to keep these under his care at this time.

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

Respectfully Submitted

Nadine P. Hanlon, RMC
Kendall Town Clerk