

KENDALL TOWN BOARD – REGULAR MEETING – MAY 11, 2006 7:30 PM
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC PRESENT:

Bob Nelson; Gert Hauck, Dan Halter, Sarah R.; Al and Bev Lofthouse; John Joseph; Lynette DePalma; Kenneth Rush, Orleans County Legislator.

CALL TO ORDER

Meeting was called to order by Supervisor Vick at 7:31 PM and the Pledge of Allegiance was led.

ROLL CALL

Christine DiNatale, Councilwoman	Absent
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; Scott Hardenbrook, Code Enforcement Officer; Kenneth DeRoller, Assessor

APPROVAL OF MINUTES

Tabled for approval

SUPERVISORS REMARKS

Request for New Architect will be made for the Eagle Creek Marina Project. Must come before this board to request. Operator of the Marina can not move forward until resolved. Councilman Pritchard is concerned with current Architect's claim that his drawings can no longer be used. Will work closely with our Attorneys to be sure we do this right.

Met with MCWA on May 3, 2006. Reviewed the approved resolution and negotiated all points. Minutes will be reviewed that Councilman Pritchard comprised from this meeting and discussion will following later in our meeting.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Public Safety Committee: C. Scroger, Chair

Identified another locksmith for changing exterior locks.

Occupational Safety – D. Pritchard, Chair

No activity to report on basement stair issue. Handicap ramp for rear entrance to Town Hall – received estimates and received plan from Highway Superintendent Kruger. Councilman Pritchard had some other issues that arose to investigate.

Highway – C. Scroger, Chair

Drainage – Scott Allen agreed to be local liaison for neighbors on Ken Mor Road. Max Jones property also having drainage issues. Highway Supt. Kruger reported that Jones property will be resolved by cleaning area between him and neighbors, not through track. Letter will be sent with timeframe to Jones by Supt. Kruger. Ken Mor Road issue is more complex. Trees and shrubs grown in way of drainage. No drawn up plan at this time. Would need funding which is not budgeted at this time to do project like this. Permission of landowners would also need to be obtained. Soil and Water would need to head the project to deal with DEC. DEC may require engineering study. Legislator Rush indicated that Monroe County Soil and Water and Town of Hamlin would have a role to play in this project too. Entire tributary would need to be cleaned out. Highway Committee to put a plan together. Advised that Town of Hamlin does not have funds to correct this at this time.

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

Supervisor Vick reported: Cemetery Flag Lighting – Will be done by volunteers on Holidays. Memorial Day program set. No information available for Maziarz's member line item to help obtain generator for Town Hall. No word from Fred's Flags to straighten Town Hall flag pole, may have Highway Dept. correct.

Orleans County Legislator – K. Rush

Nursing home construction on schedule. Sales tax revenue up this month. County Auction did well. Another auction scheduled for fall. Four county officials went to Colorado for a Jail forum and also toured Allegheny's new jail which cost 24 million to construct. County now owns Dog Pound, buffer fence needs to be installed. Orleans County Dog Control officer will euthanize after training, no longer need to contract out for this. Tiled a drain stream and covered with soil and seeded in Marine Park. Six legislators attended press conference for potential Ethanol plant in Shelby, Governor Pataki made presentation. Legislator Rush advised the Town Board that 1846 Kendall Road property will be the Town of Kendall's.

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

Resolution to be presented this evening to have Public Hearing on Adult Business Local Law. Planning Board scheduling workshops to address zoning regulation updates.

Community Relations & Recreation – C. DiNatale, Chair

Supervisor Vick reported: Memorial Day Celebration – Law enforcement will be present at Town Hall, lead parade and control traffic on Route 18 and Route 237.

Human Resources & Ethics – C. Scroger, Chair

Supervisor Vick reported: meeting with Paychex to get better reporting records. Paychex will place payroll records into another platform to help meet our needs.

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

Water District #5 – will continue dialogue to get closing date scheduled.

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Information Services – D. Schuth, Chair

Met this evening – Asset list will be completed for insurance purposes. Most offices have turned in inventory of equipment and software for committee to review. Will focus on deadline dates to have Disaster Recovery and Computer system upgrades complete. Asked Paul Dittman, Computer Consultant, to complete an architect scheme of our network to complete our other needs.

Eagle Creek Marina – D. Pritchard, Chair

Unable to entertain any further draws until further resolution of the request made by James Freemesser to hire new architect.

Department Heads

Assessor – K. DeRoller

Written report reviewed. Tentative Roll filed on May 1, 2006. BAR meets on May 23rd for Grievance Day. Pictometry to be installed in Assessor's office with an estimate cost of \$160.00 to upgrade hard drive. Orleans County Computer Services to provide upgrade. Assessor DeRoller felt their was good cooperation with School Board and administration on their expenses in developing the school budget. DeRoller felt they all were consciences of the taxpayer.

Code Enforcement – S. Hardenbrook

Road Canvas of unlicensed vehicles completed by Zoning Board and list provided to Zoning Officer Scarpulla. Letters have been mailed out and two issues have been forwarded to Kendall Justice Court for resolution. Many properties are cleaning up without court action. CEO Hardenbrook is closing out open permits. Marina issues involving residential interpretations of codes being worked out with Tom Cole and other Town Board members. Zoning Board has reviewed a couple variances and Planning Board has a potential Special Use permit for a Floral Shop on Norway Road. Discussion occurred regarding 1846 Kendall Road and its poor state and that it is environmentally unsafe. Per Highway Supt Kruger all entrances to building have been secured. Fence variance discussed and fence has been permanently removed. Councilman Pritchard and CEO Hardenbrook working with residents near Marina with their concerns.

Highway – W. Kruger

Written report submitted. 1846 Kendall Road disposal discussed. Landfill in Riga will accept most materials. No permit needed to haul. Cost for straight wood materials (nothing hazardous) \$30/ton plus 4.72% fuel surcharge; \$45/ton for separate items including shingles with asbestos, lead paint, etc. Take the brick out if possible to reduce cost and any other materials. Would be difficult to get a permit to burn the wood. Closed the site on Woodchuck alley many years ago does not allow us to burn this type of material here. Unsure at this time as to the total cost to remove. Repaired broken stones at Greenwood Cemetery by framing and pinning them back together. Highway budget paid for this. Supervisor Vick expressed to Kruger of a fine repair job done. Town of Clarkson and Hamlin - help construct a small portion of water line, equipment and staff to help. CHIPS advised that we will get a slight increase in funds. May 25th attending Disaster Mitigation meeting. Two 10 wheelers of tires dumped on Woodchuck Alley. Supervisor Vick stated to contact law enforcement authorities when this happens. Two obsolete bush hogs need to be disposed of. Will take to next municipal auction. One was built from scratch, both over 20 years old. Attorney Heath advised when sold at Auction no warranty expressed or implied. Kruger to provide specifics of each bush hog so specific resolution can be presented for proper disposal; Councilman Scroger will put together resolution for disposal.

Recreation – B. Flow

684 registered youth in summer recreation programs. Programs begin next week. Currently have 12 baseball teams; 16 soccer teams; 1 softball team. Not including camps. Starting construction for the three backstops, which the school and town are to fund. Supervisor Vick voiced difficulties regarding travel leagues funding procedures per Comptroller requirements - Kendall Sports boosters will upfront payment for traveling league expenses and will then submit monthly voucher to the Town Board for reimbursement. Asked Barb to look into a Club Soccer program.

Town Clerk – N. Hanlon

Written report submitted – taxes will be returned tomorrow, submitting 84 unpaid tax records which is the least amount of unpaids returned since I have been collector. Dog census needs to be pursued this year and would like permission to place add in the newspaper for Dog Enumerator. Supervisor Vick needs to resolve the title of Dog Control and Dog Enumerator. Records Management to be pursued to clean our records and place in long term storage. Retention schedules provided to the Town Board for review

CORRESPONDENCE:

- County of Orleans Planning Board – Special Meeting Agenda – 5/18/2006
- Shawn and Michelle Ramsdell – Application for Out of District Water User
- Ken DeRoller – Assessor Update
- Warren Kruger – Highway Superintendent Update
- Nadine Hanlon – Town Clerk Update
- Eagle Creek Marina – Request Permission to change Architects
- William Vick – Financial Reports, January -April

Councilman Schuth – Presented \$1500.00 donation from the Kendall Ladies Auxiliary to purchase additional roadside banners.

PUBLIC PARTICIPATION

James Freemesser – 5 Pine Creek Lane

Came before the Town Board to request permission to change Architect. Supervisor Vick stated that Attorney Woods, Oviatt and Gilman must be contact by the Town Board to obtain proper procedures to move forward on this request. LaBella Associates will also need to be contacted to approve Architect plans and review architects background.

Shawn Ramsdell – 15937 Carr Road

Application made to the Town Board to become an Out of District water user in Water District #4. Verbal agreement with Gary Kludt and Mike Kludt and an official easement will be established and filed with Orleans County Clerk.

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PAYMENT OF CLAIMS

General Fund	Abstract 5	\$ 74,821.23	Vouchers 112-148
Highway Fund	Abstract 5	\$ 27,886.49	Vouchers 100-130
Agency Fund	Abstract 5	\$ 23,062.95	Voucher 6
Capital Fund	Abstract 5	\$ 10,500.00	Voucher 4-5

Councilman Pritchard moved that the Payment of Claims be approved for payment contingent on passing resolutions this evening to transfer funds to appropriate accounts, seconded by Councilman Scroger, and the vote resulted as follows:

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

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

RESOLUTIONS: (#88-506 through #99-506)

RESOLUTION #88-506 – EAGLE CREEK MARINA – DRAW #7

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

A resolution approving the amount of \$16,610.68 of Small Cities grant funds for the economic development program, Small Cities grant #591ED522-05 (Eagle Creek Marina, draw #7) accepting that the release of funds shall be conditioned upon resolution of the issue of the requested change of project architect to the satisfaction of the Town Supervisor.

(Supervisor Vick will contact members of the board by telephone of Supervisor Vick's decision)

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

Note: Draw #6 is being held also until architect issue is resolved.

RESOLUTION #89-506 - THANK YOU AND ACKNOWLEDGEMENT FOR SPRING CLEAN UP

Councilman Pritchard moved that the following resolution be adopted:

Whereas, the members of the Kendall Lions Club, Kendall Leo's club, Boy Scout Troop 94 and Cub Scout Pack 94 volunteered to and accomplished a town-wide road side and cemetery clean-up project completed on the 29 day of April, 2006.

Whereas this project helped to improve the appearance of the town, reduce the work-load of the highway department and aided in the community involvement of residents and local organizations,

Now, therefore be it resolved that it is hereby publicly acknowledged that the efforts of the Kendall Lion's Club, Kendall Leo's Club, Boy Scout Troop 94 and Cub Scout Pack 94 are duly noted and sincerely appreciated. Many thanks to all that participated in this project.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #90-506 – CREATE APPROPRIATIONS & ACCOUNT FOR CONFIDENTIAL BOOKEEPER

Supervisor Vick moved that the following resolution be adopted:

Whereas from time to time it is necessary for the Confidential Bookkeeper to travel for meetings dealing with accounting measures and to attend schooling and seminars regarding municipal accounting, now be it hereby resolved that budget account A1220.43, Confidential Bookkeeper Contractual Expense, is to be created to provide for these expenses and further that funds in the amount of \$500.00 be transferred from TA85 Agency Account to Account A1220.43.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

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RESOLUTION #91-506 – INCREASE APPROPRIATIONS FOR A1220.41 SUPERVISOR CONTRACTUAL EXPENSE

Councilman Pritchard moved that the following resolution be adopted:

It is hereby resolved to increase the appropriation in account A1220.41 Supervisor Contractual Expense by \$1000.00 to a total of \$2000.00.

It is further resolved to transfer funds in the amount of \$1000.00 from Agency Account TA85 to General Account A1220.41.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #92-506– TRANSFER OF FUNDS GENERAL A201 TO CAPITAL PROJECTS H8397.2

Councilman Scroger moved that the following resolution be adopted:

Resolution transferring funds from money market un-appropriated General Fund balance (A201) to the Capital projects checking account (H8397.2)

Whereas it is necessary to provide funds to pay for the Professional Services rendered of LaBella Associates, P.C. relative to engineering map, plan, and report for potential special Water District #6 and...

Whereas this is to be accomplished by transfers of funds from the General Fund un-appropriated fund balance held in A201 cash money market time deposits to the Capital Projects checking account (H8397.2) from which the funds will be disbursed and...

Whereas it is understood that this transfer is to be considered a loan which must be repaid to the General Fund when and if a request for Small Cities Grant Financing is approved for potential Water District #6 and will be recorded as due to A201 General Fund un-appropriated fund balance and due from capital projects checking account funds apportioned from anticipated finances for potential water district SW-6,...

Now therefore be it resolved that the sum of \$4500.00 be transferred to the capital projects checking account as per the foregoing.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #93-506 – CORRECT GENERAL FUND ABSTRACT #4-06

Councilman Schuth moved that the following resolution be adopted:

It is hereby resolved to cancel claim #95 for Barbara Flow, account A7310.4 in the amount of \$1,998.37 and account A7620.4 in the amount of 63.55, for a total of \$2,061.92 and,

It is further resolved that portion of such claim be found in General Abstract #5-06 claim #112 as corrected and,

Therefore be it resolved to correct the total of General Fund Abstract for #4-06 to \$57,433.40.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #94-506 – CORRECT HIGHWAY FUND ABSTRACT #4-06

Councilman Pritchard moved that the following resolution be adopted:

It is hereby resolved to withdraw a benefits claim to the Town of Kendall Agency account DA 9060.8 in the amount of \$513.83; to cancel claim #72 to Ace Industrial Supply, account DA5110.4, in the amount of \$114.00 and claim #92 to OKAR Equipment Co., DA5130.4, in the amount of \$30.67 for duplicate payments; and correct claim #88 to Lawson Products Inc, account DA5130.4, from \$332.20 to \$332.50 for a calculation error.

Therefore be it resolved to correct the total of Highway Fund Abstract for #4-06 to \$26,387.07.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #95-506– JOSEPH HUNT ESTATE – LIBRARY TRUST 2006 ALLOCATIONS

Councilman Schuth moved that the following resolution be adopted:

Whereas Supervisor Vick has distributed to the Town Board Members the current and expected positions statement for the subject trust for the year 2006 and....

Whereas Supervisor Vick has provided for a proposed distribution of revenues and allocations of the earnings of the subject fund....

Now be it hereby resolved that the distributions as indicated by the positions and proposed allocations be adopted as submitted by Supervisor Vick and made a part of this resolution.

JOSEPH HUNT ESTATE - LIBRARY TRUST
2006 ALLOCATIONS

CURRENT & EXPECTED POSITIONS :

Trust Fund Principal in Cert. of Deposit	\$100,000.00
Interest Revenue on hand in Money Market Time Deposit	2,773.00
Additional interest to be earned in 2006	4,000.00
Total available for distribution	6,773.00

2006 DISTRIBUTION PLAN:

Kendall Librarian Contractual Expense	900.00
Kendall Library Allocation	1,200.00
Holley Library Allocation	<u>600.00</u>
Total to be distributed	\$ 2,700.00

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted

RESOLUTION #96-506 – SHAWN AND MICHELLE RAMSDELL TO APPLY FOR WD#4 OUT OF DISTRICT USER

Councilman Pritchard moved that the following resolution be adopted:

Be it resolved that the Kendall Town Board accepts the application of Shawn and Michelle Ramsdell of 15973 Carr Road for connection to Water District #4 as an Out of District Water user subject to receipt of the recorded easement and further resolution approving such extension.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #97-506 – REQUEST TO CHANGE ARCHITECT – EAGLE CREEK MARINA PROJECT.

Councilman Schuth moved that the following resolution be adopted:

Be it resolved that the Kendall Town Board acknowledges receipt of the written request by James Freemesser to change the architect for the Eagle Creek Marina Project as otherwise required by the Loan agreement...

Now therefore be it resolved that the Kendall Town Board consents to the change subject to the approvals of the Attorneys for the Town - Heath and Martin and Woods, Oviatt, Gillman; LaBella Associates as Town Engineer; and William Vick, Kendall Town Supervisor.

Discussion: Councilman Pritchard advised that changes in plans must be approved through Kendall Planning Board and CEO Hardenbrook. Matter to be determined as to whom is responsible for what portion of construction – Attorney opinion as to the matter of law must occur to clarify this until further actions occur. Anything that is changed or altered from Henderson's drawing can raise issues.

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #98-506 – INTRODUCE LOCAL LAW #1 OF 2006- ESTABLISHING ADULT BUSINESS REGULATIONS

Councilman Schuth moved that the following resolution be adopted:

WHEREAS, the Town of Kendall has heretofore implemented land use controls for planned growth and development within the Town through its Comprehensive Master Plan and Zoning Ordinance in order to protect the health, safety and general welfare of the residents of the Town of Kendall and to preserve its character as a thriving, welcoming community; and

WHEREAS, the Kendall Town Board has become aware of an increasing number of applications to surrounding Towns to conduct so-called “adult businesses” within their municipalities and the resulting concerns raised by residents of the municipality over such businesses and the location of such businesses near schools, places of worship and residential dwellings within a municipality and,

WHEREAS, such awareness caused the Kendall Town Board to review the provisions of the Kendall Zoning Ordinance and concluded that the Kendall Zoning Ordinance did not adequately address the conduct and operation of “Adult Businesses” within the Town, and

WHEREAS, in response thereto, the Kendall Planning Board first caused an Adult Business Study to be prepared and, thereafter, prepared proposed amendments to the Kendall Zoning Ordinance designed to regulate the location, conduct and operation of “Adult Businesses within the Town, and

WHEREAS, the proposed regulations were referred to the Kendall Town Board, Orleans County Planning Board, Kendall Zoning Board of Appeals, Code Enforcement Officer and the Attorney for the Town for initial review and comment, and any appropriate text modifications have been incorporated therein; and

WHEREAS, it is now the intent and desire of the Kendall Town Board to provide for the implementation of such amendments to the Kendall Zoning Ordinance to regulate the location, conduct and operation of “Adult Businesses” within the Town in order to protect the health, safety and general welfare of its citizens and to protect and maintain the character of the community; now therefore, be it

RESOLVED, that Local Law #1 of the Year 2006, entitled “A Local Law Amending the Kendall Zoning Ordinance to include regulation of Adult Businesses with the Town” be and the same hereby introduced and shall be placed upon the desks of the members of the Kendall Town Board, with copies of said Local Law on file in the Office of the Kendall Town Clerk available for review by members of the public, at least seven (7) days prior to the final adoption, exclusive of Sundays; and be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider the adoption of proposed Local Law #1 of the year 2006 of the Town of Kendall, New York, being a Local Law Amending Zoning Regulations for Adult Businesses on the 8th day of June, 2006 at 7:15 PM in the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14476 at which time all Town residents are invited to comment and be heard on the proposed Local Law; and, be it

FURTHER RESOLVED, that the Town Board does hereby determine the enactment of such amendments to its zoning ordinance to be a “Type I” action within the meaning of the State Environmental Quality Review Act (SEQR) and further determines to be “Lead Agency” for purposes of conducting the necessary environmental review; and be it

FURTHER RESOLVED, that the Town Board does hereby authorizes Martin Environmental Consulting of Holley, New York, to prepare a long form Environmental Assessment Form (EAF) and determination of significant within the meaning of SEQR at a cost not to exceed \$475.00 and present the same to the Town Board for action; and be it

FURTHER RESOLVED, that a copy of said Local Law together with the long form EAF shall be referred to the Orleans County Planning Board for final consideration at its May 25, 2006 meeting, and be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted and published as required by law, including posting on the official signboard of the Town of Kendall, to publication in the Hamlin-Clarkson Herald, the official newspaper of the Town at least 5 days prior to the date of said public hearing.

Such motion was seconded by Councilman Schuth, Supervisor Vick instructed 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.

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A Local Law "AMENDING THE KENDALL ZONING ORDINANCE TO INCLUDE REGULATION OF ADULT BUSINESSES WITHIN THE TOWN"

SECTION 1: STATUTORY AUTHORIZATION:

The Constitution and the Legislature of the State of New York have conferred certain powers upon the governing boards of local municipalities for the purpose of regulating the uses of property within the boundaries of such municipality for the purpose of promoting the health, safety, morals or general welfare of the residents of such municipality. That pursuant to the grant of such authority by the Constitution and the provisions of the Town Law, the General Municipal Law, and the Municipal Home Rule Law, the Town Board of Town of Kendall may enact a local law regulating the use of property within the Town of Kendall for such purposes. In some cases, the scope of the authority conferred upon local governing bodies, in particular the power or authority to regulate or even prohibit certain activities, is subject to Federal Constitutional protections and Congressional Legislative limitations.

SECTION 2: PURPOSE AND INTENT

It is the purpose of this amendment to the Kendall Zoning Ordinance to regulate sexually oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the Town of Kendall and to establish reasonable and uniform regulations to prevent the continued harmful affect of location and concentration of sexually oriented businesses within the Town of Kendall. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene materials.

2.1 DEFINITIONS

The following terms shall have the meanings indicated:

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically or mechanically controlled still or/motion-picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at anyone (1) time and where the images so displayed are distinguished or characterized by the depicting or describing specified sexual activities or specified anatomical areas.

ADULT ART FORM - That which stresses technical knowledge and proficiency, cunning, ingenuity and subtlety in devising, inventing or executing acts or displays which the depicting or specified sexual activities, states of nudity or exposure of anatomical areas characterizes.

ADULT BOOKSTORE or ADULT VIDEO STORE - A commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental of any form of consideration anyone (1) or more of the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, DVD's, Video cassettes or video reproductions, slides or other visual representations, which depict or described specified sexual activities or specified anatomical areas of any future technology.

B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore" or "adult video store" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical area.

C. Adult Internet Usage - A commercial establishment which as one of its principal business purposes offers the usage of computer for personal use to access the internet either for free or rental, for a preset amount of time at a preset rate.

ADULT CABARET - A nightclub, bar, restaurant or similar commercial establishment which regularly features:

A. Persons who appear in a state of nudity; or seminude;

B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depicting or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL - A hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographs reproductions;

B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION-PICTURE THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ESCORT - A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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ESCORT AGENCY - A person or business association, who furnishes, offers to furnish or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT - Includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or
- D. The relocation of any sexually oriented business.

PERMITTEE and/or LICENSEE - A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

NUDE MODEL STUDIO - Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY - The appearance of a human bare buttocks, anus, male genitals, female genitals or full female breast.

PERSON - An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDE - A state of dress in which Clothing covers no more than the genitals, public region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female person and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS - The male genitals and/or the vulva or more intimate parts of the female genital.

SPECIFIED SEXUAL ACTIVITIES - Includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS - The increase in floor areas occupied by the business by more than twenty-five percent (25 %), as the floor areas exist on date of enactment.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS - Includes any of the following:

- A. The sale, lease or sublease of the business;
- B. The transfer of securities, which constitute a controlling interest in the business whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

2.2 PERMITTED USES

A. The following uses, as defined above, shall be designated adult uses:

- 1. Adult arcades
- 2. Adult bookstores or adult video stores
- 3. Adult cabarets
- 4. Adult motels
- 5. Adult motion-picture theaters
- 6. Adult theaters
- 7. Escort agencies
- 8. Nude model studios
- 9. Sexual encounter centers

B. Adult uses shall be a permitted use in any General Business District only, provided that:

- 1. An adult use may not be operated within 1000 feet of the property line/boundary of:
 - a. A church, synagogue or regular place of worship;
 - b. A public or private or private elementary or secondary school or child-care facility;
 - c. A public park/recreational area adjacent to any residential district; d. A public facility or publicly owned property.

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2. An adult use may not be operated within 500 feet of:

- a. A residential dwelling; or
- b. Another adult use structure.

C. The structure must be a minimum of 100' from the front setback.

D. An adult use may not be operated in the same building, structure or portion thereof containing another adult use.

E. For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted to the nearest property line of the premises of a church or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district or residential lot or child care facility.

F. For purposes of Subsection 2.2(D) above, the distance between any two (2) adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

G. All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by these provisions shall be able to visually see any display, decoration, sign, window or other opening, shall not contain any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity or suggests said areas or activity.

H. All Adult uses must have a management -controlled system of access to insure that only persons over the age of 18 years are allowed to enter establishment or area designated for adult use.

2.3 INSPECTION REQUIREMENTS

A. Prior to commencement of any adult use business or upon any transfer of ownership or control, the premises must be inspected and found to be in compliance with all laws, rules and regulations of the Health Department, Fire Department and Town Building and Zoning Enforcement Officer, Fire Marshal and other code enforcement officials.

B. The Health Department, Fire Department and Town Building and Zoning Enforcement Officer, Fire Marshal and other code enforcement official shall complete their certification that the premises is in compliance or not in compliance of the inspection of the premises by such officials. The certification shall be promptly presented to the Town Building and Zoning Enforcement Officer.

C. The Town Building and Zoning Enforcement Officer shall suspend the right to conduct such adult use for a period not to exceed thirty (30) days if the officer determines that the owner and/or operator or an employee of the owner and/or operator has:

- 1. Violated or is not in compliance with any section of this chapter.
- 2. Engaged in excessive use of alcoholic beverages while on the adult use business premises.
- 3. Refused to allow an inspection of the adult use business premises as authorized by this chapter.
- 4. Knowingly permitted gambling by any person on the adult use business premises.
- 5. Knowingly allowed possession, use or sale of controlled substances on the premises.
- 6. Knowingly allowed prostitution on premises.
- 7. Knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted and/or licensed premises.

D. An application or permittee and/or licensee shall permit representatives of the County of State Police Department, Health Department, Fire Department, Zoning and Building Department or other town departments or agencies to inspect the premises of an adult use business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

E. Prior to any suspension, the Town Building and Zoning Enforcement Officer shall provide the owner and/or operator a notice of violations with the grounds for the suspension. The notice stating the grounds shall be provided to the owner and/or operator in writing. The owner and/or operator has the right to present its response to this notice to the Town Building and Zoning Enforcement Officer within ten (10) days of receipt of said notice. The response may be made in person, orally or in writing. The Town Building and Zoning Enforcement Officer may not suspend the right to conduct such adult use until fifteen (15) days after the notice is given to the owner and/or operator or until after receiving the owner's and/or operator's response, whichever is sooner.

2.4 PERMIT

A. No person shall engage in, conduct, or carry on an adult business in the Town of Kendall unless a complete application therefore has been submitted, approved, and a permit issued by the Town of Kendall Code Enforcement Officer.

B. Each application for an adult business shall be submitted to the Code Enforcement Officer for review by the Town of Kendall Planning Board, shall be accompanied by a non-refundable application fee, and shall contain the following information:

- 1. The name, residential street address, and residential mailing address (if different) of the applicant.
- 2. The street address and mailing address (if different) of the proposed adult business.
- 3. All other residences of the applicant for the three (3) year period immediately preceding the date of application.
- 4. The business, occupation, or employment of the applicant for the three (3) year period immediately preceding the date of the application.
- 5. Applicant must be at least eighteen (18) years of age. Must also provide minimum of two (2) forms of state or federally issued identification, one being a photo ID.
- 6. A description of the facilities and services to be available on the premises of the proposed adult business.
- 7. The history of the application in the operation of similar establishments or businesses including, but not limited to, whether or not the person, in previously operating in this state or another city or state under license, has had such permit revoked or suspended and the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

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8. A criminal record, if any, other than traffic violations of the applicant. If the applicant is an association or partnership, the criminal records of each associate or partner. If the applicant is a corporation, the criminal record of each officer or director of the corporation and each of the stockholders owning more than ten percent (10 %) of the stock of the corporation.

9. A scale site plan in compliance with the Town of Kendall site plan review requirements under Article X, Section 1000 of the Kendall Zoning Ordinance.

C. Upon receipt of a complete application and fee as provided for above, the Town of Kendall shall make or cause to be made a thorough investigation of the applicant's background and submit the application to the Town of Kendall Planning Board for review.

2.5 PENALTY FOR VIOLATIONS

A. A violation of any provision of these regulations shall constitute a violation, and shall be subject to immediate suspension of any permit issued by the Town of Kendall and punishable by a fine not to exceed \$350.00 or imprisonment not to exceed six (6) months, or both for conviction of a first offense; a fine of not less than \$350.00 nor more than \$700.00, or imprisonment up to six (6) months or both upon a second conviction within a five year period; and a fine of not less than \$750.00 nor more than \$1,000.00, or imprisonment up to six (6) months, or both, upon a third conviction within a five year period.

B. Notwithstanding the above, any permit issued may be suspended for period of up to six (6) months or permanently revoked upon conviction of violation of any provisions of these regulations.

SECTION 3: SEVERABILITY

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law .

SECTION 4. EFFECTIVE DATE

This local law shall become effective, and the six-month moratorium period shall commence, immediately upon filing of this local law with the Secretary of State pursuant to the Municipal Home Rule Law.

RESOLUTION #99-506 – WOODS, OVIATT, GILMAN ATTORNEYS – ASSIST WITH EAGLE CREEK MARINA PROJECT

Councilman Pritchard moved that the following resolution be adopted:

RESOLVED, that the Kendall Town Board does hereby retain the law firm of Woods, Oviatt, Gilman, (Stephen W. Tierney, Esq., of Counsel), Kendall, to assist Heath & Martin, Attorneys for the Town of Kendall, as necessary, in the matters pertaining to interpretation and enforcement Block Grant Program relating to the funding of construction of the Eagle Creek Marina expansion project, of cost of such legal services to be a Marina under the provisions of the Loan Security Agreement and Building Loan Agreement.

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

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

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

UNFINISHED BUSINESS:

MCWA meeting on May 3, 2006 discussed. Minutes reviewed. (**Bold** items are the items that need to be resolved.) Councilman Pritchard reviewed these items with the board. The following meeting minutes placed upon the record:

Minutes of Meeting on May 3, 2006 and Memorandum of Understanding Between Monroe County Water Authority and Town Of Kendall

A meeting was held on Wednesday, May 3, 2006 at the Monroe County Water Authority (MCWA) with representatives of the MCWA and the Town of Kendall (Town) present to discuss and resolve concerns about the agreement as itemized in the Town's resolution. The meeting was attended by Ed Marianetti, Steve Gould, Nick Noce, and Ray Benschhoff of the Monroe County Water Authority, and by Bill Vick and Donn Pritchard of the Town of Kendall. The meeting began at 2:00 PM.

The Monroe County Water Authority and the Town of Kendall agree that these meeting minutes constitute part of the understanding between them.

1. The Town clarified the clause of its resolution, "WHEREAS, the Joint Hamlin-Kendall Water District must cease to exist because of this action by the Town Board of the Town of Hamlin." What ceases to exist is the joint water department currently operated by the towns of Hamlin and Kendall for the operation and maintenance of the joint water district.
2. Pertaining to concern #1 of the Town's resolution, the MCWA and the Town agreed to make August 1, 2006 the effective date of the agreement.
3. Pertaining to concern #2 of the Town's resolution, both parties discussed that proposed water district #6, potential extensions to water district #6, and other potential water districts at the western end of the Town, are not likely to be connected to Hamlin

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water feeds for some time to come. Also, the Town is already in agreement with the Town of Murray for them to provide water and service to this proposed water district.

The MCWA authority explained its desire to keep the existing language in the agreement wherein the agreement encompasses the entire Town of Kendall. The Town explained its reasons to exclude potential water district #6 and those like it from the agreement.

Mr. Marianetti explained the difficulty to bring those districts into the agreement at a later date. For example, those districts added later would not be granted the in-county water rate. Mr. Marianetti explained that they have handled these exceptions with other municipalities using a separate letter or agreement. It was agreed that the existing language of the agreement pertaining to this issue would stand as is, and a separate letter or agreement would be made concurrently that allows the exception for proposed water district #6 and those like it, until such time as those districts can be connected to the Hamlin water feeds. *The Town offers to write this separate letter or agreement.*

4. Pertaining to concern #3 of the Town's resolution, it was agreed to include a clause in the agreement granting the in-county (Monroe County) water rates to the Town.
5. Pertaining to concern #4 of the Town's resolution, the MCWA will provide language to the Town for resolutions, which the Town will present to the Orleans County Legislature. This action item will be completed most expeditiously, so that MCWA might be able to have their enabling statute modified during this legislative session in Albany.
6. Pertaining to concern #5 of the Town's resolution, providing a map of the retail service area is an action item for the Town.
7. Pertaining to concern #6 of the Town's resolution, which pertains to paragraph A(1.1) of the draft agreement, it was agreed that, whereas the Town intends not only to have the MCWA provide water, but also to operate and maintain the water districts, that installation of water meters in the water mains is not necessary under these conditions.
8. Pertaining to concern #7 of the Town's resolution, the MCWA explained that it has no issue with selling water to our out-of-district users, water haulers, the water station at the highway building, and farmers. Mr. Marianetti explained that the MCWA's rate schedule should stand as evidence that it permits the sale of water in these situations, and the agreement does not need to be explicit on this point.

Mr. Vick elaborated that many residents in the town who rely on well water often do not have an acceptable quantity or quality of water. The water haulers and the water station provide a means for those residents to obtain water.

Mr. Vick explained the individual situations for out-of-district users, e.g. that they are each metered. The MCWA advised that it would accept the existing out-of-district users. However, no new out-of-district users will be added. New users may only be allowed by extensions.

9. Pertaining to concern #8 of the Town's resolution, calling for clarification of various paragraphs of the draft agreement, the following concerns of the Town were discussed at various points throughout the meeting:

Paragraph A(1.4) pertaining to the setting of rules, rates, and regulations by the Town: Whereas the Town desires to adopt Sections A and Section B of the draft agreement together, the Town considers this a moot point.

Paragraph A(2.1) pertaining to Town responsibilities for maintaining the water system: Whereas the Town desires to adopt Sections A and Section B of the draft agreement together, the Town considers this a moot point.

Paragraph B(3.2a) pertaining to billing and collections by the MCWA: Whereas the Town desires to adopt Sections A and Section B of the draft agreement together, the Town considers this a moot point.

Paragraph C(2.1) pertaining to cost to the Districts or extensions for improvements: The Town realizes since the meeting of May 3, 2006, that acceptance of this paragraph is contingent on the outcome of the Town's objections to paragraph C(2.8).

Paragraph C(2.6c) pertaining to determination of any fees: The Town realizes since the meeting of May 3, 2006, that "fees" needs to include tax levies.

Paragraph C(8.4) pertaining to rights of the MCWA upon termination of the lease: The Town's concern is withdrawn after clarification of the clauses.

10. Pertaining to concern #9 of the Town's resolution, the MCWA explained that dead-ends are common and may be permitted except when health and safety are compromised. The Town accepted the action item to craft language about this topic for the agreement. The Town would accept making this a part of the separate letter or agreement, which is to be made concurrently.

Subsequent to the meeting on May 3, 2006, the Town crafted the following language for the agreement:

"Without limiting the generality of the foregoing, the Authority agrees that it shall evaluate all requests for water main extensions, including, specifically, those that create dead-ends. Dead-ends can be allowed provided they meet fire flow and hydraulic requirements and will not pose a hazard to the safety of water users on the extensions."

11. **Pertaining to concern #10 of the Town's resolution, which pertains to paragraph A(3.3) of the draft agreement, the Town holds that it should not need MCWA approval on all construction plans for extensions to existing water districts or new water districts under Section A of the agreement, wherein the MCWA provides bulk water supply, but does not operate or maintain the water district. Nor must such plans meet the MCWA's rules, standards, or specifications. The MCWA contends that it should approve constructions plans in this instance, as it needs to determine (for example) if it has the ability to supply water to the extension or new district. The Town could accept this paragraph if it were modified to apply only if Sections A and B are in effect together.**
12. Pertaining to concerns #11 and #12 of the Town's resolution, the Town withdrew these concerns after clarification of the clauses.

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13. Pertaining to concern #13 of the Town's resolution, the parties discussed repairs, additions, betterments, and improvements. The Town pays for additions, betterments, and improvements. The MCWA pays for repairs. The MCWA explained that repairs would be defined as those situations wherein water service was interrupted and required restoration, regardless of the extent necessary to restore water service. The Town accepted this definition.
14. Pertaining to concern #14 of the Town's resolution pertaining to periodic reports, the Town agrees to leave this as written. The MCWA explained that they are subject to FOIL, and there should be no need for a "right to full disclosure" clause because our concerns are alleviated by health agencies, etc.

Our attorney has pointed out to the Town Board that there are many exceptions under FOIL that should concern us.

15. Pertaining to concern #15 of the Town's resolution pertaining to two years' written notice, the Town Board met to discuss this. The Town withdraws its concern.
16. Pertaining to concern #16 of the Town's resolution, the MCWA recommended that we replace either "County of Monroe" or "County of Orleans" with "New York State." The Town agreed to discuss this with its Code Enforcement Officer, who is also employed by the Orleans County Health Department.

Subsequent to the meeting of May 3, 2006, this was discussed with the Town's Code Enforcement Officer, who found it acceptable to replace with New York State.

17. Pertaining to concern #17 of the Town's resolution regarding what happens if the lease is terminated, the Town now understands the paragraph and withdraws its concern.

18. **Pertaining to concern #18 of the Town's resolution pertaining to pipe specifications, the MCWA advised that this clause was added to enable them to offer financial assistance at their discretion. Without this clause, the MCWA cannot offer financial assistance. The Town contends that it wants a specific percentage. The MCWA refuses.**

Subsequent to the meeting on May 3, 2006, the Town has studied this paragraph in greater depth. This paragraph has nothing to do with financial assistance by MCWA. The Town must insist on replacing "significant" with "10% or more." The Town would accept making this a part of the separate letter or agreement, which is to be made concurrently.

19. Pertaining to concern #19 of the Town's resolution, the MCWA advised that it would participate in (or conduct on its own) a final reading to take place just a very few days prior to August 1, 2006. This is acceptable to the Town.
20. Pertaining to concern #20 of the Town's resolution [paragraph C(6.2c)], the parties discussed what was and wasn't included. The MCWA understands that equipment, such as backhoes currently owned by the joint water district, is not included. The Town will provide documentation showing included property, such as chlorination stations.
21. Pertaining to concern #21 of the Town's resolution, the Town has the action item, in concert with the Town of Hamlin, to provide an inventory list for Schedule C.
22. Pertaining to concern #22 of the Town's resolution, both parties agreed to language pertaining to the hiring of Eric Peters.
23. Pertaining to concern #23 of the Town's resolution, the existing operating plant and distribution facilities will be depreciated over 40 years. Newer extensions and new districts will have a residual value by virtue of being less than 40 years old.
24. Pertaining to concern #24 of the Town's resolution for the addition of a provision that if service is interrupted, that the Town is allowed to go outside of this agreement for emergency/temporary service, the MCWA thought this clause unnecessary because they would never be allowed to do otherwise. *The Town has found evidence to the contrary, and wishes to discuss this further.*

The meeting adjourned at 6:00 PM.

MONROE COUNTY WATER AUTHORITY

TOWN OF KENDALL

By: _____
Edward T. Marianetti, Executive Director

By: _____
William Vick, Supervisor

ADJOURNMENT

With there being no further business Councilman Scroger moved for adjournment, seconded by Councilman Schuth. Unanimously in favor for adjournment at 10:48 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC
Kendall Town Clerk