

PUBLIC HEARING – ADULT BUSINESS ORDINANCE – JUNE 8, 2006 7:15 PM
KENDALL TOWN BOARD – REGULAR MEETING – JUNE 8, 2006 7:30 PM
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

PUBLIC HEARING

Public Hearing opened by Supervisor Vick at 7:19 p.m. and Clerk Hanlon read published notice.

Supervisor Vick requested comments from the public regarding the adoption of Local Law #1 of 2006 “Amending the Kendall Zoning Ordinance to Include Regulation of Adult Businesses with the Town “. The proposed amendments define those types of businesses or establishments which are sought to be regulated as Adult Businesses and provide for the regulation, inspection and enforcement of such businesses within the Town.

After three requests for public comments, no comments were made therefore Supervisor Vick closed the public hearing at 7:21 p.m.

PUBLIC PRESENT:

Shawn Ramsdell; Steve and Mary Ellen Seaman; Allen & Bev Lofthouse; Ben Cooper; Ken Rush, Orleans County Legislator; Paul Gray, Planning Board Member; Walter Steffen Jr., Planning Board Member; Bob Nelson Sr., Planning Board Member.

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	Present	
Donald Pritchard, Councilman	Absent	
David Schuth, Councilman		Present
Charles Scroger, Councilman	Present	
William Vick, Supervisor	Present	

Department Heads Present: Douglas Heath, Attorney; Warren Kruger, Highway Superintendent; Scott Hardenbrook, Code Enforcement Officer; Kenneth DeRoller, Assessor; Tom Cole, Planning Board Chairman; Charles Patt, Zoning Board Chairman

APPROVAL OF MINUTES

Kendall Town Board – April 13, 2006 and May 11, 2006

Councilman Schuth moved that the Kendall Town Board meeting minutes of April 13, 2006 and May 11, 2006 be approved as presented by the clerk, seconded by Councilwoman DiNatale, and the vote resulted as follows:

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

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

SUPERVISORS REMARKS

Need to schedule a meeting to go over financial reports in detail, especially special districts. All future meetings the Attorney will arrive on or about 8:30 p.m., after all reports of committees, boards and department heads are completed.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Public Safety Committee: C. Scroger, Chair

No update on changing exterior locks.

Occupational Safety – D. Pritchard, Chair

No further actions have occurred on basement stairs. Will forgo any further discussion or expense on the Handicap Ramp installation on the Town Hall rear entrance.

Highway – C. Scroger, Chair

No further input on Angotti property. Plan has been put together for Rt 18 drainage near the home of Max Jones.

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

Cemetery Flag Lighting – Contact has been made with National Grid to seek assistance through a foundation with this corporation.

Policy for sales and Assets & Surplus – to have a resolution for next meeting.

Generator – on hold until we hear from Senator Maziarz and possible line item for financial help with generator.

Veterans Markers – 75 markers are needed in our cemeteries. The law does state that all veterans have markers placed on graves, but family members must request them. Will work with Paul Fulcomer, Director of Orleans County Veterans Office, on getting ours replaced. Memorial Day was a success this year, all went well.

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

Water District Number 7 to be discussed and come up with a game plan. Planning and Zoning Boards are working on issues concerning boats and trailers; shrubs and screening about 3 feet in our Waterfront Residential District. Councilman Schuth indicated received complaint about dog control in town. Tom Cole indicated that top priority for Planning Board is wind farms and present a moratorium to the board until further ordinances can be developed on this subject. Tom will also look into Dog Ordinance issues too. Attorney Heath advised that prior action was taken on dogs with a local law. Hamlet area should be addressed concerning dogs. Tom advised that the Planning Board will be meeting every two weeks to work on updating our Zoning Ordinance.

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Community Relations & Recreation – C. DiNatale, Chair

2012 Bicentennial Celebration – Chris will begin putting committee together and schedule a meeting with those who voiced interest. Kendall Sports Boosters again discussed regarding paying upfront costs to run certain recreation areas and will then provide monthly voucher for Town Board reimbursement. Comptroller does not allow of dispensing of funds prior to the event occurring.

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

Water district #5 closing – items to be reviewed this evening pertaining to June 7th letter.

Information Services – D. Schuth, Chair

Computer Committee met this evening and reviewed the architecture of our current network by use of a flow chart prepared by Paul Dittman, Computer Consultant. Committee will work on backup and file sharing at next meeting.

Employee Benefits and Personnel Records – W. Vick, Chair

Councilwoman DiNatale will now assist with Personnel Records – are currently correcting errors in self insurance records. Will need to discuss Medical benefits at upcoming workshop pertaining to Charles Patt.

Eagle Creek Marina – D. Pritchard, Chair

Authorization was given to enclose cupola and complete roofing, tyvek and siding to protect structure. Also doors will be installed upon delivery to fully secure building. Architect introduced to us at last meeting did not qualify, due to lack of insurance, and Freemesser is currently working with another architect who does qualify. CEO Hardenbrook and Supervisor Vick did meet new architect. Freemesser may be obtaining another grant from the Department of Interior.

Planning Board – T. Cole, Chair

Will be working on a Moratorium on Windmills to be submitted to the board. Obtaining quotes from Tom Martin and LaBella to update Zoning Ordinance. Special thank you to Town Board and Zoning Board for their help in completing the Adult Business Local Law.

Zoning Board – C. Patt, Chair

CEO Hardenbrook reported that 5 or 6 property owners remain on a 30 day notice for cleaning up unlicensed vehicles. Many going through the Kendall Justice Court. Many received fines and Judge gave a few owners an extra week to comply. Supervisor Vick requested Chair Patt to submit a formal listing of locations found with over the allowed number of unlicensed vehicles that was referred to Code Enforcement Office.

Department Heads

Assessor – K. DeRoller

BAR Meeting Minutes submitted for board review. Final Roll out on July 1st and will be hand delivered to Albion and Kendall school districts.

Code Enforcement – S. Hardenbrook

Former Kelly's Bar – 1849 Kendall Road – Tenant moved out without landlord knowing. Needs inspection before rent out again. Landlord to tear off old bar building. Bees have been exterminated at 1846 Kendall Road. Re-roof permits discussed: permit needed with complete tear off due to particular requirements. 2nd layer of shingles installed does not require permit. Three layers is not allowable. Coastal Erosion permit issued to Eagle Creek Marina for dredging. Two new house permits to be issued. Two special permit applications submitted for a floral shop on Norway Road and possible storage facility on Lakeshore Road.

Highway – W. Kruger

Written report submitted. Fixed leaning flag pole at Town Hall. Staff working on drainage and fill at Town Hall. Major road project on West Kendall Road. Citizens in village have voiced concerns to him regarding the old sidewalks in the hamlet. This has been brought up for several years now. Attended Hazard Mitigation meeting and pressured to establish based on New Orleans situation. Need to see if any directives are handed down by higher authorities before look into this further. \$1800 revenue generated by assisting Town of Hamlin with water line installation.

Recreation – B. Flow

Written report submitted regarding schedules of sporting events and appreciation letters from our youth for installation of new backstops. Councilman Schuth also expressed the appreciation of the new backstops and discussed the alignment of the one at the Elementary school.

Town Clerk – N. Hanlon

Written report submitted. Requested Town Board to approve attendance to the Cornell Municipal Clerk's Institute. Computer has been installed and working out some issues. Notice given of office hours for July 4th and summer hours. Roll of the Honored dead discussed regarding upkeep of list of life long residents of Kendall to be mentioned if laid to rest outside of Kendall boundaries.

Orleans County Legislator – K. Rush

Report read of his duties of Legislator. Advised board of the committees he serves on. Toured new Cooperative Extension Building. Attended the press conference for new Ethanol Plant. New Jail again discussed.

CORRESPONDENCE:

- NYS Real Property Services – Notice of Tentative State Equalization Rate for the 2006 Assessment Roll
- Hamlin/Kendall Water Department – Annual Drinking Water Quality Report for 2005
- Kendall Zoning Board of Appeals
 - January 31, 2006
 - March 21, 2006
 - April 11, 2006

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- Kendall Central School District – Patrick Donahue – Newly elected School Board Member
- Kendall Fire Department – Application for Public Display of Fireworks Permit.
- Kendall Board of Assessment Review – Minutes of the Assessment Review Meeting – May 23, 2006
- Kendall Planning Board – Zoning Map – General Business highlighted (Reference for Adult Business)
- Gil Schultz – Banner Beach Road Dedication
- Barbara Flow, Recreation – Recreation Report and Thank You’s for Backstops.
- Nadine Hanlon, Kendall Town Clerk Report
- William Vick, Supervisor – Financial Report – January through May

Town Clerk has filed:

NYS Office of Real Property – Memorandum of Understanding – 2007 Reassessment Project.
Heath & Martin – Permanent Easement – Mr. and Mrs. Ramsdell – Out of District Water User WD#4

PUBLIC PARTICIPATION

None

PAYMENT OF CLAIMS

General Fund	Abstract 6	\$ 40,958.65	Vouchers 149-200
Highway Fund	Abstract 6	\$ 18,862.46	Vouchers 131-156
Agency Fund	Abstract 6	\$ 70,552.34	Voucher 7-10

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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: (#100-606 through #107-606)

RESOLUTION #100-606 – AUTHORIZING LEGAL SERVICES AGREEMENT - KENDALL WATER DISTRICT NO.5

Councilman Schuth moved that the following resolution be adopted:

WHEREAS, USDA, Rural Development, requires the execution of a Legal Services Agreement by and between the Town of Kendall, on behalf of the Kendall Water District No.5, and Heath & Martin, Attorneys at Law, setting forth the agreed upon legal services to be paid for the formation and construction of the Kendall Water District No.5 and the Hamlin-Beachwood Park Water Districts in order to proceed with the final close out of such project; and

WHEREAS, the amount of said legal services was established by prior members of the Kendall Town Board then in office and not by the current members of the Kendall Town Board; and

WHEREAS, the present members of the Kendall Town Board are required to authorize the execution of a legal services agreement as a closing requirement of Rural Development, now, therefore, be it

RESOLVED, the Kendall Town Board does hereby authorize the execution of a Legal Services Agreement with Heath & Martin, attorneys, for the formation and construction of the Kendall Water District No.5 together with the Hamlin-Beachwood Park Water District, which Legal Services Agreement is hereby incorporated by reference; and, be it

FURTHER RESOLVED, that the legal services which shall be paid to Heath & Martin, as agreed upon by prior members of the Kendall Town Board then in office, shall be \$19,670.00 as set forth in such Agreement, which sum shall be paid upon final accounting, close out and disbursement of the balance of funds on hand in the capital projects account; and, be it

FURTHER RESOLVED, that such Legal Services Agreement hereby authorized is provided as a final closing requirement of Rural Development and reflects an agreement reached between Heath & Martin, Attorneys, and prior members of the Town Board and his not an agreement which has been negotiated with the existing members of the Kendall Town Board.

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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 #101-606 – APPROVE OUT OF DISTRICT WATER USER AT 15973 CARR ROAD

Councilman Schuth moved that the following resolution be adopted:

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Whereas, the Kendall Town Board, by this resolution dated June 8, 2006 does hereby authorize a so-called “out of district users” agreement dated May 1, 2006 with Shawn B. Ramsdell and Michelle J. Ramsdell, for connection of their residence located at 15973 Carr 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

Resolved, that the Town Board of the Town of Kendall does hereby authorize Shawn B. Ramsdell and Michelle J. Ramsdell to connect to and continue a connection to the Kendall Water District No.4 as an “out of district user” for their premises known as 15973 Carr Road, tax account number 20.-2-43; and be it

Further resolved, that in connection herewith, Shawn B. Ramsdell and Michelle J. Ramsdell have executed an “out of district user agreement” with the Town dated May 1, 2006, and provided a copy of a duly executed copy of a water line easement agreement by and between Shawn B. Ramsdell and Michelle J. Ramsdell and Gary H. Kludt and Michael H. Kludt authorizing the construction and installation of said water line across the adjoining lands of Gary-Mike Lands, in such form as approved by the Attorney for the Town, which easement was recorded in the Orleans County Clerk’s Office on May 30, 2006 at 3:04 PM.

Such motion was seconded by Councilwoman DiNatale, 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	Absent
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the foregoing resolution was duly adopted.

RESOLUTION #102-606 – ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2006 - ADULT BUSINESS REGULATIONS

Councilman Schuth moved that the following resolution be adopted:

WHEREAS, this Town Board did heretofore adopt a resolution on the 11th day of May, 2006, setting forth in detail certain findings and concerns of the members of the Kendall Town Board with respect to the need to regulate the location, conduct and operation of "Adult Businesses" in 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, which finding and concerns are hereby incorporated by reference; and

WHEREAS, pursuant to such resolution, Local Law No.1 of the Year 2006 of the Town of Kendall, being a local law Amending the Kendall Zoning Ordinance to include regulation of Adult Businesses within the Town" was introduced by the Town Board to be placed on the desks and the tables of the members of the Town Board at least seven (7) days prior to final adoption; and

WHEREAS, said Local Law was referred to the Orleans County Planning Board for review, and upon such review, the Orleans County Planning Board recommended APPROVAL of said local law at its May 25, 2006 meeting; and

WHEREAS, the Town Board conducted a public hearing to consider the adoption of proposed Local Law No.1 on the 8^m day of June, 2006 at 7:15 p.m., at which public hearing all persons wishing to be heard in favor or against said adoption were heard, and

WHEREAS, the Town Board caused a long form Environmental Assessment Form to be prepared and has determined that such action is a "Type 1" action under the provisions of SEQR and does hereby authorized the Supervisor to sign the EAF in the name of the Town and to issue a Negative Declaration indicating that such action will not result in significant environmental impact;

WHEREAS, having determined that such regulations are necessary in order to protect the health, safety and general welfare of its citizens and to protect and maintain the character of the community, it is now the intent and desire of the Town Board to authorize the adoption of Local Law No.1 of the Year 2006, now therefore. be it

RESOLVED that Local Law No. 1 of the Year 2006 of the Town of Kendall, Orleans County, New York, being a local law "Amending the Kendall Zoning Ordinance to Include Regulation of Adult Businesses within the Town" be and the same is hereby adopted.

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

LOCAL LAW #1 OF 2006 – “ A LOCAL LAW AMENDING THE KENDALL ZONING ORDINANCE TO INCLUDE REGULATION OF ADULT BUSINESSES WITH THE TOWN” CAN BE READ IN ITS ENTIRETY UNDER RESOLUTION NUMBER #98-506 – MAY 11, 2006 TOWN BOARD MEETING MINUTES

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RESOLUTION #103-606 – TRANSFER FUNDS FROM MONEY MARKET RESERVE TO A7310.2

Councilman Scroger moved that the following resolution be adopted:

BE IT RESOLVED to transfer \$3,540.00 from Money Market Reserve for Recreation Equipment to Account A7310.2 – Recreation Equipment Account.

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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 #104-606 – PAYMENT OF KENDALL CENTRAL SCHOOL BILLING FOR BACK STOPS

Councilwoman DiNatale moved that the following resolution be adopted:

Whereas participation in this project had been approved in October 2005 by the Town Board....

And that these monies were established in a Reserve Account for this purpose....

Therefore be it Resolved that \$3,540.00 be forwarded to KCS to complete our participation in this project.

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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 #105-606 – AGREEMENT FOR ACCOUNTING SERVICES – RAYMOND F. WAGER, CPA

Councilman Scroger moved that the following resolution be adopted:

It is hereby resolved to authorize Supervisor Vick to enter into an agreement with Raymond F. Wager, CPA, P.C., Certified Public Accountant, for accounting consultation and assistance as required for the Town of Kendall. Services and consultations are to be compensated as per schedule and terms outlined in the agreement submitted by Raymond F. Wager on May 24, 2006 and negotiated by and between Supervisor Vick and Raymond F. Wager on June 6, 2006.

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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 #106-606 – KENDALL FIRE DEPARTMENT FIRWORKS DISPLAY PERMIT

Councilwoman DiNatale moved that the following resolution be adopted:

WHEREAS, the Kendall Fire Department has submitted an application for a Permit for Public Display of Fireworks to the Town Board and such application is on file with the Kendall Town Clerk...

BE IT FURTHER RESOLVED THAT the Kendall Town Board authorizes the Kendall Town Clerk to issue a Public Display of Fireworks permit, pursuant to § 405.00(2) of the Penal Law of the State of New York, to the Kendall Fire Department for Saturday, July 8, 2006 at 10:00 PM.

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

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Absent</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 #107-606 – ORDER INCREASING MAXIMUM AMOUNT TO BE EXPENDED FOR KENDALL WD#5

Councilman Schuth moved that the following resolution be adopted:

Resolved, that the Kendall Town Board does hereby adopt the annexed order calling a public hearing for June 29, 2006 at 7:00 PM to increase the maximum amount to be expended for Kendall Water District No. 5 facilities.

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

Supervisor Vick declared that the foregoing resolution was duly adopted.

KENDALL WATER DISTRICT NO.5: Order Calling Public Hearing on Increasing Maximum Amount to be Expended for Construction of District Facilities

A regular meeting of the Town Board of the Town

In the Matter
of the
Increase in Maximum Amount to Be Expended for
Construction Facilities of Kendall Water District No.5
in the Town of Kendall in the County of Orleans
New York, Pursuant to Article 12-A of the Town Law

**ORDER CALLING
PUBLIC HEARING
TO INCREASE THE
MAXIMUM AMOUNT
TO BE EXPENDED FOR
DISTRICT FACILITIES**

WHEREAS, the Town Board of the Town of Kendall has heretofore caused a map plan and report to be prepared by LaBella Associates, P. C., a competent engineer duly licensed by the State of New York which has been filed in the Office of the Town Clerk of the Town of Kendall in relation to the establishment of Kendall Water District No.5, said map plan and report being last dated May 13, 2003; and

WHEREAS, the Town Board of the Town of Kendall has heretofore undertaken the adoption of proceedings pursuant to Article 12-A of the Town Law of the State of New York including the adoption of an order setting the date and time of a public hearing on the proposed establishment of said district, the conduct of a public hearing, the adoption of a resolution establishing said district subject to permissive referendum, and the subsequent adoption and recording in the Orleans County Clerk's Office. of a final order thereafter establishing Kendall Water District No. 5 upon the terms and conditions set forth in said proceeding, said final order having been adopted on the 17th day of July, 2003; and

WHEREAS, Kendall Water District No. 5 was established together with the simultaneous establishment of a new water district in the Town of Hamlin to be known as the Hamlin-Beachwood Park Water District and for purposes of efficiency and reducing cost to district users, the Town Board of the towns of Hamlin and Kendall agreed to jointly construct, operate and maintain said water districts as a joint water district, said municipalities having heretofore authorized and executed an Intermunicipal Cooperation Agreement pursuant to Article 5-G of the General Municipal Law of the State of New York for such purpose; and

WHEREAS, the proceedings duly adopted by the Town Boards of Kendall and Hamlin, relating to the establishment of Kendall Water District No.5 and the simultaneous establishment of the Hamlin Beachwood Park Water District, authorizing the expenditure of an amount not to exceed \$655,000.00 for the construction of the joint water district and further set forth the anticipated proportionate share the proportionate cost of construction of each municipalities share of the district, that being the sum of \$416,000 for the Town of Kendall and \$239,000 for the Town of Hamlin; and

WHEREAS, the proceedings further authorized the issuance of serial bonds of the Towns of Kendall and Hamlin to pay the cost of construction, said serial bonds to be issued jointly or individually in the names of each municipality for their proportionate share; and

WHEREAS, USDA, Rural Development Rural Utilities Service (RUS), have agreed to purchase the obligations in an amount not to exceed \$655,000 necessary to complete the construction and installation of the Kendall Water District No.5 and the Hamlin-Beachwood Park Water District excepting, however, that RUS requires that all indebtedness be issued severally in the name of the Town of Kendall and the Town of Kendall pledge its full faith and credit to the repayment of said indebtedness and such indebtedness shall not be in the name of the Town of Hamlin, either individually or jointly with the Town of Kendall; and

WHEREAS, in order to issue such obligations, it is necessary for the Town of Kendall to increase the maximum amount which the Town of Kendall is authorized to expend for Kendall's portion of the joint water district project in order to accommodate the issuance and sale of several indebtedness in the name of the Town of Kendall for this project, with that portion of the project to be paid by the Town of Hamlin to be repaid to the Town of Kendall in the form of payments made pursuant to Intermunicipal Cooperation Agreement by and between each Town;

NOW, THEREFORE, it is hereby

ORDERED, that in accordance with the provisions of Article 12-A, Section 209(h) of the Town Law, shall be conducted by the Kendall Town Board in the Kendall Town Hall, 1873 Kendall Road, in the Town on June 29, 2006 at 7:00 p.m. to consider an increase in the maximum amount authorized to be expended by the Kendall Water District No.5 for the construction and installation of the aforementioned joint water project in order to accommodate the issuance of several indebtedness in the name of the Town of Kendall for such project, contingent, however, upon the simultaneous execution of an amended Intermunicipal Cooperation Agreement with the Town of Hamlin providing for the repayment to the Town of Kendall by the Town of Hamlin for Hamlin's proportionate share of the indebtedness each year which is attributed to that portion of the improvements in the Hamlin Beachwood Park Water District located in the Town of Hamlin, Monroe County, New York; and, be it

FURTHER ORDERED, that the Town Clerk shall publish at least once in the Clarkson-Hamlin Herald, the official newspaper of the

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Town of Kendall, for publication, and post on the official signboard of the Town of Kendall a copy of this Order, certified by the Town Clerk, the first publication hereof and first posting of which shall not be less than ten (10) and no more than twenty (20) days prior to the date of said public hearing.

UNFINISHED BUSINESS:

None

ADJOURNMENT

With there being no further business Councilman Scroger moved for adjournment, seconded by Councilwoman DiNatale. Unanimously in favor for adjournment at 9:03 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC
Kendall Town Clerk