

**KENDALL TOWN BOARD**

Tuesday, October 17, 2017 7:00 p.m.

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilwoman Flow	excused
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

**SUPERVISOR’S REMARKS**

Fourth quarter billing for assessor shared services has been sent to the Town of Carlton.  
 Countywide dog control law will be voted upon in October. This will streamline and improve dog control service.  
 The DASNY grant applied for with the aid of Senator Ortz has been submitted. The amount requested was \$75,000 to be used for roof replacement on the Town Hall and Highway buildings and to install automatic doors.

**CORRESPONDENCE**

Orleans County Department of Planning and Development re. Lake Ontario State Parkway Transportation Alternatives Study Survey  
 Jack Howitt – Manager, The Cottages at Troutburg re. intent to convert Planned Unit Development to a four-season resort  
 Residents of The Cottages at Troutburg re. opposition to change from three to four season community  
 Anonymous re. support of The Cottages at Troutburg change from three to four season community  
 Karen B. Leidig re. Matt’s Coats for Kids expansion of program and request  
 NYS Dept. of Financial Services re. new “abandoned properties” legislation and informational events  
 Kendall Community Scarecrow Festival – thank you

**RESIDENTS OF THE COTTAGES AT TROUTBURG WISH TO ADDRESS THE BOARD**

Steve Pheterson – an attorney and Troutburg resident – the difference from three to four season cottages is significant for a number of reasons. The original six cottages were homes built from a kit and do not have basements or any type of winterizing. To convert these homes to proper four season homes will be costly. The owner of Troutburg, Jack Howitt, will not return calls or e-mails to discuss this. There is an issue with the new homes being finished. Landscaping is not completed. Repair of the breakwall is necessary, but not being pursued. The owners of the original cottages feel the resale value of their homes is now severely compromised by being three season cottages in a four season development.

Gwen Merkel, Troutburg resident – the current residents were not notified of the change. Each owner’s lease says three season use. Has the Town approved this significant change to a four season project? If not, please make approval contingent on upgrades to existing homes being completed. Independent contractors have estimated winterizing costs to be \$4000. Resale value is being affected.

The Attorney for the Town thanked the residents for their input. A letter was received by Attorney Meier from Mr. Howitt last week requesting unspecified approvals for changes. The Cottages of Troutburg plan was

submitted to the town as a three season project, but the final approvals do not specifically limit the project to three season use.

Mr. Pheterson said the properties are assessed at 80% of the rate, indicating they were to be considered three season use properties.

Attorney Meier said that issue is separate and not dispositive of whether further town approvals are necessary. He needs time to study the original plan approvals.

Ms. Merkel asked how this change would affect the current lease agreements. Attorney Meier said that would be between the land owner and the cottage owner.

Mr. Pheterson asked if Code Enforcement approved these homes differently because they are three season.

CEO Hennekey said when inspected, all the homes had to meet standard code for insulation of walls and ceiling. Plumbing, however, would have been inspected based upon seasonal use.

Attorney Meier said Mr. Howitt's letter indicated that the conversion is optional.

Mr. Pheterson agreed but feels the three season owners would be damaged by not converting, and so do not feel it IS truly optional. The hope is that the Town will revisit this project's plan and approve this significant change, but with stipulations which include modifications being provided by the land owner to the original existing cottages. Without the modifications, the original six owners feel they are at a distinct disadvantage for potential resale.

Attorney Meier said he does not know what, if any, new approvals may be required of the Town. Notifications are presented in the Hamlin Herald if official notices are made.

Councilman Newell suggested interested parties attend the public meetings each month.

Mr. Pheterson said the names of the lessees are filed with the County Clerk.

Linda Tantello, Troutburg resident, asked for a copy of the letter of support received by the Board.

Diane Blanchard said she is not opposed to the resort converting to a four season resort, but does feel forced to convert her home to winterize it. Mr. Howitt said he will back charge the extra 20 % taxes to anyone who converts after one year. The lease states this is a three season development. Taxes are based on the cottages being three seasons.

A resident stated these are the primary homes of several residents.

Truda Slocum asked if Troutburg was granted a Payment in Lieu of Taxes program. Supervisor Cammarata said it was, and the decision was made by the Orleans County Economic Development Agency. Complaints should be lodged to that group. The town was opposed to the PILOT program.

## **PUBLIC COMMENT**

Truda Slocum, Lakeshore Road – stated she has walked several roads asking neighbors how they felt about their need for public water, and passed three petitions for signatures, which she submitted to the Town Clerk. Response was strongly in favor of having public water supplied. Some spoken with said they had signed previous petitions, but had no response.

Councilwoman Szozda said some petitions are filed. Mrs. Slocum asked why a decision to simply connect the whole Town has not been made. Elba, Barre, Clarendon, Carlton and other towns have done this.

Supervisor Cammarata said the grants for public water come from the USDA, which follows a formula to determine eligibility. The process is very involved. The districts currently being planned require multiple permits from State agencies. The Supervisor said when the town first put water in, the entire town should have been done at that time, but many did not want public water and that is why there is a jigsaw puzzle of water lines through Kendall. Supervisor Cammarata said he would like water for the whole town, but cannot do the entire town due to grant restraints. The Board has already set its priorities for the next in line after the current three districts are completed and the Board depends on the engineers' recommendations for order. Mrs. Slocum urged the Board to consider Lakeshore Road as necessary due to quality and quantity concerns, and questioned why the process being used in other towns to cover the whole town cannot be employed by Kendall.

Supervisor Cammarata said he does not care about any of the other towns or their processes. It should have been done thirty years ago. It is too late now. The Board would like to expand public water, and has been working diligently to do so. The petitions will be passed to the engineer for the town for his recommendation on feasibility.

Mr. Robert Slocum asked when it will be submitted to the engineer, and for an estimated timeline for the engineer's response. Supervisor Cammarata said likely 2019 for the construction of the next districts, after 7, 8 and 9 are completed. Permitting and environmental requirements, income survey information, well testing and other steps all are time consuming. The petitions will be considered.

Councilman Newell said one issue with attempting town-wide public water is the income threshold limits necessary to attain grant funding.

## **REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS**

### **Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin  
Buildings & Grounds – Martin  
Highway – Martin  
No report

Community Relations - Flow  
Culture & Recreation – Flow  
Information Services – Flow  
No report

Human Resources and Ethics – Szozda  
Employee Benefits – Szozda  
Met with Highway Department to explain new medical plan for 2018

Planning, Zoning & Agriculture – Newell  
The Planning Board approved a boat storage permit for Doc Osch boat repair business in the Hamlet area of Kendall Road.

Finance, Taxes & Special Districts – Cammarata  
Justice audit of 2016 is complete  
Assessor agreement with Carlton for 2018 is in place

Orleans County Representative – DeRoller  
No report

### **Boards**

Planning Board – A. Kludt, Chair – no report  
Zoning Board – P. Bolton, Chair – no report

### **Department Heads**

Assessor – G. Massey – no report  
Code Enforcement – P. Hennekey  
- The NYSERDA funding is reinstated for T.Y. Lin inspections  
- Dollar General is progressing and expects to meet its December opening goal  
- Marina – inspection is pending

Highway - W. Kruger – no report  
Historian – H. Banker – no report  
Recreation – M. Werth - written report submitted  
Town Clerk – A. Richardson – written report submitted  
Town Justices – D. Drennan, D. Gaudioso – written reports submitted  
Supervisor – A. Cammarata – written report submitted

## **RESOLUTIONS**

Councilman Martin made the following motion, seconded by Councilwoman Szozda:

### **RESOLUTION 91-1017 BUDGET AMENDMENT INCREASE VARIOUS GENERAL ACCOUNTS**

Increase general account A2770, Other Classified Revenues \$1900.00.

Increase general account A1220.41, Contractual-Supervisor \$200.00

Increase general account A5132.4, Garage \$1,200.00

Increase general account A8160.4, Refuse & Garbage Contractual Expense \$50.00.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilwoman Szozda made the following motion, seconded by Councilman Martin:

### **RESOLUTION 92-1017 RESOLUTION TO ADJUST CAPITAL PROJECT ACCOUNTS**

Be it resolved to amend budget revenue account DA3501 Consolidated Highway from \$81,445.00 to \$93,454.07 an increase of \$12,009.07. This increase is for Extreme Winter Recovery appropriations made by New York State under special legislation enacted in the spring of 2017.

Be it further resolved to increase the appropriation in account DA5112.2, Capital Improvements Contractual by \$12,009.07 for a total of \$152,995.07. And

Be it further resolved, this resolution also adjusts the same line item in the 2017, 284 Agreement.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilman Newell made the following motion, seconded by Councilwoman Szozda:

### **RESOLUTION 93-1017 BUDGET AMENDMENT TO REFLECT REIMBURSEMENT OF EXPENSES INCURRED FROM NEW YORK STATE SNOW AND ICE OPERATIONS**

Be it resolved to increase highway revenue account DA2302, Snow Removal Other Governments from \$15,212.00 to \$53,269.84 and

Be it further resolved to transfer from account DA 2302 to the following:

Increase Highway Appropriations Account DA5142.10 Snow Removal, Personal Services, from \$91,624 to \$120,624, for a total (increase) of \$29,000.00 and

Increase Highway Appropriations Account DA9030.8 Social Security from \$11,868 to \$13,666, for a total (increase) of \$1,798.00 and

Increase Highway Appropriations Account DA9031.8, Medicare from \$2,776.00 to \$3,196.00, for a total (increase) of \$420.00 and

Increase Highway Appropriations Account DA5142.4 Snow Removal Contractual from \$69,250 to \$76,090 for a total (increase) of \$6,840.00.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

(Clerk's note: this is an adjustment, not a transfer.)

Councilman Martin made the following motion, seconded by Councilwoman Szozda:

**RESOLUTION 94-1017 BUDGET AMENDMENT REIMBURSEMENT OF EXPENSES FOR MOWING AND GROUNDS CARE FOR CEMETERIES AND TOWN HALL**

Be it resolved to transfer \$11,764.75 to General Inter-fund Transfer A9901.00

to Highway Inter-fund Transfer DA5031

Be it further resolved to transfer from Highway Account DA5031 \$10,900 to DA5140.1 Brush and Weeds Personal Services, and

Increase Highway Appropriations Account DA9030.8 Social Security \$676.00 from \$13,666 to \$14,232.00 and also be it resolved to

Increase Highway Appropriations Account DA9031.8 Medicare \$158.00 from \$3,196 to \$3,354.00.

(Clerk's note: left as submitted)

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilwoman Szozda made the following motion, seconded by Councilman Martin:

**RESOLUTION 95-1017 BUDGET TRANSFER HIGHWAY APPROPRIATIONS**

Be it resolved to transfer \$5,000.00 from Highway Account DA5110.4 Maintenance of Streets Contractual to Highway Account DA5130.4 Machinery Contractual, increasing the appropriation to \$57,000.00

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilman Newell motioned to accept the claims as presented in Abstract 10, seconded by Councilman Martin; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 10	\$ 30,342.75	Vouchers 650-678,680
Highway Fund	Abstract 10	\$ 40,356.71	Vouchers 653,654,681-702
Light District One	Abstract 10	\$ 443.96	Voucher 670
Light District Two	Abstract 10	\$ 263.01	Voucher 670
Light District Three	Abstract 10	\$ 140.55	Voucher 670
Water District Six	Abstract 10	<u>\$ 1,558.65</u>	Vouchers 671,679,680
		\$ 73,105.63	

**OLD BUSINESS**

- Defibrillators/CPR Training – notices sent
- Kendall’s Finest – taking frame to tag printer for sizing
- Supervisors’ Wall – frames need to be changed; photos have been taken down and are with the Historian
- Clean Energy Community Grant - \$2,500 has been granted; need to decide how to utilize
- LED Streetlights – National Grid confirms 90 street lights within Kendall
- Morton Union Cemetery – a grant application is being prepared; a walk through is planned for Councilman Martin to see the area; a survey and new signs may be included
- Tour of Orleans Millworks – on hold until Councilwoman Flow is healed and able to participate
- Lake Ontario State Parkway Advisory Committee – survey is available, and response is urged
- LWRP Amendment Committee – Tour of all Orleans County lakefront towns with the consultants was attended
- Orleans County Proposed county-wide dog control law (included in packet) – expected to pass; our Local Law would need to be rescinded, which will require a Public Hearing.

**NEW BUSINESS**

Senator Schumer was at Bald Eagle Marina to promote NYS fishing industry and tourism.

With no further business coming before the Board, Councilman Newell made a motion for adjournment, seconded by Councilman Martin; all ayes. Meeting closed at 8:32 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk

