

KENDALL TOWN BOARD
Kendall Town Hall – 1873 Kendall Road, Kendall, New York
March 18, 2014 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	excused
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Meier, CEO Hennekey, Hwy. Supt. Kruger, Chairman Wenzel, David Gaudioso, Al and Bev Lofthouse, Mary Ellen Seaman, Ken Lillibridge, Mrs. Cammarata, Legislator DeRoller

SUPERVISOR'S REMARKS

Thank you to the highway dept. for the excellent efforts during the recent storm.
Appreciation was expressed to those who applied for the open positions on the Town Board, the Planning Board, the Zoning Board, and the Board of Assessment Review.

CORRESPONDENCE

Letter from Thaddeus Nauden of the American Red Cross, apologizing for the disarray of the meeting room after the recent blood drive

Letter of resignation from Zoning Board of Appeals Chairman Smith

Letter of resignation from Board of Appeals member Craig Lape

Letter from Beverly Daubney – to State Representatives – complaint regarding the lack of Lake Ontario State Parkway road and bridge maintenance

Letter from O.C. Clerk of the Legislature, Nadine Hanlon - Notification of Orleans County Legislature Resolution 82-214 calling for an alternative to the property tax freeze that will lead to tax reductions by eliminating state mandates imposed on county property taxpayers

Letters from Town of Clarendon Clerk, Susan Colby, and Town of Carlton Clerk, Pam Rush – their respective resolutions passed requesting the International Joint Committee (controls the water levels of Lake Ontario) to reject proposed plan 2014 in its entirety, to protect the interests of Orleans County residents who own property or businesses along the shoreline (A similar resolution was passed by the county legislature in September)

ACCEPTANCE OF MINUTES

Councilwoman Szozda motioned to accept the minutes of February 18, 2014, as presented, seconded by Councilman Newell; all ayes.

Councilman Newell has submitted minutes for a work session held on March 10, 2014. A final draft will be forwarded to Clerk Richardson for inclusion in the record.

PUBLIC COMMENT

Ken Lillibridge, Petersmith Road, shared information about the expansion of natural gas through Kendall, and recounted his efforts to that end. He suggested two members of the Board go to RG&E in person and determine a path forward to facilitate natural gas expansion. Also, asked about water expansion efforts of this current Town Board, and offered his assistance to move the process to the next step.

Supervisor Cammarata said the petitions have been done (Clerk’s note – it is a survey which has been done, not a petition). Councilwoman Szozda said petitions were sent town-wide (Clerk’s note – surveys were sent, not petitions), survey results were tabulated and mapped, and the engineers have those results, and have had for several months.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph
Buildings, & Grounds –Joseph
Information Services –Joseph
no report

Highway – no report

Community Relations – Town-wide clean-up scheduled for April 26, 2014
Ray Ernenwein Memorial Health Fair March 29
Methodist Buffalo Dinner – April 12
Masons’ Scholarship Ham Dinner – April 19
Baptist Beef on Weck dinner
Music Boosters’ Dessert Cabaret - April

Culture & Recreation - Szozda
Human Resources and Ethics –Szozda
Employee Benefits –Szozda
Paperwork for NYS Retirement System is being completed

Planning, Zoning & Agriculture – Newell
New members are being added to both boards. Much thanks to Joyce Henry for taking on the challenge of reviewing the General Code codification manuscript.

Finance, Taxes & Special Districts –Cammarata – no report

Orleans County Representative – Ken DeRoller
Canal bridge undertaking was described. An inventory and mapping of Orleans County canal bridges has been completed.

Boards

Planning Board – R. Wenzel, Chair

Codification review and a Public Hearing for a Special Use permit for a dog kennel later this month.

Zoning Board – G. Smith, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey –

Both CEO Hennekey and Deputy CEO Strong are attending FLBOA training all week.

Direction from the Supervisor and the Attorney for the Town is needed as to the recommendations which need to be followed regarding the WPDD at Troutburg. C. of C.'s and C. of O.'s requests are imminent.

Councilman Newell feels the attorney should review this.

Highway - W. Kruger

-Busy with snow clearing. Stores of salt and sand have been adequate.

-In response to Mr. Lillibridge's comments, there have been two natural gas expansions – one to Orchard and Smith Drives, and one north of the hamlet to Carr Road. The town is not involved in the process. Potential customers contact the company, the cost may be split with the customers, and it has to fit RG&E's model for them to agree to expand.

-Frost damage has been heavy, particularly on the county roads

-a curbside brush pick-up will be scheduled, possibly for the week of May 12th

-Equipment being prepared for Spring work

-Albany trip made by NYS Highway Superintendents is to help keep the money collected for highway maintenance for its intended purpose. Much of the money gets siphoned to the General Fund and is funneled to NYC.

-Orleans County will be providing training to all the Highway Superintendents on the new broadband radio system

-The chapel in the West Kendall cemetery must have some work done on the roof to avoid irreparable damage

-The previously discussed drainage matter is still an issue.

Attorney Meier responded, "I did speak with Atty. Roberson today. It was a good conversation. He communicated to me what you are seeking, and referenced pertinent provisions of the highway law. I printed those off, and I have a little research to do, and will be circulating information to the Board, relative to that, probably sometime next week, and then it will be in the Board's hands at that point."

Mr. Kruger asked, "So, are we going to have the ability to interact, because I have a thick file of relevant information to this, which I should share with you?"

Atty. Meier – "So long as Mr. Roberson is in the mix, I think we have to have him somehow involved."

Mr. Kruger – "In other words, in my conversation with him, I want to keep the cost here to the absolute minimum. The way I see it here, you have to have the proper background and information so you can advise them or whatever. I'm willing to share. I have a few things there that if it goes the other way, it may have to go under 140 to get the obstruction off to the side. At any rate, in all that matter, that knowledge is useful and

saves us all messing around. Spring is coming and that block will be a problem. So, I guess I can pick it up with you this weekend?”
Atty. Meier – “Yes, that would be good”

Historian – K. Corcoran – no report
Recreation – B. Flow –written report submitted
Town Clerk – A. Richardson – written report submitted
Town Justices – D. Drennan, S. Cliff – written report submitted
Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

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

RESOLUTION 46-0314 CORRECTION OF ERROR ON ABSTRACT 2

Whereas an error was made on Abstract 2 of 2014, which was not detected through the audit process, and has been subsequently discovered, and must be corrected, therefore now be it so

RESOLVED, to delete Voucher 110 from the Highway Fund listing on Abstract 2, which reduces the total for the Highway Fund to \$ 37,120.97, and be it also

RESOLVED, to add \$ 622.07, charged to account A5132.4 Garage contractual, to Voucher 110 on the General Fund list, which increases the total for the General Fund listing on Abstract 2 to \$ 34,630.40.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 47-0314 APPOINTING REBECCA CHARLAND TO THE ZONING BOARD OF APPEALS

Whereas a vacancy has existed on the Town of Kendall Zoning Board of Appeals, and the Kendall Town Board has interviewed and approved the application of Rebecca Charland, Norway Road, to fill such position, so be it

RESOLVED, to appoint Rebecca Charland to the Town of Kendall Zoning Board of Appeals, for a term commencing April 1, 2014, with such term ending December 31, 2015.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

Mrs. Charland was not in attendance.

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

RESOLUTION 48-0314 ACCEPTING GAY SMITH’S RESIGNATION

Be it hereby resolved to accept Gay Smith’s resignation from the Zoning Board of Appeals, as Chairman and as member, effective immediately.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 49-0314 ADVERTISE VACANCY ON THE KENDALL ZONING BOARD OF APPEALS

Whereas the Town of Kendall Zoning Board of Appeals now has another vacancy, so be it

RESOLVED that the Town Board directs the Town Clerk to place an advertisement for that vacant position in the official newspaper and on the town web site, seeking interested Town of Kendall residents to serve on the Kendall Zoning Board of Appeals. (Individuals should direct their letters of interest to Amy Richardson, Town Clerk, P.O. Box 474, Kendall, New York 14476 on or before April 18, 2014, or hand deliver to 1873 Kendall Road, Kendall, New York during her normal business hours.)

The Town Board of the Town of Kendall reserves the right to accept or reject any or all candidates.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 50-0314 APPOINTING PAUL JENNINGS TO THE TOWN OF KENDALL BOARD OF ASSESSMENT REVIEW

Whereas a vacancy has existed on the Board of Assessment Review, and the Kendall Town Board has interviewed and approved the application of Dr. Paul Jennings, 16705 Banner Beach, so be it

RESOLVED, to appoint Dr. Paul Jennings to the Board of Assessment Review, for a full term commencing April 1, 2014 and such term ending September 30, 2018.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

Mr. Jennings was not in attendance.

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

RESOLUTION 51-0314 ACCEPTING CRAIG LAPE’S RESIGNATION

Be it hereby resolved to accept Craig Lape’s resignation from the Town of Kendall Board of Assessment Review, effective immediately.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 52-0314 ADVERTISE VACANCY

Whereas the Town of Kendall Board of Assessment Review now has another vacancy, so be it

RESOLVED that the Town Board directs the Town Clerk to place an advertisement for that vacant position in the official newspaper and on the town web site, seeking interested Town of Kendall residents to serve on the Kendall B.A.R. (Individuals should direct their letters of interest to Amy Richardson, Town Clerk, P.O. Box 474, Kendall, New York 14476 on or before April 30, 2014, or hand deliver to 1873 Kendall Road, Kendall, New York during her normal business hours.)

The Town Board of the Town of Kendall reserves the right to accept or reject any or all candidates.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 53-0314 APPOINTING PATRICK BOLTON CHAIRMAN OF THE ZONING BOARD

Whereas the Zoning Board of Appeals is currently without a Chairman and Zoning Board Member Bolton has agreed to assume this position, be it hereby

RESOLVED, to appoint Patrick Bolton as Chairman of the Town of Kendall Zoning Board of Appeals, term commencing on April 1, 2014, and ending December 31, 2017.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

Mr. Bolton was not in attendance.

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

RESOLUTION 54-0314 APPOINTING FELICE D'AGOSTINO TO PLANNING BOARD

Whereas a vacancy has existed on the Town of Kendall Planning Board, and the Kendall Town Board has interviewed and approved the application of Felice D'Agostino, 1061 West Kendall Road, so be it

RESOLVED, to appoint Felice D'Agostino to the Town of Kendall Planning Board, for a term commencing April 1, 2014 and such term ending December 31, 2016.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

Mr. D'Agostino was not in attendance.

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

RESOLUTION 55-0314 APPOINTING RUSSELL LEVETT TO KENDALL TOWN BOARD

Whereas a vacancy has existed on the Town of Kendall Town Board, and the Kendall Town Board has interviewed and approved the application of Russell Levett, of 16511 Roosevelt Hwy., to fill such position until the next general election, so be it

RESOLVED, to appoint Russell Levett to the Town Board of the Town of Kendall, his term as Councilman commencing April 1, 2014, with such term ending December 31, 2014.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 56-0314 IN OPPOSITION TO EXPANDING NATIVE AMERICAN CASINO GAMING IN WESTERN NEW YORK

WHEREAS, the Town of Kendall, New York is a picturesque and diverse town in Orleans County with a population of approximately 2733, and

WHEREAS, Town of Kendall is a vibrant community with an outstanding quality of life, beautiful scenery, rich history and strong sense of community, and

WHEREAS, Town of Kendall also enjoys a reputation for excellent services, including a first rate educational system, and

WHEREAS, maintaining of the high quality of life expected by the residents of the Town of Kendall is of the utmost importance to this board, and

WHEREAS, Batavia Downs Gaming and Western Region Off Track Betting Corporation are located in the City of Batavia in Genesee County, and

WHEREAS, Orleans County is one of 15 counties in Western New York that own Western Region Off Track Betting Corporation, and

WHEREAS, as one of the municipal "stockholders" in WROTB, Orleans County has a *pro-rata* financial interest in the \$69 million of net equity re-invested in WROTB's 3D-plus corporately-owned branch facilities and the track and casino at Batavia Downs, and

WHEREAS, since its inception, WROTB has generated over \$215 million in operating and surcharge revenues to the taxpayers of those participating municipalities, including Orleans County, and

WHEREAS, the Seneca Nation has initiated a process to locate a full Las Vegas-style gaming casino in the region, and

WHEREAS, an additional casino in Western New York will place in great jeopardy the sustainability of Batavia Downs Gaming, thus negatively impacting Orleans County's financial interest and investment in WROTB, and

WHEREAS, the Orleans County Legislature recently passed legislation opposed to the expansion of casino gaming as such an expansion would have likely lead to the reduction or elimination of WROTB's annual payment to Orleans County, and this board does support the county's position on this issue, therefore be it

RESOLVED, that the Kendall Town Council does hereby join the Orleans County Legislature in opposing the location of an additional casino located in the region owned and operated by the Seneca Nation, and be it further

RESOLVED, that copies of this resolution be sent to each member of the New York State Legislature representing the Town of Kendall, the Governor of New York and members of the Orleans County Federal Delegation, and be it further

RESOLVED, that members of the New York State Legislature representing Town of Kendall, the Governor of New York and members of the Orleans County Federal Delegation be urged to join this Board in the opposition of any new proposed casino to be owned and operated by the Seneca Nation in Western New York.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 57-0314 SUPPORTING NEW YORK STATE ASSEMBLY BILL A-07588 KNOWN AS THE RURAL BROADBAND DEPLOYMENT ACT WHICH PROMOTES RURAL BROADBAND DEPLOYMENT BY PROVIDING RESIDENTS AND SMALL BUSINESSES WITH TAX CREDITS FOR BROADBAND DEPLOYMENT

WHEREAS, high-speed Internet service is essential for commercial economic growth, for our education system, and the overall well-being of our citizens; and

WHEREAS, the Internet Innovation Alliance has published the following statistics relative to broadband access and jobs:

- *More than 62% of American workers, including our farmers, rely on the Internet to do their jobs*
- *Among U.S. workers, 14% telecommute or work from home at least one day a week*
- *Jobs that depend upon broadband availability are projected to increase 25% by 2018*
- *37% of employees say the ability to telecommute would cause them to choose one job over another*
- *Job seekers had a 27% increase in success by using social networks to generate referrals*
- *Nearly 75% of public libraries offer computer resources for job seekers*
- *Nearly 18% of new jobs in North Carolina were created as a direct result of broadband*
- *In Minnesota, 60% of unemployed adults, 30% of homemakers, and 17% of retirees say they would likely join the workforce if empowered by teleworking*

- *A \$10 billion investment in broadband would produce nearly 500,000 new jobs*
- *Local economic growth and secondary investment enabled by broadband expansion is 10 times the initial investment; and*

WHEREAS, there are significant areas of the County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS, the County has made broadband deployment a priority as evidenced by their commitment to having a broadband study performed (under the umbrella of the Niagara-Orleans Regional Alliance (NORA)) which will identify broadband deficiencies and potential solutions to address the deficiency; and

WHEREAS, broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of the County; and

WHEREAS, New York State Assembly bill A-07588, known as the Rural Broadband Deployment Act, would promote rural broadband deployment by providing residents, and small business with tax credits for broadband deployment; and

WHEREAS, the bill would allow for residents, municipalities, and small business in un-served areas to come together, pool their economic power, and select a broadband provider to deploy services to their area; and

WHEREAS, any eligible out of pocket expenses the resident, municipalities, or small business incurs for the construction of the network, would be eligible for a 100% refundable tax credit over 5 years; and

WHEREAS, the New York State Senate has passed companion bill S-05481 in support of the Rural Broadband Deployment Act; now, therefore be it

RESOLVED, that the Kendall Town Board supports New York State Assembly bill A-07588, known as the Rural Broadband Deployment Act; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo, State Majority Leader Dean Skelos, State Senator George D. Maziarz, State Assembly Speaker Sheldon Silver, State Assemblyman Steve Hawley, State Assemblywoman Jane Corwin, and all others deemed necessary and proper.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 58-0314 ORLEANS COUNTY CANAL BRIDGES – REQUESTING ELECTED OFFICIALS TO INCREASE PRIORITY OF CORRECTIVE EFFORTS

WHEREAS, the Town of Kendall is in support of Orleans County to get the NYS Department of Transportation and NY Canal Corporation to increase their corrective efforts, and

WHEREAS, there is a growing concern of the continued limited access of canal bridges in Orleans County as a result of several bridges being closed over the Erie Canal or having had the weight restrictions significantly lowered; and

WHEREAS, with these limitations, Orleans County is extremely concerned with the ability of emergency servicing vehicles getting across the Erie Canal to an emergency under a very critical time frame to save lives and property; and

WHEREAS, Orleans County has seen serious restrictions in the movement of farm equipment and implements over the canal, now forced to drive long distances to access their land, impacting our agricultural industry; and

WHEREAS, Orleans County has also seen the closed bridges, or weight reductions, significantly hinder commercial vehicles within our County, causing them to travel extensive miles to pass over the Erie Canal on a bridge that allows their weight limit; therefore be it

RESOLVED, that the Town of Kendall Town Board is in support of Orleans County to address these ongoing concerns, and calls upon our elected officials to help address the limited access of canal bridges in Orleans County; and be it

FURTHER RESOLVED, that the Clerk to the Town Board forward this resolution to Governor Cuomo, Senator George Maziarz, Assemblyman Steve Hawley, New York State Department of Transportation, New York State Canal Corporation, New York State Department of Homeland Security and Emergency Services, New York Farm Bureau, Orleans County Farm Bureau, and all others deemed necessary and proper.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION 59-0314 RESCHEDULING APRIL TOWN BOARD WORK SESSION

Be it resolved to reschedule the work session of April 14 to April 7, 2014 at 7:00 p.m., to be held at the Kendall Town Hall. Notice of this change will be sent to the official paper and to the website.

Supervisor Cammarata called for a vote, which resulted in all ayes, and declared the motion carried.

Councilwoman Szozda made a motion to accept the Payment of Claims, as presented, seconded by Councilman Newell; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 3	\$14,786.18	Vouchers 122-125,127,129-142,144-158,189
Highway Fund	Abstract 3	\$42,907.67	Vouchers 124,128,134,159-188
Light District One	Abstract 3	\$640.18	Voucher 145
Light District Two	Abstract 3	\$371.74	Voucher 145
Light District Three	Abstract 3	\$211.76	Voucher 145
Water District Five	Abstract 3	\$9,074.99	Voucher 126
Water District Six	Abstract 3	<u>\$50.20</u>	Vouchers 143,155
		\$68,042.72	

OLD BUSINESS

Water Expansion

No new progress

Codification

Planning Board member Joyce Henry has offered to review the General Code codification books for correctness and for completeness, with Councilman Newell

Agreement with the Town of Carlton for Shared Services

Supervisor Cammarata has met with Supervisor Ashbery of Carlton, to resolve some issues of miscommunication. Payment should be made soon, and the agreement will be signed later this week.

NEW BUSINESS

Eagle Creek Marina Update

Regarding the loan, a letter was written to the Director of Homes and Community Renewal. They were asking for a letter documenting the history of the loan agreement with the Marina, and the reasons for its default. The letter will be forwarded to HUD. There is no decision as to whether the town will have to repay the loan. The payments which were made by Mr. Freemesser are in an account. Any decision will be announced.

U.S.D.A. Rural Development Audit

An audit was done by the USDA because we have federal loans and have to follow their rules as a result. Handicapped parking needs to be properly addressed, and safety fixes in the restrooms were advised. All town stationery will now have inserts from the USDA according to their requirements.

With no further business coming before this Board, Councilwoman Szozda motioned for adjournment, seconded by Councilman Newell; all ayes. Meeting adjourned at 8:13 p.m.

Respectfully submitted,

Amy K. Richardson, Kendall Town Clerk