

**KENDALL TOWN BOARD**  
Tuesday, July 19, 2016 7:00 p.m.  
Kendall Town Hall ó 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:01p.m., and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR'S REMARKS**

BAN has been renewed at 1.5% interest rate  
USDA no longer holds the loans for the water districts

**CORRESPONDENCE**

Orleans County Brochure ó promoting local produce/meat producers

**PUBLIC COMMENT**

none

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

**Standing Committees**

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

Community Relations ó Flow  
Homegrown Days ó plans in place with high expectations. No alcohol and no street closing this year. Help is needed.

A benefit at the Marina raised \$11,000. No mention of what was benefitted.

Culture & Recreation ó Flow  
Hunter Safety classes being scheduled

Information Services ó Flow  
Website continually updated

Human Resources and Ethics ó Szozda  
Paychex is now our healthcare agent.  
Employee Benefits ó Szozda

Planning, Zoning & Agriculture ó Newell  
No report

Finance, Taxes & Special Districts ó Cammarata  
No report

Orleans County Representative ó DeRoller ó not present

## **Boards**

Planning Board ó A. Kludt, Chair

No report

Zoning Board ó P. Bolton, Chair

No report

## **Department Heads**

Assessor ó G. Massey

No report

Code Enforcement ó P. Hennekey

Eight new homes are under construction in 2016.

CEO Hennekey met with Jack Howitt regarding his proposal to change The Cottages at Troutburg into a four season (year round) resort. This change in the scope of that project will need scrutiny. Supervisor Cammarata said he conferred with Attorney Meier about this and would talk to Mr. Hennekey after the meeting.

The semi-annual budget figures for Code Enforcement were surprising. CEO Hennekey was unaware that his department was to pay for expenses relating to consolidating the Town of Kendall Code. Plans for significant expenditures for which the department heads have no election should be discussed at budget time, so a realistic estimate can be submitted. The Board assured CEO Hennekey that those expenses would be taken better into account during the 2017 budget preparation.

Highway - W. Kruger

Building roof needs repair.

Air compressor needs replacing.

A defibrillator is requested for the highway building.

Summer work is underway, including culverts, shoulders, and paving of West Kendall Road.

A pre-stop sign is to be installed on Kendall Road by NYS.

Carnival went well.

Historian ó H. Koch ó no report

Recreation ó M. Werth ó written report submitted

Town Clerk ó A. Richardson ó written report submitted

Town Justices ó D. Drennan, D. Gaudioso ó written reports submitted

Supervisor ó A. Cammarata ó written report submitted

## **RESOLUTIONS**

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

### **RESOLUTION 75-0716: BUDGET TRANSFER FOR WATER DISTRICT 2**

Increase Serial Bond Principal Account SW2-9710.63, \$1,000.00, from \$7,000.00 to \$8,000.00.

Reduce Serial Bond Interest Account SW2-9710.73 \$1,000.00 from \$7,350.00 to \$6,350.00.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 76-0716: BUDGET TRANSFER FOR WATER DISTRICT 3**

Increase Serial Bond Principal Account SW3-9710.63, \$9,000.00, from \$8,000.00 to \$17,000.00.

Reduce Serial Bond Interest Account SW3-9710.73, \$9,000.00, from \$12,113.00 to \$3,113.00.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 77-0716: BUDGET TRANSFER FOR WATER DISTRICT 4**

Increase Serial Bond Principal Account SW4-9710.63, \$34,000.00, from \$24,000.00 to \$58,000.00.

Reduce Serial Bond Interest Account SW4-9710.73, \$34,000, from \$45,900.00 to \$11,900.00.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 78-0716: BUDGET TRANSFER FOR WATER DISTRICT 5**

Increase Serial Bond Principal Account SW5-9710.63, \$2,000.00, from \$15,000.00 to \$17,000.00.

Reduce Serial Bond Interest Account SW5-9710.73, \$2,000.00, from \$16,913.00 to \$14,913.00.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 79-0716 AUTHORIZING SUPERVISOR TO SUBMIT LOAN AND GRANT APPLICATIONS FOR POTENTIAL WATER DISTRICT 7**

RESOLVED, that the Supervisor of the Town of Kendall, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Town of Kendall Water District 7

(a/k/a Norway Road Water District) and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and to execute such documents as may be required in connection with obtaining said loan and grant funds.

Supervisor Cammarata called for a roll call vote, with following results:

Councilwoman Flow	aye
Councilman Martin	absent
Councilman Newell	aye
Councilwoman Szozda	aye
Supervisor Cammarata	aye

Supervisor Cammarata declared the motion carried.

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

**RESOLUTION 80-0716 AUTHORIZING SUPERVISOR TO SUBMIT LOAN AND GRANT APPLICATIONS FOR POTENTIAL WATER DISTRICT 8**

RESOLVED, that the Supervisor of the Town of Kendall, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit the application for loan and grant assistance to the USDA Rural Development for improvements to the Town of Kendall Water District 8 (a/k/a Kendall and Creek Roads Water District) and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and to execute such documents as may be required in connection with obtaining said loan and grant funds.

Supervisor Cammarata called for a roll call vote, with following results:

Councilwoman Flow	aye
Councilman Martin	absent
Councilman Newell	aye
Councilwoman Szozda	abstain
Supervisor Cammarata	aye

Supervisor Cammarata declared the motion carried.

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 81-0716 LAKE ONTARIO STATE PARKWAY (LOSP)**

WHEREAS, Governor Cuomo calls for a direct linkage between tourism, agriculture, and marketing the Upstate New York Region as a whole in order to foster economic development; and

WHEREAS, Orleans County relies upon safe and secure roads to move products to markets, produce food and fiber, and receive tourists; and

WHEREAS, the 15 mile-extension of the LOSP from Hamlin Beach State Park to Lakeside Beach State Park is in desperate need of repair; and

WHEREAS, 5.5 miles of this section of the LOSP has been labeled "Rough Road" by the Department of Transportation; and

WHEREAS, the current condition of the LOSP has a negative effect on the property taxes in the Town of Kendall and has significantly reduced commerce to areas of Orleans County; and,

WHEREAS, first responders in the Town of Kendall elect to take alternative routes because they deem the LOSP unsafe to use for emergency calls due to current road conditions; and,

WHEREAS, other parts of this federally-funded highway have recently been resurfaced, while the portion between Hamlin Beach State Park and Route 237, Kendall/Holley exit remains unattended to, now, therefore be it

RESOLVED, that the Kendall Town Board does hereby request that the Governor and the State Legislature immediately fund the repair and maintenance of this section of the LOSP so our residents and other tax payers can reap the same benefits as other residents who utilize New York State roadways throughout the state; and be it

FURTHER RESOLVED, that the Town Clerk hereby send this resolution to Governor Andrew M. Cuomo, Commissioner of DOT Matthew J. Driscoll, U.S. Congressman Chris Collins, Senator Kristen Gillibrand, Senator Charles Schumer, Senator Robert Ort, Assemblyman Steve Hawley, Orleans County Chairman David Callard, Gayle Ashbery, Supervisor for the Town of Carlton, and Nadine Hanlon, Clerk of the Orleans County Legislature. (msr)

Discussion: Councilman Newell questioned the timing of this resolution, given that the County is undertaking a feasibility study to look into alternative plans for the Parkway, rather than simple maintenance. Supervisor Cammarata said it is felt that unnecessary work has been completed on other sections of the LOSP, and this area should be demanding a fair share of funding for the section which directly affects the Town.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 82-0716 AUTHORIZING SUPERVISOR CAMMARATA TO ENTER INTO AN AGREEMENT WITH THE BAND FOR THE HOMEGROWN CELEBRATION**

Whereas there is an event including live music planned for August 13, 2016,

Be it resolved to authorize Supervisor Cammarata to enter into an agreement with Country Class, a local band, to provide music for said event on August 13, 2016, at a cost not to exceed \$400.00, and be it further resolved to authorize Supervisor Cammarata to pay the band on that date.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 83-0716 AUTHORIZING EXECUTION OF AGREEMENT TO EXPEND HIGHWAY MONEYS**

WHEREAS, the Kendall Town Board and the Highway Superintendent have agreed to set aside the amount of \$143,361 for general repairs and \$174,322 for permanent improvements, and to undertake the specific improvements set forth in the agreement attached; and,

WHEREAS, this agreement is to be executed in furtherance of the provisions of Section 284 of the New York State Highway Law; and,

WHEREAS, the Town Board has determined that it is in the best interest of the Town to authorize the execution of the attached agreement, and,

WHEREAS, the execution of the agreement to spend town highway funds for repairs and improvements to Town of Kendall roads is hereby determined not to have a significant effect on the environment, so now,

Therefore, be it RESOLVED, that the Town Supervisor, Town Board members and Highway Superintendent be authorized to execute the attached Agreement to spend Town Highway Funds.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 84-0716 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN AN EASEMENT FOR LAND ON KENMOR ROAD OWNED BY DOUGLAS AND SARA MERLE**

Resolved, to authorize Supervisor Cammarata to accept delivery of and sign any documents relating to acceptance and recording of an easement required by the Monroe County Water Authority for a new water connection for property on Kenmor Road owned by Douglas and Sara Merle, Parcel ID 33.-1-43.512.

Supervisor Cammarata called for a vote, resulting in all ayes. Motion carried.

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

**RESOLUTION 85-0716 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN LEGAL SERVICES AGREEMENT WITH WEBSTER SCHUBEL & MEIER, LLP FOR WATER DISTRICT 7**

Resolved, that Supervisor Cammarata be authorized to sign Legal Services Agreement dated the 21<sup>st</sup> Day of June, 2016, for services to be performed in connection with the formation of Water District 7.

Discussion: Councilwoman Flow asked why the agreement's date is past. Attorney Meier said that was the date he signed it. It will not be in effect until signed by the Supervisor.

Supervisor Cammarata called for a roll call vote, with following results:

Councilwoman Flow aye  
Councilman Martin absent  
Councilman Newell aye  
Councilwoman Szozda aye  
Supervisor Cammarata aye

Supervisor Cammarata declared the motion carried.

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 86-0716 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN LEGAL SERVICES AGREEMENT WITH WEBSTER SCHUBEL & MEIER, LLP FOR WATER DISTRICT 8**

Resolved, that Supervisor Cammarata be authorized to sign Legal Services Agreement dated the 21<sup>st</sup> Day of June, 2016, for services to be performed in connection with the formation of Water District 8.

Supervisor Cammarata called for a roll call vote, with following results:

Councilwoman Flow aye  
Councilman Martin absent  
Councilman Newell aye  
Councilwoman Szozda aye  
Supervisor Cammarata aye

Supervisor Cammarata declared the motion carried.

Councilwoman Szozda made a motion to pay the claims, as presented, seconded by Councilman Newell; all ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 7	\$ 25,023.46	Vouchers 458-508
Highway Fund	Abstract 7	\$ 31,614.03	Vouchers 462,502,515-535
Light District One	Abstract 7	\$ 401.54	Voucher 491
Light District Two	Abstract 7	\$ 241.42	Voucher 491
Light District Three	Abstract 7	\$ 127.35	Voucher 491
Water District Two	Abstract 7	\$ 8,549.44	Voucher 510
Water District Three	Abstract 7	\$ 18,108.59	Voucher 511
Water District Four	Abstract 7	\$ 62,251.77	Voucher 512
Water District Five	Abstract 7	\$ 18,568.15	Voucher 513
Water District Six	Abstract 7	<u>\$ 8,176.50</u>	Vouchers 492,503,514
		<b>\$ 173,062.25</b>	

## **OLD BUSINESS**

LWRP Update ó no report

Defibrillator ó availability and training ó no report

Kendall's Finest ó Mr. Driesel said it had not been possible for Councilman Martin and the engraver to schedule a meeting, so Mr. Driesel prepared designs, which he showed the Board, and it was decided to move forward.

NYS Affordable Solar Program ó Community Distributed Solar Discussion

Two sessions will be held in Albion to educate county residents about the advantages of municipal solar energy efforts

Waste water grants ó on hold

## **NEW BUSINESS**

Solar Moratorium ó a prototype from Orleans County was distributed for review by Board, for its input regarding possible avenues of regulation of commercial solar farming.

Supervisor Cammarata thought the distributed law was for a moratorium drafted by Attorney Meier, and said he would provide copies of such to each Board member for his/her consideration as to whether a moratorium would be appropriate for the Town of Kendall.

Councilman Newell expressed the importance of researching issues associated with solar power, and specifically opt-out options and consequences.

Karl Driesel ó Monroe County Water Authority has informed Mr. Driesel that the easement to his property has been recorded. Mr. Driesel has some reservations about the wording of his agreement with MCWA to hook-up to the water line, regarding the issue of the Authority's ability to self-amend agreements. He wants the Board to be aware of the additional wording he has added to the agreement. It is added at the end of the last sentence in the first paragraph, and consists of: "except as the law and this applicant also agrees to comply with any current and future amendments to the Water Authority's rules and regulations, except as the law and/or arrangements between MCWA and the Town of Kendall otherwise, including the existing exemption provide an easement along Crandall Road."

With no further business brought forward, Councilwoman Szozda motioned for adjournment, seconded by Councilwoman Flow; meeting adjourned at 8:07 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk