

KENDALL TOWN BOARD

Tuesday, February 21, 2017 7:00 p.m.

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

CALL TO ORDER

Reference location of fire exits and request all cell phones be silenced

PLEDGE OF ALLEGIANCE

ROLL CALL

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

SUPERVISOR’S REMARKS

A new, updated contract for the Snow and Ice Agreement will have to be redone, as the extension filed in December has been rejected by the NYS DOT headquarters in Albany. Rejection was widespread for those originally signed previous to 1995, and justification by the State is that those long-standing contracts keep funds tied up which could be used in the meantime. The resolution from December is still in standing, empowering the Supervisor to sign this revised contract. Nothing really changes in the contract, and it has been reviewed by Highway Superintendent Kruger. Supervisor Cammarata will sign the updated contract.

The independent audit is currently underway.

CORRESPONDENCE

Jack O’Brien – NYS Department of Labor, regarding the safety inspection follow-up.
 SUNN KING - E-scrap for Camp – date correction
 Legislator DeRoller – forwarding of letter from NYS DOT re. investigation of Rte. 18 near High School, promising a response
 Kendall Town Court – Request for Annual Audit and Review
 NYS DEC – solicitation of comments regarding proposed changes to SEQR regulations
 Webster, Schubel & Meier, LLP – Letter of engagement for counsel and billing services for Water District Nine

ACCEPTANCE OF MINUTES

Councilwoman Szozda made a motion to accept the following minutes, as presented:

Town Board Meeting – December 20, 2016
Special Meeting – December 29, 2016
2017 Organizational Meeting – January 3, 2017

Motion was seconded by Councilman Martin; all in favor.

PUBLIC COMMENT

Al Lofthouse, Center Road - referencing Resolution 88-0815, passed by this Board in August of 2015, asked for an update on the distribution of the proceeds from the dissolved Hamlin-Kendall Water Department, which were promised to the water customers within Districts 1,2,3,4 and 5. Mr. Lofthouse did not think this resolution has been rescinded or superseded.

Supervisor Cammarata said it is correct that the resolution has not been superseded, and said that question had been answered fully at a January meeting, when he said the Town Board sent an inquiry to the State Comptroller’s Office, asking for options for disbursement, and no answer has been received.

Mr. Lofthouse expressed that a year and a half seems long to wait.

Supervisor Cammarata said if the response from the OSC indicates alternative uses of the proceeds, the Board will rescind the resolution. The dissolution took years.

The Attorney for the Town said the legal division of the OSC takes time, and it had taken him time to understand all the issues, and express them concisely. A decision whether to retain the resolution and carry it forth will be made after direction from the State.

Supervisor Cammarata said the money is sitting in a separate Town of Kendall bank account, secure with its own account number.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings, & Grounds – Martin
Highway – Martin

New shades have been installed in some of the offices.

Defibrillator quotes are in.

Estimates for the roof work on both town buildings have been solicited.

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

Human Resources and Ethics – Szozda
Employee Benefits – Szozda
No report

Planning, Zoning & Agriculture – Newell
No report

Finance, Taxes & Special Districts – Cammarata
Auditors are here this week.

Orleans County Representative – DeRoller
Many letters were sent in support of reducing the speed limit in front of the High School.
New housing has been approved in Albion.
GLOW and Workforce Development will now be a separate entity.
State funding for municipalities is disproportionate, and a resolution will likely be passed by the County calling for relief.
Economic Development is assisting many projects which will result in many new jobs created.
Petitions will be available asking for a new bank to move into Holley's former First Niagara.

Boards

Planning Board – A. Kludt, Chair

The application for the proposed subdivision for a Dollar General has been sent to the County Planning Board for its input. The site plan review is scheduled. Sidewalks will be emphasized.

Draft 5 of the proposed Solar Code is done. There will be one more change made before formal submission to the Town Board, regarding any size system which may fall between small residential and large commercial. Much thought has been put into keeping the code detailed, but not overly restrictive.

Zoning Board – P. Bolton, Chair

No report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

The Zoning Board of Appeals has reviewed the most recent draft of the Solar Code.

Year-end reports are being completed.

Work with the Assessor to close-out permits continues.

The Marina claims that work is halted for now. There are issues.

Highway - W. Kruger

There is concern about a sidewalk being necessary if the Dollar General is approved. The Highway Department will be responsible for the building and maintaining of any sidewalk along a state highway. A great deal of fill will be required. Utilities and water mains run underground there, and will have to be notified. The neighbor on the corner will have to be agreeable to sidewalk installation.

The speed limit in that area is 55 mph. The Board may consider asking for the requested area of speed reduction near the High School to be extended.

Lake front owners have been notified by the Army Corps of Engineers that Lake Ontario water level is to be raised by one foot. This may contribute to further erosion.

Town wide cleanup is scheduled for April 29th.

The fair weather is aiding roadside cleanup, sign inventories and tree-trimming.

Few number of snow runs will affect both revenues and expenditures in the budget.

PESH inspection went well.

Historian – H. Koch – annual report submitted

Recreation – M. Werth – annual report submitted

Town Clerk – A. Richardson – written reports submitted – monthly and annual

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 46-0217 TO INTRODUCE LOCAL LAW NUMBER ONE OF 2017 AND SCHEDULE A PUBLIC HEARING

RESOLVED, that Local Law Number 1 of 2017, entitled The Town of Kendall Extension of Moratorium on Industrial Solar Energy Generation Facilities Law, is hereby introduced, and be it further

RESOLVED, that a Public Hearing on the Local Law be scheduled for March 21, 2017 at 7:15 p.m., at which all persons wishing to be heard in favor or against this law shall be heard, and be it further

RESOLVED, that the clerk is hereby directed to publish and post all required notices pertaining to the public hearing.

Discussion: A referral to the County is also required. Attorney Meier will deliver a copy to the Orleans County Planning Board.

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

Councilman Martin	aye
Councilwoman Szozda	aye
Supervisor Cammarata	aye

Motion passed.

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

(Attorney Meier suggested dispensing with the reading of this resolution. He outlined its purpose and legal requirements, and attested to its sufficiency. The EXHIBIT A referred to as attached, is not, but Supervisor Cammarata alone was provided a hard copy at this time, which he read, and said would be provided to the Clerk. Attorney Meier stated he will send the notices to the property owners within this proposed district.)

RESOLUTION 47-0217 ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF WATER DISTRICT NINE FOR A PORTION OF THE TOWN OF KENDALL

WHEREAS, the Town Board of the Town of Kendall, New York, has duly adopted a Resolution directing the Supervisor of the Town of Kendall to file a Map, Plan and Report for providing the facilities, improvements or services in a portion of the Town of Kendall, where a water district is proposed to be established; and said Map, Plan and Report has been filed in the office of the Town Clerk of the Town of Kendall on February 21st, 2017; and

WHEREAS, a "Petition to Request Water District" was filed in the Kendall Town Clerk's Office on February 21, 2017, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Kendall, the owners of taxable real property located in the proposed Water District No. 9 owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundaries of the proposed water district are as follows:

See **EXHIBIT A** attached hereto, and

WHEREAS, the improvements proposed consist of the construction and installation of approximately 2,525 linear feet of eight (8) inch water main along portions of Creek Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

WHEREAS, the maximum amount proposed to be expended for such water improvement is \$215,000.00, which is planned to be financed through bonded indebtedness at an interest rate of 3.5% for a 30 year term in an amount not to exceed \$65,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the county of Orleans, and/or local grants; including, but not limited to, grant of approximately \$150,000.00.

WHEREAS, the proposed annual debt service (assuming 6 units) is estimated to be approximately \$589.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 66.42/1000 gallons of water per year and the estimated cost of the water to be purchased by the water district’s users is a total of 2.84 per 1,000 gallons used, plus an annual maintenance reserve fee of \$50.00; thereby the average household can expect to additionally pay approximately \$267.10 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$856.10 per year, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and

WHEREAS, each property will also have to pay for service from their home to the road right-of-way, incurring estimated one-time costs of approximately \$10.00 per linear feet of pipe for a service line; plus potential well abandonment or separation charges; as well as any internal plumbing charges, and

WHEREAS, the Map, Plan and Report describing such improvements is on file in the office of the Town Clerk of the Town of Kendall and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Kendall, New York, shall meet at the Town Hall, located at 1873 Kendall Road, Kendall, New York on the 21st day of March, 2017, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said water district with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Kendall is hereby authorized and directed to publish a copy of this Order in The Hamlin Herald, to post a copy of the same on the signboard of the Town of Kendall, and to mail a copy to all owners of property located within the proposed water district, in the time and manner required by law.

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

Councilman Martin	aye
Councilwoman Szozda	aye
Supervisor Cammarata	aye

Motion passed.

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

RESOLUTION 48-0217 APPROVING WEBSTER, SCHUBEL & MEIER, LLP AS LOCAL COUNSEL FOR WATER DISTRICT 9

Resolved, to authorized Supervisor Cammarata to sign an agreement for WSM Attorneys to act as local counsel to the Town for Water District 9 project, at a cost of \$3,735.00.

Supervisor Cammarata called for a vote, with the following results:

Councilman Martin	aye
Councilwoman Szozda	aye
Supervisor Cammarata	aye

Motion passed.

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

PAYMENT OF CLAIMS 2017

General Fund	Abstract 2	\$ 43,968.87	Vouchers 33-77,79
Highway Fund	Abstract 2	\$ 15,534.10	Vouchers 37,38,80-116
Light District One	Abstract 2	\$ 544.50	Voucher 59
Light District Two	Abstract 2	\$ 319.19	Voucher 59
Light District Three	Abstract 2	\$ 187.06	Voucher 59
Water District Six	Abstract 2	<u>\$ 46.20</u>	Voucher 60,72
		\$ 60,599.92	

OLD BUSINESS

Defibrillators – availability and training – nothing new
Kendall’s Finest – still trying to solicit participants; name plates on waiting list
Marina – nothing new
Surveillance cameras to be placed around and in Town Hall, including in meeting room – nothing new

NEW BUSINESS

LWRP update – Councilman Newell will act as the Town of Kendall’s representative.

With no further business being brought forward, Councilwoman Szozda moved to adjourn, seconded by Councilman Martin; all ayes. Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk

EXHIBIT A

TOWN OF KENDALL WATER DISTRICT 9

Beginning at a point 500 feet northerly from the centerline of Creek Road at its intersection with a line 500 feet westerly from and parallel to the centerline of Norway Road, said point being on the westerly boundary of Water District No. 7, thence

- 1) Southerly along said line 500 feet westerly from and parallel to the centerline of Norway Road and along the westerly boundary of the Water District No. 7 a distance of 475 feet more or less to a point on the right of way of Creek Road, thence
- 2) Easterly along said northern right of way of Creek Road and along the southerly boundary of the Water District No. 7 a distance of 475 feet more or less to a point on the western right of way of Norway Road, thence
- 3) Southerly along said western right of way through Creek Road a distance of 525 feet more or less to a point on a line 500 feet southerly from and parallel to the centerline of Creek Road, thence
- 4) Southwesterly along said line 500 feet southerly from and parallel to the centerline of Creek Road, a distance of 2480 feet more or less to a point on the easterly boundary of Water District No. 8, thence
- 5) Northerly along said easterly boundary a distance of 525 feet more or less to a point on the northern right of way of Creek Road, thence
- 6) Easterly along said northern right of way and along a boundary of Water District No. 8 a distance of 100 feet more or less to a point, thence
- 7) Northerly along the easterly boundary of Water District No. 8 a distance of 475 feet more or less to a line 500 feet northerly from and parallel to the centerline of Creek Road, thence
- 8) Northeasterly along said line 500 feet north from and parallel to the centerline of Creek Road a distance 1900 feet to the point of beginning.