

KENDALL TOWN BOARD  
Kendall Town Hall – 1873 Kendall Road, Kendall, New York  
April 21, 2015 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 Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Meier, Clerk Richardson, CEO Hennekey, Planning Chair Kludt, ZBA Chair Bolton, Highway Superintendent Kruger, Sharon Cammarata, Al and Bev Lofthouse, Karl Driesel

**SUPERVISOR’S REMARKS**

E-waste pick-up program is currently in progress.

Fiscal Advisors will be giving the supervisor a presentation to outline how they could reduce water district debt and provide tax relief.

**CORRESPONDENCE**

Robert Heil - official certified mail request for waiver of the 30 day municipality notification of application for a liquor license, on behalf of Great Lakes Marina Development LLC DBA the Black Pearl and Taproom, as well as the 30-day notification form, signed by Fannielynn Patterson – (received April 10<sup>th</sup>).

Councilwoman Szozda moved to accept the following minutes, seconded by Councilman Newell; all ayes:

January 20, 2015 meeting  
March 26, 2015 meeting

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

**Standing Committees**

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

Fire extinguishers will be checked and certified next week.

Culture & Recreation - Szozda  
Human Resources and Ethics – Szozda  
Employee Benefits – Szozda

Memorial Day observance plans are progressing.  
Health care deductible issue is being addressed.  
NYS Retirement resolution will be amended.

Planning, Zoning & Agriculture – Newell  
Information Services – Newell

There are currently multiple IT issues, which will be addressed.

Finance, Taxes & Special Districts – Cammarata

Audit report should be completed and available soon.

Letters have gone out to West Kendall Road residents between the Murray Town line and Route 18, seeking income information, to determine USDA grant qualification status.

Orleans County Representative – DeRoller – not present

## **Boards**

Planning Board – Kludt, Chair

Potential new owners of Marina have asked to make an informal presentation to the Planning Board.

A resident is seeking information on the possibility of building a new residence on a flag lot.

Zoning Board – Bolton, Chair

Issues that will be coming up will include Karl Driesel's woodshop plans, the possible flag lot build and if the Marina sells, those matters.

## **Department Heads**

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Generally busy with building permits

Karl Driesel's Woodshop site plans being addressed

Marina meetings with potential new owners – immediate plans include a snack bar, which is in keeping with current uses, and they will be crafting formal plans to submit to the Town.

Cottages at Troutburg – new home being built, signage being put into place, and a Board member needs to be named to replace Councilman Joseph to represent the Town on access decisions.

House on Kenmor Road which has had complaints filed – a contractor hired by the bank which owns this property was there to inspect it to see if it was salvageable, and a conversation was held regarding the urgency of the grounds being cleared of debris and maintained. In the meantime, someone (presumably the maintenance company which has been doing lawn mowing) pumped out the basement, which was full of garbage. That prompted calls to the Orleans County Health Department and to CEO Hennekey. The bank will not address the issue because it does not own the property. The owners have left town with no forwarding address, and cannot be located to serve orders. The only recourse is to condemn the building, and turn it over to the Town Board for decision as to dispensation. It is becoming a health hazard. The maintenance company will not touch anything considered personal property. It can only keep the building sealed and the lawn mowed. The bank has not taken title to the property as of yet, so responsibility is limited. The roof has leaked for years, and the interior is full of mold. Condemnation will place responsibility on the Town Board.

Highway - W. Kruger

Spring cleanup is underway. A brush pick up is to be scheduled the third week in May.

E-waste drop off response has been heavy, and much appreciated.

State Superintendents' are lobbying Albany regarding highway and infrastructure issues.

A Severe Winter Recovery Act has passed, which will result in \$9,200 being disbursed to Kendall, to help offset higher snow removal costs.

Highway personnel will be attending County training.

Fence issue – note has been sent to property owners.

Crandall Avenue – Mr. Driesel will address.

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 reports submitted

Supervisor – A. Cammarata – written report submitted

### **Karl Dreisel – Crandall Road situation and appeal for Board response**

Mr. Driesel stated that he spoke before the Board in March to explain that he owns approximately six hundred feet of Crandall Avenue. After exhaustive search on his and his lawyer's part, it has been determined that he does own the portion of road, and some of the grass area on the other side. He requested a letter from the Town Board and Attorney Meier stating the Town has no claim to that property so that he can complete his business with the bank and move forward on his wood shop project. He does not have that letter yet, and questioned its status.

Attorney Meier stated he has been in contact with Mr. Driesel's attorney and will contact him to ask what wording is necessary, and will get the letter to the Board for review as soon as possible, and to Mr. Driesel.

### **PUBLIC COMMENT**

none

### **RESOLUTIONS**

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

### **RESOLUTION 61-0415 RESOLUTION 56-0315 ESTABLISHING A PETTY CASH FUND FOR JUSTICE COURT**

Whereas, from time to time, in the normal course of operations, it is appropriate and necessary for the Court Clerk or Town Justices to provide for making change when collecting fines paid in cash, so then

Be it resolved, to establish a petty cash fund, of \$100.00 exactly, to be used only for purpose of making change, to be kept secure, and accounted for at all times.

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

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

**RESOLUTION 62-0415 RESOLUTION PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT**

WHEREAS, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

WHEREAS, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

WHEREAS, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014; and

WHEREAS, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

WHEREAS, when additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

WHEREAS, this transition will require the Assessors' offices in Orleans County to send out approximately 276 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

WHEREAS, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,400 more with Enhanced STAR than they budgeted on their own; and

WHEREAS, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43% Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014; now therefore be it

RESOLVED, that the Kendall Town Board petitions New York State to delay this transition until after the 2015 Assessment Roll taxes have been collected, to more adequately inform the public of this important change in their taxes; and be it

FURTHER RESOLVED, that the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Robert Ort, New York State Assemblyman Stephen Hawley, New York State Association of Towns, and all others deemed necessary and proper.

Discussion: Councilman Newell asked if the proposed plan would create a shift in tax liability determination from a property value base to an income base.

Supervisor Cammarata said Assessor Massey is in favor of the resolution.

Attorney Meier said it would be shift in how the discount is paid out, not upon what is based.

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

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

**RESOLUTION 63-0415 OPPOSING NEW STATE’S PLAN TO CLOSE SKILL DEVELOPMENT CENTERS AND WORK CENTERS**

WHEREAS, we believe that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves and their neighbors in a safe, holistic, healthy community; and

WHEREAS people with intellectual and other developmental disabilities currently receive funding for employment in sheltered workshops also known as skill development centers. This means that a student transitioning out of high school with a disability are able to pursue employment and a paycheck in this vocational setting upon graduation; and

WHEREAS, the Orleans Enterprises (OE) workshop at 215 Washington Street opened in 1981 providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment; and

WHEREAS, the State’s plan to close vocational workshops like the one operated by the ARC of Orleans will force those employed now to either stay home or participate in a Day Care program, thus removing the dignity associated with employment and taking away a vital step to community based employment; and

WHEREAS, The U.S. Supreme Court’s decision in Olmstead v. L.C. recognized the right of individuals with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so; now be it

RESOLVED, that the Kendall Town Board does hereby oppose the New York State’s plan to close SKILL DEVELOPMENT CENTERS AND WORK CENTERS, which would remove this important step toward Community Based supported employment; and be it

FURTHER RESOLVED, that the Orleans County Legislature is requesting this plan to close the Center Based workshops to be rescinded and allow the funding of these Work Centers to continue, allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Stephen Hawley, New York State Association of Towns, ARC of Orleans County, NYSARC, OPWDD and all others deemed necessary and proper.

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

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

**RESOLUTION 64-0415 SUPPORTING THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION'S IDENTIFIED NEED TO IMMEDIATELY FUND HIGHWAY AND BRIDGE FUNDING**

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, Upstate New York relies solely upon safe and secure roads and bridges to move products to markets, produce food and fiber, and to receive tourists; and

WHEREAS, the lack of state and federal aid has impacted both the New York State Department of Transportation's and local municipalities' abilities to maintain and replace infrastructure, and

WHEREAS, aging bridges have been flagged, load posted, or restricted, due to lack of funding; and

WHEREAS, such restrictions on the state highway system have had an impact on the delivery of agricultural products and movement of goods in general; and

WHEREAS, impacts have been realized in the form of ticketed vehicles or added time to deliver goods on long detours on local roads not intended for such heavy vehicles; and

WHEREAS, a significant investment has been made by the Governor's Office to support the expansion of agricultural products such as yogurt, barley, and wine as the hallmark of economic recovery in Upstate New York; and

WHEREAS, stagnant highway and bridge funding at the state level, especially for rural counties, has a significant impact on the Governor's plans for recovery and threatens the investment made in agriculture; and

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significantly by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation's decision to allocate available federal construction funding toward the preservation of the state highway and bridge system; now, therefore be it

RESOLVED, that the Kendall Town Board does hereby request that the Governor and the State Legislature immediately fund highway and bridges to meet the needs identified by the New York State County Highway Superintendents' Association, which calls for \$615 million in annual CHIPs funding and a \$500 million local road and bridge program funded over 5 years, with funds to be distributed through the CHIPS formula; and be it

FURTHER RESOLVED, that the Kendall Town Board does hereby request that Senator Schumer, Senator Gillibrand, and Congressman Collins work toward repairing the Dedicated Highway and Bridge Trust Fund and amending MAP-21 or its reauthorization to allow for more concentration of funding on Off-System Bridges rather than interstate maintenance; and be it

FURTHER RESOLVED, that copies of this resolution be sent to Senators Schumer and Gillibrand, Congressman Collins, Governor Cuomo, State Senator Ortt, and Assemblyman Hawley.

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

Councilman Newell made a motion to accept the payment of claims, as presented. Such motion was seconded by Councilwoman Szozda. All ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 4	\$ 19,778.78	Vouchers 198-240,280,286-290
Highway Fund	Abstract 4	\$ 42,596.93	Vouchers 201,238,241-279,281-285
Light District One	Abstract 4	\$ 480.12	Voucher 229
Light District Two	Abstract 4	\$ 283.03	Voucher 229
Light District Three	Abstract 4	\$ 153.39	Voucher 229
Water District Six	Abstract 4	\$ <u>32.52</u>	Vouchers 228,239
		\$ 63,324.77	

**OLD BUSINESS**

Public Water Expansion – West Kendall Road opportunity discussed previously; nothing new  
Codification – local law to be drafted and introduced – County Planning Office will contact Councilman Newell to give guidance.

**NEW BUSINESS**

284 Agreement – Highway agreement will be completed next month

Councilman Newell has been contacted by NYSG&E that the Town is eligible to receive restaurant gift certificates each month. Supervisor Cammarata decided the Town would not accept those.

With no new business coming before the Board, Councilwoman Szozda motioned for adjournment, seconded by Councilman Newell; all ayes. Meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendal Town Clerk