

KENDALL TOWN BOARD

Tuesday, June 20, 2017 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:06 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

Also present, Attorney Meier, Clerk Richardson, CEO Hennekey, Deputy CEO Strong, Planning Chairman Kludt, Al and Bev Lofthouse, and a reporter from the Orleans Hub.

SUPERVISOR'S REMARKS

The on-going State of Emergency at the lakefront, due to high water levels, continues to burden the Highway Department, the Code Enforcement Office, and the Town Clerk's office. Information available regarding County/State/Federal funding opportunities for damages incurred is changing daily. A device called an "aqua dam" (a huge water-filled rubber balloon) is being proposed for use by municipalities where sand bags are simply being washed away.

CORRESPONDENCE

Numerous e-mails regarding state of emergency updates
The Housing Council at Pathstone – Lake Ontario Flood Relief Home Repair Program
Application

Szozda moved to accept the following minutes. After correcting a name spelling, and suggesting one of her statements be removed from the May 16 set, the motion was seconded by Flow; all ayes:

Town Board Work Session May 2, 2017
Town Board Meeting May 16, 2017

PUBLIC COMMENT

none

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

KFD carnival is July 6-8

Kendall Homegrown Days in August

Soccer season has gone well for recreation, and Director Werth is doing an excellent job.

Thank you and congratulations to Dorrie and Bill Hardenbrook, who received a “Citizens of the Year” award.

The Kendall Class of 1997 has donated toward a “travelling library”, to be built by Planning Board member D’Agostino.

Human Resources and Ethics – Szozda

There has been a new enrollment this month.

Employee Benefits – Szozda

Healthcare premiums are expected to increase next year.

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

No report

Orleans County Representative – DeRoller

No report

Boards

Planning Board – A. Kludt, Chair

A new version of the Solar Code has been provided to Attorney Meier and the Supervisor.

The marina is hoping to open its restaurant by August 1st.

Zoning Board – P. Bolton, Chair

No report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Office is very busy with the lakefront issues and helping those property owners.

A Certificate of Occupancy has been issued at the Cottages at Troutburg.

The Unified Solar Permit appears okay to approve.

Marina – TY Lyn has reviewed two plans, and will perform two inspections, to move toward energy grant application.

Highway - W. Kruger – no report; working overtime due to lake issues

Historian – H. Banker – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written report submitted

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

Supervisor – A. Cammarata – written report submitted; Homeland Security has been touring the Lake Ontario coastline and assessing the damage to determine if the threshold is reached for qualifying for Federal Disaster relief funds.

RESOLUTIONS

Martin made the following motion, seconded by Szozda:

RESOLUTION 65-0617 INTRODUCING PROPOSED LOCAL LAW No. 2 OF 2017 AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Kendall, New York desires to consider adopting legislation to amend Chapter 265 of Code of the Town of Kendall to permit charter boat services in the Waterfront Development District, known as Town of Kendall Local Law No. 2 of 2017

NOW, THEREFORE, BE IT

RESOLVED that proposed Local Law No. 2 of 2017 entitled “A Local Law Amending Zoning within the Waterfront Development District”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, is hereby introduced for adoption; and be it further

RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and a copy thereof be kept on file in the office of the Town Clerk until July 18, 2017, and that a public hearing be held before this Town Board on the 18th day of July, 2017, at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York, on the advisability of enacting said proposed Local Law; and be it further

RESOLVED that the Attorney for the Town is hereby directed to refer the proposed law to the County Planning Board pursuant to General Municipal Law 239(m); and be it further

RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Hamlin Herald at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

DISCUSSION: Supervisor Cammarata said the Town Board decided to consider this change to the Local Code based on unanimous recommendation of the Kendall Planning Board to allow charter boat businesses to operate in Waterfront Development Districts without requiring a Special Use permit, after a request from Bald Eagle Marina.

The Clerk mentioned that the July meeting of the County Planning Board has been cancelled. Attorney Meier said he will refer it, and if the County Board does not act within a certain timeframe, the law can be moved forward.

Councilwoman Flow asked how the Code will be updated on the website if this law passes. Attorney Meier said after filing, General Code will receive the information from the Town, will update the Code as part of its periodic updates, and then the new version can be uploaded to the website.

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

Szozda made the following motion, seconded by Newell:

RESOLUTION 66-0617 WAIVER OF OPEN CONTAINER LAW

Be it Resolved that The Town of Kendall Open Container Ordinance be waived during the Kendall Fireman's Carnival in 2017 as follows:

Thursday: July 6th from 6:00 pm to 12:00 midnight

Friday: July 7th from 5:00 pm to 2:00 am

Saturday: July 8th from 12 noon to 2:00 am

And further, that this waiver shall cover an area ¼ mile in each direction, North, South, East and West commencing at the intersection of Kenmor Road and Kendall Road and

Further, such waiver is in effect on the specific dates and times set forth herein and only in the geographical area described herein.

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

Flow made the following motion, seconded by Martin:

RESOLUTION 67-0617 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT

Whereas the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk and,

Whereas said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Kendall Town Board to approve a conditional permit, subject to receiving technician certification, so therefore...

Be it Resolved, that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York to the Kendall Fire Department for a fireworks display commencing at or about 10:00 pm on Saturday, July 8th, 2017.

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

Newell made the following motion, seconded by Szozda:

RESOLUTION 68-0617 DONATION OF OFFICE EQUIPMENT

Whereas the Town of Kendall has surplus office furniture, as listed below:

12 chairs

And, whereas the Town of Kendall desires to donate this office furniture to the Kendall Fire Department, a nonprofit and tax exempt organization, and

Whereas, none of these items is greater in value than \$100, be it

Resolved to authorize and direct the Supervisor to dispose of this furniture in a manner consistent with the Town of Kendall policy for the Disposition of Property.

DISCUSSION: The Clerk requested that consideration be given to the fact that Court District Attorney nights require three chairs at each attorney table, which must be able to fit in tandem, so that the decision to dispose of chairs be mindful of this requirement.

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

Martin made the following motion, seconded by Flow:

RESOLUTION 69-0617 CANCELLING WORKSESSION

WHEREAS there is no demanding business to be addressed, and due to the observance of Independence Day, the Kendall Town Board hereby

RESOLVES to cancel the work session it had scheduled for July 4, 2017, and also

RESOLVES to direct the Town Clerk to place an ad in the official newspaper and on the town website to notify interested persons of such cancellation.

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

Szozda made the following motion, seconded by Martin:

RESOLUTION 70-0617 BUDGET TRANSFER

Be it resolved to transfer \$500.00 from account A3310.4 Public Safety, Traffic Control, to account a1355.4 Assessor, Contractual Exp.

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

Flow made the following motion, seconded by Newell:

RESOLUTION: 71-0617 ADOPTING A STANDARDIZED RESIDENTIAL/HOME BUSINESS/NON-COMMERCIAL SOLAR PERMIT PROCESS FOR THE TOWN OF KENDALL

Whereas, the New York State Energy Research and Development Authority (NYSERDA) is offering a grant of \$2,500.00 to municipalities which adopt a uniform New York State solar permit process, and

Whereas, the Town of Kendall Code Enforcement Officer has advised the Town of Kendall Town Board that the New York State uniform process is consistent and compatible with the Town of Kendall's Zoning Code and permitting practices, now therefore, be it

Resolved, to hereby fully and formally adopt the New York State Unified Solar Permit process for NY – Sun Solar Powering New York, and establish a permit fee of \$20.00 for each application for such permit submitted, and to authorize the Town Supervisor to sign the Certification Statement upon notification of the grant being awarded.

DISCUSSION: Councilman Newell said this will move forward on one of the high impact action items to be completed in order to file for a grant application.

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

Newell made a motion to pay the claims as presented, seconded by Flow; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 6	\$ 47,383.79	Vouchers 333-342,344-347,349-354,356-389
Highway Fund	Abstract 6	\$ 31,962.36	Vouchers 336,338,344,355,390-423
Library	Abstract 6	\$ 1,080.77	Vouchers 342,343,348
Light District One	Abstract 6	\$ 409.47	Voucher 369
Light District Two	Abstract 6	\$ 251.18	Voucher 369
Light District Three	Abstract 6	\$ 133.35	Voucher 369
Water District Six	Abstract 6	<u>\$ 46.24</u>	Vouchers 368,388
		\$ 81,267.16	

OLD BUSINESS

NYS Department of Labor – PESH citations and follow-up – nearly complete
Defibrillators – availability and training – defibrillator will be hung this week
Kendall's Finest – name tags will be made without further delay; outreach has had limited success. The school is now aiding that.

Industrial Solar Energy Law – the Planning Board did not change those areas of the proposed law which came directly from the County. Further review is necessary.

Clean Energy Community Grant – process is progressing well and the deadline should be reached.

In order to move forward, a Non-Disclosure Agreement requested by National Grid is required. Supervisor Cammarata said after review by the Attorney for compliance to law, he would sign such an agreement. The objective on the part of the company is to keep their offered pricing and cost information confidential. Attorney Meier stated that such an agreement could not contract away the public's right to access information. Councilman Newell said the contract addresses that and lays out its request to be included in any Freedom of Information process. In order to avoid delaying the information being obtained, a resolution was put forth to allow the Supervisor to sign a Non-Disclosure Agreement.

Councilman Newell made the following motion:

RESOLUTION 72-0617 AUTHORIZING TOWN SUPERVISOR TO SIGN A NON-DISCLOSURE AGREEMENT WITH NATIONAL GRID

Be it hereby resolved, to authorize Supervisor Cammarata to sign a non-disclosure agreement with National Grid, subject to Attorney approval as to form and content.

DISCUSSION: Attorney Meier said National Grid will be providing privileged information it wants protected. Supervisor Cammarata said this is necessary to move forward toward the energy grant application.

The motion was seconded by Martin, and a vote resulted in unanimous ayes.

Councilman Newell met with Falcone Electric to get its suggestions for updated lighting in the Town Hall.

Morton Union Cemetery – Supervisor Cammarata said the Morton Cemetery Association Trustees have completed all necessary steps to dissolve, and have passed their resolution to offer the cemetery to the Town of Kendall. Councilman Martin has set up a meeting with the Association members and an expert from the State to guide the process of take-over. Cindy (?) has contacted Councilman Martin, and three resolutions will likely be necessary to transfer ownership/responsibility, financial matters, and all records. Clerk Richardson asked that the meeting be recorded, and that she be notified of all meetings and proceedings of this matter, as it will be the Town Clerk's responsibility to file records, manage the receipts and vouchers, create deeds, and train those involved in proper procedures and records required. Councilman Martin said the meeting is tentatively set for June 27, 2017, and most likely at the Town Hall, and that he will confirm that and notify Clerk Richardson.

NEW BUSINESS

Councilwoman Flow and Judge Drennan have obtained a second estimate for the creation of new display cases in the Town Hall foyer. The cost will be borne by grant money obtained for the Justice Court.

Councilman Newell and Supervisor Cammarata and many other lakefront residents have met to form a group called "UNITED SHORELINE". They hope to build a strong, large group to be a voice to State Government in regard to the current state of emergency on the Lake Ontario shoreline. Councilman Newell said he will forward the information to the Board and Clerk, for information purposes.

With no further business being brought forward, Councilman Newell called for adjournment, seconded by Councilman Martin; all ayes. Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk

