

**KENDALL TOWN BOARD**

**Meeting**

Tuesday, September 19, 2017 7:00 p.m.

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

Supervisor Cammarata called the meeting to order, and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR’S REMARKS**

A SAM grant has been applied for with help from Senator Ortt’s office. Any proceeds will be used for automatic doors to aid in accessibility of the building and repairs to the town buildings’ roofs.

The deadline for assistance with homeowner lakefront flooding damage through Pathstone is September 29<sup>th</sup>.

The Assessor agreement with the Town of Carlton is finalized.

On September 27<sup>th</sup>, there will be a meeting with all the towns and Sherriff Bower to explain proposed changes to dog control throughout the county. A countywide dog control law is expected to be passed, in order to streamline control efforts and provide better coverage toward those efforts.

The following minutes were accepted:

Town Board Meeting August 15, 2017

**PUBLIC COMMENT**

Councilwoman Flow introduced Mrs. Alicia Charland and thanked her for her part in securing a donation from the class of 1997 which will allow a “travelling library” to supply children’s literature to the community, borrowed free of charge.

**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

Homegrown Days were very successful. The rock painting has been fun. The movie will not be rescheduled.

St. Mary’s Farmers’ Market and the Scarecrow Festival will be held on September 30<sup>th</sup>.

A hunter safety class is scheduled for this Saturday.  
The CEO has a new computer.  
The e-mail issues are being corrected.

Human Resources and Ethics – Szozda  
Employee Benefits – Szozda

Costs and benefits are being compared for several medical plans.

Planning, Zoning & Agriculture – Newell

A variance was granted for signs at the Dollar General.

A variance was denied to a potential buyer on Creek Road to have an accessory structure without a residence on site.

Finance, Taxes & Special Districts – Cammarata

Budget work has taken much time.

Orleans County Representative – DeRoller – no report

## **Boards**

Planning Board – A. Kludt, Chair

DOC OSCH has submitted a request to store boats outside.

Zoning Board – P. Bolton, Chair – no report

## **Department Heads**

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Busy with normal construction season.

Coastal Erosion permits and the paperwork involved with those from the DEC are numerous and the DEC is now quite behind in approvals.

Three structures at Troutburg are in process.

Supervisor Cammarata asked CEO Hennekey to contact the Army Corps of Engineers regarding correspondence with The Cottages At Troutburg. The previous owner was to mitigate some wetlands encroachment and secure a third party to obtain conservation easements. This was not done. If the Town were to act as this third party, a performance bond would be necessary and the Town Board would be responsible for ensuring all wetland mitigation procedures were performed correctly. The Orleans County Economic Development Agency is a lien holder of the property.

Supervisor Cammarata said the Attorney for the Town will review the situation and provide a written opinion. Attorney Meier said there are businesses and non-profits which routinely act as third party easement holders.

Highway - W. Kruger – no report

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

## **RESOLUTIONS**

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

### **RESOLUTION 84-0917 RECEIVING TENTATIVE BUDGET**

BE it resolved to schedule a special town board meeting, October 3, 2017, at 7:00 p.m., to receive the 2018 Tentative Budget. The scheduled workshop will immediately follow.

Be it further resolved to place a notice of this meeting in the official newspaper and on the town's website.

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

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

### **RESOLUTION 85-0917 CANCELLING SCHEDULED NOVEMBER WORKSHOP MEETING**

Whereas Election Day is November 7, 2017, and the polling place is the Town Hall, be it resolved to cancel the Kendall Town Board's scheduled work session, and 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, and declared the motion passed.

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

### **RESOLUTION 86-0917 SET DATE FOR BUDGET HEARING**

Be it resolved, to schedule the 2018 Budget Hearing, at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York, at 7:00 p.m. on Wednesday, November 8<sup>th</sup>, 2017, to review and seek comment regarding the 2018 Budget.

Be it further resolved to place a notice of this hearing in the official newspaper and on the town's website so that all interested persons may be notified.

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

Councilman Newell made the following motion, seconded by Councilman Martin:

### **RESOLUTION 87-0917 SPECIAL MEETING TO ADOPT 2018 TOWN OF KENDALL'S BUDGET**

Be it resolved, to schedule a special town board meeting on November 15<sup>th</sup>, 2017, to adopt the Town of Kendall's 2018 Budget and address any other business matters.

Be it further resolved to place a notice of this special meeting in the official newspaper and on the town's website.

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

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

**RESOLUTION 88-0917 ASSESSOR'S AGREEMENT**

Be it resolved to authorize Supervisor Cammarata to extend an agreement between the Town of Kendall and the Town of Carlton for assessment shared services, subject to attorney approval as to form and content.

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

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

**RESOLUTION 89-0917 ACCEPTANCE OF PARTIAL TAX PAYMENTS**

**WHEREAS**, at the present time, the financial climate is such that taxpayers often have difficulty paying their real estate taxes on a timely basis; and

**WHEREAS**, Section 928-a of the Real Property Tax Law authorizes a town tax collecting officer to accept partial payments for or on account of taxes, special ad valorem levies or special assessments and to apply such payments on account, provided that the town board has passed a resolution authorizing such partial payments; and

**WHEREAS**, the Town Board of the Town of Kendall hereby determines that it is in the best interests of the Town's taxpayers for the Town to accept such partial payments, on certain terms and conditions;

**NOW, THEREFORE, IT IS**

**RESOLVED**, the Town Board of the Town of Kendall hereby authorizes the Kendall Town Clerk, as the tax collecting officer for the Town, to accept from any taxpayer partial payments for or on account of taxes, special ad valorem levies or special assessments and to apply such payments on the account, on the following terms and conditions:

1. County/town property taxes, special ad valorem levies and special assessments may be paid in partial payments during the Town's tax collection period (January 1 through April 30) of the then-current year. No partial payment will be accepted by the Town after April 30<sup>th</sup>.
2. There shall be no limit on the number of partial payments that a taxpayer may make on a tax bill for a particular tax map parcel; however, any partial payment must be at least two hundred dollars (\$200.00). If the balance due on a tax bill is less than two hundred dollars (\$200.00) after crediting all partial payments previously made for that tax map parcel, the unpaid balance must be paid in full. Partial payments on tax bills with balances less than two hundred dollars (\$200.00) will not be accepted.
3. In its discretion, the Town may require that a service charge not to exceed ten dollars (\$10.00) be paid with each partial payment. Any such service charge shall be retained by the Town.
4. After any partial payment hereby authorized has been paid and credited, interest and penalties shall be charged against the unpaid balance only.

5. The Town's acceptance of a partial payment shall not be deemed to affect any liens and powers of any municipal corporation conferred in any general or special act, but such rights and powers shall remain in full force and effect to enforce collection of the unpaid balance of such tax or tax liens together with interest, penalties and other lawful charges.
6. If a taxpayer requests to make a partial payment that satisfies the terms and conditions herein set forth, the Town Clerk shall not refuse to accept such payment.
7. Nothing herein contained shall be construed to authorize the Town Clerk to accept a partial payment after the expiration of his or her warrant, or at any other time that he or she is not authorized to accept tax payments, nor shall the ability of the Town Clerk to accept partial payments of taxes authorized under any other general or special law be limited.
8. The Town Clerk shall file certified copies of this resolution with the Commissioner of the State Office of Real Property Services and the Director of Orleans County Real Property Tax Service within thirty (30) days of adoption.

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

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

**RESOLUTION 90-0917 AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH LABELLA TO ADMINISTER TOWN OF KENDALL DASNY GRANT FOR IMPROVEMENTS TO THE TOWN HALL AND HIGHWAY GARAGE.**

WHEREAS, the Town of Kendall has received a SAM Grant of \$75,000.00 for improvements to the Kendall Town Hall and Highway Building, and

WHEREAS, LaBella Associates D.P.C. has provided a proposal for administrative services to assist in the Implementation of a DASNY grant for improvements to the Town Hall and Highway Building, and

WHEREAS, The Town Board has determined, a lump sum fee of \$2,400 dollars to be fair and reasonable for the scope of services provided by LaBella Associates, D.P.C., so

Be it hereby resolved to authorize Supervisor Cammarata to sign an agreement with LaBella Associates, DPC for these services, for a cost not to exceed \$2,400.00. This agreement is subject to review for content and form by Attorney Andrew Meier.

Discussion: Supervisor Cammarata stated that these grants are paid as reimbursements. The work is done and paid for first; then the grant reimburses the Town for those expenditures.

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

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

**RESOLUTION 91-0917 ACCEPTING THE TRANSFER OF THE REMAINING WEDGE OF THE BANNER BEACH CUL DE SAC FROM THE NEW YORK STATE PARKS, RECREATION AND HISTORIC PRESERVATION GENESEE REGION.**

Whereas, in the original transfer of the Banner Beach Cul de sac to the Town of Kendall from the New York State Parks, Recreation and Historic Preservation Genesee Region failed to transfer a wedge of land in the said cul de sac

Now therefore, the Town of Kendall is willing to accept the transfer of the remaining wedge of land of the Banner Beach Cul de sac from the New York State Parks, Recreation and Historic Preservation Genesee Region as described below:

ALL THAT Tract or parcel of land situate in the Town of Kendall, County of Orleans, State of New York distinguished as being part of Lot 13, Township 4 of 100,000 Acre Tract, so called bounded and described as follows:

Beginning At The point of intersection of the westerly bounds of Sublot44 as shown in Map Book 5 at page 38 and filed in the Orleans County Clerk's Office, and northerly bounds of lands appropriated by the Genesee Park State Park Commission by deed recorded in the Orleans County Clerk's Office in Liber 324 of Deeds at page 5008 and known as Parcel A Part 1;

THENCE SOUTH 79 degree-34'-13" EAST along the northerly bounds of Parcel A Part 1 of lands described in said Liber 324 page 508 and continuing southeasterly along the northerly bounds Parcel A Part 3 as described in said Liber 324 page 508, a distance of 483.36 feet to a point in the existing southerly bounds of Banner Beach Road;

Thence South 84 degree- 59'-55" West along the existing southerly bounds of said Banner Beach Road a distance of 476.44 feet to a point lying on the southerly projection of the westerly bounds of aforesaid Sublot 44;

Thence North 00 degree-20'-00" West along the southerly projection of the westerly bounds of Sub lot 44 and along the westerly bounds thereof, a distance of 129.04 feet to the point or place of beginning.

DISCUSSION: Attorney Meier said when Banner Beach Road was dedicated to the Town, a portion of that road was inadvertently omitted from the transfer. Councilwoman Szozda has contacted New York State, which is willing to transfer by deed the remaining portion, but wanted an assurance of acceptance before processing paperwork. Another resolution will be necessary when that paperwork is done in order to accept the deed.

Councilwoman Szozda added that Highway Superintendent Kruger has been in contact with a representative of the NYS Parks, Recreation and Historic Preservation of Genesee Region. There is backup documentation showing the location of this parcel.

Deputy Supervisor Szozda called for a roll call vote, seconded by Councilman Martin, with the following results:

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

Deputy Supervisor Szozda declared the resolution passed.

Councilman Newell made a motion to pay the bills, as presented on Abstract Nine, seconded by Councilwoman Flow; all ayes.

### **PAYMENT OF CLAIMS**

General Fund	Abstract 9	\$ 24,050.97	Vouchers 582-617
Highway Fund	Abstract 9	\$ 115,302.19	Vouchers 586,587,618-649
Light District One	Abstract 9	\$ 420.71	Voucher 606
Light District Two	Abstract 9	\$ 250.07	Voucher 606
Light District Three	Abstract 9	\$ 132.56	Voucher 606
Water District Six	Abstract 9	<u>\$ 46.40</u>	Vouchers 605,617
		\$ 140,202.36	

### **OLD BUSINESS**

Defibrillators – The defibrillators are installed and functional. Classes for CPR certification on the defibrillator use are scheduled. A discussion was held regarding registration. Information will be on the website.

Kendall’s Finest – Brass plates will be ordered, but most of the pictures are unidentified.

Supervisors’ Wall – Brass plates will be ordered.

Clean Energy Community Grant – Two of four tasks are completed.

LED Streetlights – National Grid must provide information.

Morton Union Cemetery – next step is transferring the funds from three accounts held by the Association to the Town.

### **NEW BUSINESS**

Councilman Newell said an agreement has been signed with Bald Eagle Marina, stating the Town will engage the services of T.Y. Lin, International to assist the Town in the code compliance inspection process for the marina. The marina has agreed to reimburse the Town for all associated expenses, and has provided an initial check to be held in escrow. This is a large and complex, mixed-use business, and well beyond the normal scope of local code enforcement. Appreciation was expressed for Code Enforcement Officer Hennekey’s patience.

Supervisor Cammarata said a separate account will be set up to handle these transactions.

Councilman Newell said Karl Dreisel, owner/operator of Orleans Millwork, has invited the Town Board to tour his business. Councilwoman Flow will arrange a date for this.

Councilman Newell said there have been preliminary meetings of both the Lake Ontario State Parkway Advisory Committee and the LWRP Amendment Committee. Both of those will require input and work from the Town Board. Pertinent documents, studies, changes to code, or relevant photos may be helpful. Boundary definitions as to what is included must be provided, and will be open to revision. More information will be available and public meetings will be scheduled for input. The processes are expected to take approximately eighteen months. These two committees will need to coordinate with each other, as many issues overlap.

The town will be working to update its Comprehensive Master Plan next year.

Councilwoman Szozda passed out pictometry pictures of property on Thompson Drive, called Thompson Circle. Most of the property is owned by the NYS Parks and Recreation Department, which may be willing to deed that to the Town. A portion of this could be developed into a public park to allow access to the lake. The Town Board will consider this possibility. There are many facets to this type of idea, both pro and con.

With no further business coming before the Board, Councilwoman Flow motioned for adjournment, seconded by Councilman Martin. All ayes, meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk