

KENDALL TOWN BOARD
Kendall Town Hall – 1873 Kendall Road, Kendall, New York
April 15, 2014 7:01 p.m.

Supervisor Cammarata called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	excused
Councilman Levett	present
Councilman Newell	excused
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Meier, CEO Hennekey, Deputy CEO Strong, Hwy. Supt. Kruger, Chairman Wenzel, David Gaudio, Al and Bev Lofthouse, Stephen Seaman

SUPERVISOR'S REMARKS

Welcome to new Councilmember Russell Levett.

Town of Carlton shared assessor service agreement is finalized and payments from Carlton are up to date.

ACCEPTANCE OF MINUTES

Councilwoman Szozda motioned the minutes be accepted, as presented, seconded by Councilman Levett; all ayes:

Town Board Meeting March 18, 2014

(Councilman Newell submitted a draft of minutes for a meeting convened on March 10, 2014, at which an executive session was called. These will be entered into the permanent record, as is.)

PUBLIC COMMENT

No one wished to speak.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph
Buildings, & Grounds –Joseph
Information Services –Joseph
No reports

Highway – Levett – no report

Community Relations – Levett

Upcoming Masonic Ham dinner (scholarship fund) April 19

Masonic sportsman raffle on April 26

Lions Club/BoyScout Town-wide clean-up April 26. Highway Department will offer refreshments to volunteers.

Culture & Recreation – Szozda

Read highlights from Recreation Director's report

Human Resources and Ethics –Szozda
No report
Employee Benefits –Szozda
No report
Planning, Zoning & Agriculture – Newell
No report
Finance, Taxes & Special Districts –Cammarata
No report
Orleans County Representative – Ken DeRoller
No report

Boards

Planning Board – R. Wenzel, Chair

A special use permit was approved for a dog kennel on West Kendall Road. There were neighbors present from each side of the applicant. One was supportive of the permit being granted, the other opposed

Zoning Board – P. Bolton, Chair

The open position on this board has been advertised.

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Building permits are picking up. Property maintenance issues are being addressed at the lake. The Troutberg project has multiple issues to be addressed, and is time-consuming.

Highway - W. Kruger

General spring pick-up is starting, and road work has begun to repair winter damage. Brush pick-up will be in mid-May. Many people are already setting out brush, so a preliminary pick-up will start this week. Wood chips will be available to the public on Woodchuck Alley. Broad band training has been completed for Warren Kruger, a member of his staff, (and resident Jack Gillman). Superintendent Kruger and Councilwoman Szozda attended a grant informational meeting, which was not promising in terms of attaining such money. The 284 agreement is being formulated, and will be finalized. Garden Club will be filling planters, and banners will be hung. Clean-up needs volunteers. CHiPS money will now be received through electronic transfer.

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

RESOLUTIONS

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

RESOLUTION 60-0414 CORRECTIONS AND ADDITIONS TO RESOLUTION 26-0114 AS VOTED ON AND PASSED AT THE 2014 ORGANIZATIONAL MEETING

Whereas, the Highway Wage Schedule and Work Agreement was accepted by the Kendall Town Board at its Organizational Meeting held in January, 2014, and

Whereas it has now been detected that there were both errors in and omissions to the 2014 Highway Wage Schedule and Work Agreement as presented and passed, and

Whereas the proper intentions of the agreement must now be stated and set into writing, and proper corrections, amendments and additions made to the official document, now therefore,

BE IT RESOLVED to change the Part Time Motor Equipment Operators (MEO-PT) pay schedule to now read “from Federal minimum wage up to \$12.40 per hour”, and to change the Full & Part Time Laborer pay schedule to now read “from Federal minimum wage up to \$10.75 per hour”, and in the paid sick days section, after “4th year of employment up to twenty (20) days paid” and before “Sick pay accumulation will NOT be paid out at retirement or termination”, the following is to be inserted:

“5th year of employment up to twenty-five days paid
Beyond five (5) years may accumulate one (1) additional day per month worked up to a maximum of one hundred eighty (180) days paid.

A certificate from the employee’s physician will be required after being sick for five (5) consecutive days for benefits to be paid.”

BE IT ALSO RESOLVED that the Supervisor update the document to reflect these corrections, and to notify and send copies of this resolution to those affected by these updates.

Discussion: Supervisor Cammarata stated the original resolution was approved by Superintendent Kruger, at Councilman Joseph’s request; a cut-and-paste error was not caught, resulting in this error.

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

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

RESOLUTION 61-0414 REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED PLAN 2014 IN ITS ENTIRETY

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation plan (58DD) that controls water levels of Lake Ontario and the stated purpose of the new plan, known as PLAN 2014 is to reverse environmental damage caused by the current regulation plan (58D), particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh; and

WHEREAS, PLAN 2014 will increase the current range of water levels that private and public riparian property owners relied on for the last 50 years and according to a peer review conducted by the National Academy of Sciences, the potential environmental benefits of the PLAN 2014 are based upon speculative and unreliable research; and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of high and low water, significantly increasing the potential for damages to Lake Ontario riparians (estimated at over \$2.2 million per year, which is likely an underestimate) and negatively impacting sport fishing and recreational boating economics across the entire region (estimated at over \$94 million per year); and

WHEREAS, PLAN 2014 greatly decreases protections that exist in the current plan, replacing them with a plan that results in the transfer of prosperity from Niagara County along with other Lake Ontario communities to Hydropower (NYP A and others) who will realize a benefit of approximately \$5.3 million per year on average; and

WHEREAS, Orleans County residents who own property or businesses along the Lake Ontario shore, including its bays, tributaries, and ponds have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties, and a corresponding decrease in revenues from recreational boaters and fishermen, both locally-based and those traveling internationally; and

WHEREAS, Orleans County residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home for some of the best sport fishing, pleasure sailing and power-boating in the world; and

WHEREAS, modifying the current range of operation by PLAN 2014 further hinders boating access and when combined with the protracted absence of federal funding for maintenance dredging of our federal shallow draft harbors, will cause significant and measurable negative financial impacts to the local and regional economy; now, therefore be it

RESOLVED, the Town of Kendall Town Board, does herewith respectfully request that the International Joint Commission reject in its entirety all current plans for the implementation of the PLAN 2014; and be it

FURTHER RESOLVED, that the IJC immediately enact a moratorium on the development of any future proposals to modify the range of water levels on Lake Ontario until the completion of a thorough, objective and all inclusive analysis of the potential economic damages on tourism, recreation, business and residences along the south shore of Lake Ontario (including properties located along harbors, rivers and streams) with a specific section dedicated to the thorough evaluation of damages in Orleans County where impacts have been identified as the most acute; and be it

FURTHER RESOLVED, that as part of this study, the Town of Kendall Town Board further recommends the Commission also assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions; and be it

FURTHER RESOLVED, that this study must also evaluate the environmental impacts of repeated flooding of the built environment, to include the identification of the constituents of point and non-point source runoff and the impacts of sediment and nutrient loading on the quality of water in the impacted areas; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, Governor Andrew M. Cuomo, Commissioner of the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman Chris Collins, Senate Environmental Conservation Committee. NY State Senator George Maziarz, NY Assemblyman Hawley, and all others deemed necessary and proper.

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

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

RESOLUTION 62-0114 URGING STRUCTURAL REFORM OF THE STATE DEDICATED HIGHWAY AND BRIDGE TRUST FUND (DHBTF)

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway and bridge system, including eighty-seven percent of the State's 110,000 miles of roadways and fifty percent of the State's 18,000 bridges; and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities, emergency responders, as well as the general traveling public; and

WHEREAS, The New York State Comptroller has for two years in a row issued reports calling for the reform and restructuring of the Dedicated Highway and Bridge Trust Fund as taxpayers have paid billions in taxes and fees into a fund that was created to keep our roads and bridges in good repair and more than three-quarters of this money is siphoned off to pay for borrowing and operating costs of state agencies, leaving fewer dollars for improving our infrastructure; and

WHEREAS the State's Dedicated Highway and Bridge Trust Fund was originally designed in 1991 as a pay-as-you-go financing method to support the state's transportation programs and purposes, using revenue from highway taxes, motor vehicle taxes and fees, petroleum business taxes and a number of smaller resources; and

WHEREAS, in an analysis of the State Budget, the State Comptroller reveals that less than 24 percent of the state's Dedicated Highway and Bridge Trust Fund (DHBTF)-originally established to fund transportation on a pay-as-you-go basis-is actually available for transportation capital this fiscal year. This is because total debt service on state bonding paid from the DHBTF is over 40 percent of all DHBTF disbursements; and

WHEREAS, State operations costs also consume an enormous share of the fund: nearly \$1.6 billion in the last fiscal year, including the costs of snow and ice removal by the Department of Transportation and day-to-day staff expenses at the Department of Motor Vehicles and other non-capital expenditures; and

WHEREAS, the structural deficit in the DHBTF will require a state general fund transfer reaching \$787.5 million in State Fiscal Year 2017-18, according to state budget documents; and

WHEREAS, legislation has been introduced in both houses of the Legislature seeks to reform the DHBTF by ensuring that money dedicated through the fund be used for highway and bridge construction and repairs and not diverted for non-capital uses; and a bill to enhance revenues to the DHBTF from heretofore uncommitted state gasoline tax receipts is being considered by the Senate; and

WHEREAS, dedicated revenue enhancements must be considered to insure the long term financial stability of the DHBTF and to attain adequate levels of state support to local roads and bridges; now, therefore be it

Resolved, that the Kendall Town Board does hereby urge the Governor and the Legislature of the State of New York to develop a multi-year plan to return structural balance to the DHBTF in order to ensure its ability to meet the State's highway and bridge capital needs today and in the future by, among other actions, adopting the aforementioned legislative initiatives; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Cuomo, State Senator Maziarz, Assemblyman Hawley, and others deemed necessary and proper.

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

Councilwoman Szozda made motion to accept the payment of claims, as presented, seconded by Councilman Levett; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 4	\$13,851.34	Vouchers 190-210,212-214,216-225,227,228
Highway Fund	Abstract 4	\$16,540.87	Vouchers 191,204,229-251
Light District One	Abstract 4	\$555.88	Voucher 193
Light District Two	Abstract 4	\$324.57	Voucher 193
Light District Three	Abstract 4	\$181.20	Voucher 193
Water District Six	Abstract 4	\$46.68	Vouchers 219,227
Troutburg, Cap.Proj.	Abstract 4	<u>\$9,877.78</u>	Vouchers 211,215
		\$41,378.32	

OLD BUSINESS

Water Expansion

The supervisor and Councilman Joseph have met with LaBella Engineering, and have a plan for water expansion. An informational meeting is likely to be scheduled for June.

Codification

Two points of order on adoption of the code have been referred to the Attorney for the Town

Eagle Creek Marina Update

New correspondence has been received from Ms. Levine, stating that no new information has been forthcoming from HUD.

NEW BUSINESS

Memorial Day Observance plans

Councilwoman Szozda is coordinating the program. Mr. and Mrs. Lofthouse and former Councilman David Schuth have been helpful in her efforts.

With no further business being brought before the Board, Councilwoman Szozda motioned for adjournment, seconded by Councilman Levett; meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk