

KENDALL TOWN BOARD
Kendall Town Hall – 1873 Kendall Road, Kendall, New York
July 15, 2014 7:00 p.m.

CALL TO ORDER

Supervisor Cammarata opened the meeting at 7:05 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

Also present, Attorney Meier, Clerk Richardson, CEO Hennekey, Planning Chairman Wenzel, Planning Board members Joyce Henry and Andrew Kludt, O.C. Legislator Ken DeRoller, Al and Bev Lofthouse, Karl Driesel, Gary Smith, Sharon Cammarata

SUPERVISOR’S REMARKS

- Read the public notice regarding the re-zoning law

OPEN PUBLIC HEARING ON RE-ZONING – 7:07 p.m.

Mr. DeRoller asked the acreage involved. Supervisor Cammarata read the acreages and Mr. Driesel answered 14.7 acres.

Mr. DeRoller asked if this change fit the Town of Kendall Comprehensive Master Plan.

Councilman Newell said, “I was told that.”

Chairman Wenzel said, “Yes, it fits perfectly.”

No one else wished to speak, so Supervisor Cammarata closed the Public Hearing at 7:09 p.m

REGULAR BOARD MEETING opened at 7:09 p.m

CORRESPONDENCE

- Resignation of Chairman Wenzel
- Resignation of Councilman Levett
- OCR e-mail
- Auditor report

ACCEPTANCE OF MINUTES

Councilwoman Szozda motioned to accept the minutes, seconded by Councilman Newell; all ayes:
Town Board Meeting June 17, 2014

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph

Buildings, & Grounds – Joseph

Information Services – Joseph

The handicapped parking space for wheelchair vans has been put in place to conform to USDA standards

Highway - Cammarata

Community Relations – Cammarata

Homegrown Days coming up in August, including a Movie Night, a Street Dance, and a Community Worship Service

Culture & Recreation - Szozda

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

No reports

Planning, Zoning & Agriculture – Newell

Codification work continues

Finance, Taxes & Special Districts – Cammarata

Audit report in

Bill to Town of Carlton for assessor services has been sent

Orleans County Representative – DeRoller

The International Joint Commission has approved the 2014 Plan regarding control of Lake Ontario levels, which will result in higher highs and lower lows. A press conference was held in early July, a contingency of Orleans County Legislators went to Washington, D.C. to argue against this plan, and the final decision is not until 2015.

The Post Office will hold an informational meeting on July 31st.

The micro-enterprise program at the County level has been active and successful.

Boards

Planning Board – R. Wenzel, Chair

Anticipation of Mr. Driesel's Site Plan, for review

Zoning Board –P. Bolton, Chair

No report

Department Heads

Assessor – G. Massey

No report

Code Enforcement – P. Hennekey

Building permit issuance busy; property maintenance issues being addressed; SWPPD reports concerning Troutburg are at the same level.

Highway - W. Kruger – written report submitted

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

PUBLIC COMMENT

Mr. Lofthouse – asked if the Wegman Group has accepted the P.I.L.O.T. program. Supervisor Cammarata deferred to Legislator DeRoller, who said as of now, no. Mr. Lofthouse suggested the information of the process involved be shared with the public.

Mr. Lofthouse complained about the misspelling of KENMOR Road, as KENMORE on the road signs. It needs to be corrected, as it leads to confusion. Clerk Richardson said PETERSMITH Road is also incorrect on the signs, and COUNTYLINE may also be. Attorney Meier said that can be changed through the Highway Superintendent.

RESOLUTIONS

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

RESOLUTION 75-0714 ADOPTION OF LOCAL LAW 1 OF 2014: A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF KENDALL

Whereas the Kendall Town Board has considered the proposed revisions to the Town of Kendall Zoning Map concerning changing four parcels to Light Industrial, as reviewed and recommended by the Kendall Planning Board, and as submitted to and accepted by the Orleans County Planning Board, and

Whereas, the Town Board conducted a public hearing to consider adoption of proposed Local Law #1 of the year 2014 on July 15, 2014 in the Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476, at which time all persons wishing to be heard in favor or in opposition thereto were heard,

Now, therefore be it resolved that Local Law 1 of 2014 of the Town of Kendall, Orleans County, New York, being a local law entitled “A Local Law Amending the Zoning Map of the Town of Kendall” be adopted, as attached; and

Further, be it resolved, that upon passage of this resolution, the Kendall Town Clerk is authorized to submit this Local Law to the New York State Department of State for filing, and to incorporate these changes into the Town of Kendall Zoning Ordinance for enforcement.

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

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

RESOLUTION 76-0714 APPOINTING SHAD SPEER TO THE ZONING BOARD OF APPEALS

Whereas a vacancy on the Kendall Zoning Board of Appeals has been created by a matter of law, due to a lapse of greater than 30 days without an appointed member subscribing his Oath of Office, and

Whereas the Town Board considered and chose said appointed member to the Zoning Board of Appeals and still does desire to appoint said candidate, so

Now, therefore, be it RESOLVED to appoint Shad Speer, 16203 Carr Road, Kendall, NY to the position of member of the Zoning Board of Appeals with this term of office to begin immediately and to expire on December 31, 2017.

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

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

RESOLUTION 77-0714 ACCEPTING THE RESIGNATION OF PLANNING BOARD CHAIRMAN WENZEL

Whereas a letter of resignation from Raymond Wenzel of his duties as Town of Kendall Planning Board Chairman and as Orleans County Planning Board representative for the Town of Kendall has been received by the Town Clerk, so it is

RESOLVED, that the Kendall Town Board, with much regret and appreciation for a job well-done, does accept Mr. Wenzel's resignation, effective on July 25, 2014.

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

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

RESOLUTION 78-0714 APPOINTING ANDREW KLUDT AS PLANNING BOARD CHAIR AND RECOMMENDING HIM AS ORLEANS COUNTY PLANNING BOARD REPRESENTATIVE

Whereas the resignation of Mr. Wenzel leaves a vacancy on the Planning Board, and a vacancy in the Chairmanship of that Board, and in the position of representative for Kendall to the Orleans County Planning Board, and

Whereas Planning Board member Andrew Kludt has been contacted and has agreed to take chairmanship of the Kendall Planning Board; therefore be it

RESOLVED, to appoint Andrew Kludt as Chairman of the Town of Kendall Planning Board, effective on August 1st, 2014, with such appointment expiring on December 31, 2017; and be it further

RESOLVED, to recommend to the Orleans County Legislature the appointment of Andrew Kludt as the representative from the Town of Kendall to the Orleans County Planning Board.

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

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

RESOLUTION 79-0714 ADVERTISE VACANCY ON THE KENDALL PLANNING BOARD

Whereas the Town of Kendall Planning Board now has a vacancy, so be it

RESOLVED that the Town Board directs the Town Clerk to place an advertisement for that vacant position in the official newspaper and on the town web site, seeking interested Town of Kendall residents to serve on the Kendall Planning Board. Individuals should direct their letters of interest to Amy Richardson, Town Clerk, P.O. Box 474, Kendall, New York 14476 on or before August 29, 2014, or hand deliver to 1873 Kendall Road, Kendall, New York during her normal business hours.

The Town Board of the Town of Kendall reserves the right to accept or reject any or all candidates. Supervisor Cammarata called for a vote, resulting in all ayes, and declared the motion carried.

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

RESOLUTION 80-0714 ACCEPTING THE RESIGNATION OF TOWN COUNCILMAN LEVETT

Whereas a letter of resignation from Russell Levett of his duties as Kendall Town Councilman has been received by the Town Clerk, so be it

RESOLVED, that the Kendall Town Board does regretfully accept Mr. Levett's resignation, effective immediately.

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

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

RESOLUTION 81 -0714 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT TO PROVIDE A BAND FOR THE STREET DANCE CELEBRATION

Whereas, there is an event including a street dance planned for August 16, 2014, therefore

Be it resolved to authorize Supervisor Cammarata to enter into an agreement with Country Class, a local band, to provide music for said street dance, from 7:00 p.m. to 11:00 p.m., at a cost not to exceed \$650.00, and further resolved to authorize that payment to be made on that date.

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

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

RESOLUTION 82-0714 WAIVER OF OPEN CONTAINER LAW

BE IT RESOLVED that the Town of Kendall Open Container Ordinance be waived during the 2014 Town of Kendall Street Dance as follows:

Saturday, August 16 from 6:00 noon to 12:00 midnight

And, that this waiver shall cover a square in the area 1/4 mile South and 1/4 mile East commencing at the intersection of Kenmor Road and Kendall Road, and

Further, such waiver is in effect only on the specified date and time set for herein and only in the geographical area described herein.

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

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

RESOLUTION 83-0714 (Submitted by Councilman Bart Joseph), TO INTRODUCE PROPOSED LOCAL LAW 2 of 2014 - INCREASING THE MAXIMUM INCOME ELIGIBILITY LEVEL FOR SENIOR CITIZEN TAX EXEMPTION UNDER SECTION 467 of the REAL PROPERTY TAX LAW

WHEREAS the Primary Concern of the Town Board is to be financially responsible and provide equitable relief for our Senior Citizens, and

WHEREAS the Senior Citizen Tax Exemption has not been increased since 1997, and

WHEREAS the Town Board of Kendall is authorized by Section 467 of the Real Property Tax Law of the State of New York to define the income eligibility levels for determining qualification for the partial exemption from real property taxes for persons sixty-five (65) years of age and older who meet the statutory requirements, and the Kendall Town Board desires to redefine those levels according to the following schedule:

Annual Income	Partial Tax Income
\$0 - \$15,500.00	50%
\$15,500.01- \$16,499.99	45%
\$16,500.00 - \$17,499.99	40%
\$17,500.00 - \$18,499.99	35%
\$18,500.00 - \$19,399.99	30%
\$19,400.00 - \$20,299.99	25%
\$20,300.00 - \$21,199.99	20%
\$21,200.00 and over	None

so now therefore,

Be it RESOLVED, that the Kendall Town Board does introduce Local Law 2 of 2014, to be in an official format at least ten days prior to the public hearing, for consideration by the Town Board and to allow for public input, and further,

That the Town Clerk is authorized and directed to place a Legal Notice for a Public Hearing to consider adoption of this law, to be held on August 19, 2014 at 7:00 p.m., and to make the text of this local law available at the Town Clerk’s Office for public inspection.

Discussion:

Neither Councilman Newell nor Councilwoman Szozda had seen this proposal, and wished to have more information.

Supervisor Cammarata said this change was suggested by the Assessor. It has been instituted through most of the county. The situation is outdated. This has been presented at the O. C. Supervisors’ and Legislators’ Meeting. Councilwoman Szozda asked for the current income limits for comparison, which were provided and reviewed.

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

Councilwoman Szozda motioned the claims be paid, as presented on Abstract 7; seconded by Councilman Newell; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 7	\$ 15,391.66	Vouchers 415-417,419-447,449-453,455-469, 472,531,533
Highway Fund	Abstract 7	\$ 50,670.47	Vouchers 415,427,473-530
Light District One	Abstract 7	\$ 374.89	Voucher 416
Light District Two	Abstract 7	\$ 224.13	Voucher 416
Light District Three	Abstract 7	\$ 123.27	Voucher 416
Cap.Proj.-Troutburg	Abstract 7	\$ 1,257.16	Voucher 448
Water District One	Abstract 7	\$ 4,502.32	Voucher 470
Water District Two	Abstract 7	\$ 12,315.45	Vouchers 418,470
Water District Three	Abstract 7	\$ 1,653.45	Voucher 470
Water District Four	Abstract 7	\$ 3,183.45	Voucher 470
Water District Five	Abstract 7	\$ 1,070.46	Voucher 470
Water District Six	Abstract 7	<u>\$ 10,028.79</u>	Vouchers 471,532
		\$ 100,795.50	

OLD BUSINESS

Single Audit results – in, filed

Water Expansion – Income Survey Agreement, progress – income survey agreement signed

Codification – nothing new

Eagle Creek Marina Update – NYS will repay HUD; Supervisor has been told verbally that the Town of Kendall will not have to repay NYS; the money repaid Kendall by Mr. Freemesser may be re-loaned to other local businesses; should be final written, signed notice of this decision by August's meeting

Natural gas line expansion opportunities being explored – Councilman Newell still awaiting contact from RG&E engineer; met with Mr. Lillbridge

NEW BUSINESS

Beechwood Cemetery Chapel repair – discussion stage of extent of work, and possible funding streams to finance it.

Councilwoman Szozda asked if Bicentennial funds can be used.

Attorney Meier asked when and how the fund began and grew. Clerk Richardson answered that it began in 2007, and answered several additional questions and offered to send pertinent information from past minutes.

Attorney Meier expressed optimism about being able to use those funds, and will study that question.

With no further business coming before the Board, Councilman Newell motioned for adjournment, seconded By Councilwoman Szozda; all ayes. 8:10 p.m.

Respectfully Submitted,

Amy K. Richardson,
Town Clerk