

KENDALL TOWN BOARD
Kendall Town Hall – 1873 Kendall Road, Kendall, New York
November 18, 2014 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 Joseph	present
Councilman Martin	present
Councilman Newell	arrived at 7:05
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Meier, Clerk Richardson, O.C. Legislator DeRoller, Lynn Mael, Phil and Carol D’Agostino, Sharon Wright, Nadine Hanlon, Al and Bev Lofthouse, Editor Tom Rivers

SUPERVISOR’S REMARKS

Welcome to Councilman Martin to the Town Board.
Thank you to Councilwoman Szozda for her efforts toward the healthcare coverage.
Thank you to Councilman Joseph for putting together the budget.
Update on progress of water expansion: Call has been made to the engineer. 54 surveys have been returned, which is a good start, but not to the target yet. There may be as many as 63 completed now, which would be enough to move to the next step of calculation of median income. An update will be received tomorrow.

Councilwoman Szozda motioned to accept the following minutes, as presented:

Town Board Meeting October 21, 2014
Budget Hearing and Special Meeting - November 5, 2014

Ayes: Szozda, Joseph, Cammarata, Martin; abstain: Newell

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph
Buildings, & Grounds – Joseph
Information Services – Joseph

Doyle Security has finally replaced its dialer in our alarm system. There was no cost, and it would now be set up for future expansion and additional features.

Historian’s laptop computer has been set up.

The software used for accounting will be updated, which should ease report access, and will enable remote access.

Highway - Cammarata

Community Relations – Cammarata

Community Chorus will perform on Friday, November 21st.

Lions’ Club Tree Lighting and refreshments with Santa on December 3rd at 7:00

Culture & Recreation - Szozda

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Healthcare cards are expected to arrive by December 1st, and letters have gone out to the retirees regarding their premium increases.

Planning, Zoning & Agriculture – Newell

Informal presentation given regarding Bed & Breakfast application on Petersmith Road. That will go the County Planning Board due to its location. A variance for this business will be required for parking in front of the home business.

A setback variance will be required for the woodshop business on Kendall/Crandall Roads. This is being reviewed.

The Zoning Board Chair does not have a key to the building, and has requested one.

Finance, Taxes & Special Districts – Cammarata

Hamlin-Kendall Water District dissolution resulted in some equipment and money left, and the assets have not been distributed. This is being worked on by the bookkeeper and the attorney.

Orleans County Representative – DeRoller

County tentative budget is prepared, showing a 2.2% reduction. The nursing home sale helped this effort. Public Hearing is December 1st.

Bridges in Orleans County – a five-year plan is being formulated. The Carton Road bridge work is scheduled for 2015.

The broadband grant application is looking favorable for approval.

PUBLIC COMMENT

Lynn Mael, Kenmor Road – addressed the board in complaint regarding the house across the street from him, 16688 Kenmor Road. The property has been vacant since last year. It is owned by Bank of America. There are multiple issues with this house that appear to be in violation of code, including the electric service, the roof, bird and animal infestation, gutters in disrepair, front step damage, trash and garbage strewn, a garage which has not been emptied, overgrown grass, no water or electric service, and an odor of sewage, and paint peeling. Mr. Mael asked for the Code Enforcement Officer to inspect the property. He submitted photographs to the Supervisor, as well as codes he feels are in violation. Mr. Mael left the meeting before the Code Enforcement Officer's report and response.

Carol D'Agostino, West Kendall Road – thanked the Board for its service. Mrs. D'Agostino urged the Board to add water districts to the town. She knows “many people who considered moving to Kendall, but the lack of guaranteed water is a concern.” Mrs. D'Agostino said she has heard there is a master plan being considered for new homes. (Clerk's note – no plan has been presented to the town by any developer, nor has there been direction from the Town Board to revisit Kendall's Master Plan)

She urged the board to consider that a variety of people may want to move to Kendall, and that the market should dictate development. Mrs. D'Agostino is also concerned with the number of poorly maintained properties, which seem to be on the increase. She asked the Code Enforcement Officer to reconsider the practice of not citing properties if there is no complaint. The distressed properties lower all property values, and do not help create a welcoming environment. Also, there are families facing financial hardships, and suggested the Board support a town clean-up day. While a home-to-home pick-up may not be feasible, perhaps volunteers could offer to haul items somewhere for disposal. We need people to move into this community who want to positively impact the community. Mr. and Mrs. D'Agostino left the meeting before the Code Enforcement Officer's report and response.

Nadine Hanlon, Center Road – introduced herself as President of the Kendall School Board, and presented statistics of declining enrollment in the schools. Mrs. Hanlon asked the Board for cooperation in addressing the issue of vacant properties, and extending public water. Mrs. Hanlon offered the School Board’s efforts and cooperation to help make Kendall more attractive to home buyers. The school district has an excellent reputation for education, but the declining enrollment is of great concern. Mrs. Hanlon left the meeting before the Code Enforcement Officer’s report and response.

Councilman Joseph responded to the water concerns by saying that the Town Board has been aggressively seeking water expansion for eight years. The process and logistics of obtaining water are complex. Not every resident wants water. Petitioned areas have been and are being studied and cost analyses show that without significant grants being awarded, water expansion is cost prohibitive. Mapping has been completed, and most likely to be successful areas have been targeted. Grants are difficult to qualify for, and the applications are highly competitive. The current project is in the income survey stage, which has dragged on for months waiting for enough surveys to be returned by residents. Few residents concerned with their properties near the former dump site have had water testing done, and therefore the grant petitions lack the influence of fact. Not everyone wants the expense of public water. Public outcry is high, but cooperation falls short. The declining enrollment in our school may well be a reflection of the general decline in Western New York as a whole, for a variety of reasons, and may be more of a social statement that much of the family-building generation leans more toward later-life families and urban lifestyles.

Mrs. Hanlon asked if the Board has gone door to door to encourage survey response.

Supervisor Cammarata recapped the USDA grant qualifiers. The next step cannot be taken without the return of the confidential income surveys, sent out by LaBella, twice. Afterward, people went out to those they knew, and asked for return. The Board does not see the results, only a list of who has returned them. This is usually the most time-consuming part of the preparation steps. Supervisor Cammarata stated, “the number one goal of me is to have water to the Town of Kendall. There are people who do not want water, and that is absolutely fine. For whatever reason, they don’t want water. That’s their call, and no one says they have to, but to those folks who want water and it is economically feasible, we’ll try to get it for them.” The Board has been moving forward, and an update from the engineer is imminent. Information will be posted to the website as soon as it is available.

On the subject of property upkeep, a citizen committee to clean up areas of concern would have Supervisor Cammarata’s support.

Councilman Joseph read the water costs currently paid per year on water district residents’ tax bills, which is the debt cost to all on a water line, not just users. Use costs are separate. The costs are significant. The process is unfortunately cumbersome, but is being completed.

Mrs. D’Agostino asked that the community concerns, including financial, be put ahead of all else in the decisions made by both the school and town governments. Personal concerns should take a back seat.

Mrs. Hanlon offered her services and the school resources to the Board to expedite the water expansion.

Councilman Joseph concurred, and thanked the school for cooperation in use of their buildings for water information and the public EDA hearing.

Mrs. D'Agostino reiterated the financially burdened families' concerns also need to be weighed in decisions. She brought up MCWA being the administrator of the water, and urged the Board to think through the ramifications of each decision.

Councilman Joseph stated that the MCWA decision was and is and will be the best decision for the water users. It has resulted in problems, such as the water pressure issue at the school, being addressed quickly and properly and free of additional cost to users. As the current water lines age and require maintenance, MCWA provides a great measure of security.

Sharon Wright – submitted a letter from her and her husband, and Rod and Becky Hughson, regarding the care and safety and record keeping associated with Beechwood Cemetery. The letter is attached. Mrs. Wright left the meeting before the Board discussed and responded

Ken DeRoller, Kendall Road – stood to lodge a complaint against 16721 Kenmor Road, owned by Ms. Henhawk. It is a former automotive repair shop, which Mr. DeRoller said is moving to the Town of Carlton. He feels that type of business does not fit the Hamlet area. The commercial signage on the garage should be removed, and he asked the Code Enforcement Officer to inspect the property. The structure is deteriorating. He handed a packet of papers to the Supervisor. Mr. DeRoller also asked the Board to address the delisted landfill, owned by Mr. Bauer. Mr. DeRoller said two acres of it have not been closed properly. Close neighbors have had concerns. Mr. DeRoller had their wells tested, and all passed as showing no heavy metal contamination. Mr. DeRoller asked that water expansion take top priority. Mr. DeRoller left the meeting before the Code Enforcement Officer's report and response.

Councilman Joseph motioned for a recess, in order to correct a page on the budget being submitted, seconded by Councilwoman Szozda; all ayes; meeting adjourned at 7:59 p.m.

Supervisor Cammarata called the meeting back to order at 8:12 p.m.

Boards

Planning Board – Kludt, Chair – written report submitted

Zoning Board – Bolton, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey – In response to the comments tonight, Mr. Mael's complaint has been addressed by inspection. No health or safety concerns were present at the time. Ownership was not known at that time.

Mr. DeRoller's complaint: Mrs. Henhawk did approach the town to reopen, but was told the building was not compliant and a Special Use permit renewal would be unlikely.

Property maintenance issues are prioritized and addressed with health or safety issues given highest priority. It is not the policy of Kendall Code Enforcement to seek out and create issues. An official complaint spurs action. If all codes were to be followed strictly, there would be very few residents found to be in complete compliance. Abandoned buildings are a problem. The approach is to seal the buildings to keep trespassers out. Contacting owners is generally difficult. The town does not have the authority to mow

private properties. Addressing all property maintenance issues would be much more than a full time job. Condemnation is a last resort. The process is long and expensive and can make selling and rebuilding on those properties difficult.

The attorney said he believed that banks are required to post notices of their ownership of properties, but does not believe most comply.

Mr. DeRoller had lodged a complaint against the Morton Post Office, for not being ADA compliant. They are exempt from those regulations.

Councilman Joseph asked if red signs will be posted on vacant or unsafe properties.

Officer Hennekey asked if the town wants to purchase them, and brought up the problem of posting them. A code inspection can only be done from the street without permission of the property owner to enter the property.

- Highway - W. Kruger – no report
- 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 Newell made the following motion, seconded by Councilwoman Szozda:

RESOLUTION 107-1114 ADOPTING THE 2015 BUDGET

BE IT HEREBY RESOLVED to adopt the 2015 Town of Kendall Budget, as presented, and to make copies available in the town Clerk’s office, and posted to the town website for public inspection.

Supervisor Cammarata called for a roll call vote, with the following results:

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

Supervisor Cammarata declared the motion carried.

Discussion: Summary page must be inserted before page one and new copies provided, before filing and copying for the County.

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

RESOLUTION 108-1114 SCHEDULING A YEAR-END MEETING

BE IT RESOLVED, to schedule a Special Meeting on December 29, 2014, to be held at 3:00 p.m., to pay claims and conduct any other year end business.

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 109-1114 SCHEDULING 2015 ORGANIZATIONAL MEETING

BE IT RESOLVED, to hold the 2015 Organizational Meeting on January 6, 2015 at 7:00 p.m. This meeting is to be publicized in the official newspaper.

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 110-1114 BUDGET ADJUSTMENTS

BE IT RESOLVED, to make the following budget adjustments:

Increase Account SW6-0599 Appropriated Fund Balance by \$1500.00 and

Increase SW6-8310.40 Kendall Contractual \$1500.00 (Water District Six Bond Counsel)

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 111-1114 BUDGET TRANSFERS

BE IT RESOLVED, to make the following budget transfers:

Transfer from Supervisor Extra Help PS A-1220.12 \$100.00, to Supervisor Contractual A-1220.41, and

Transfer from Supervisor Extra Help PS A-1220.12 \$100.00, to Municipal Dues A-1920.40.

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

Councilman Joseph motioned to approve the payment of claims, as presented, and to pay the bills, seconded by Councilman Newell; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 12	\$ 22,337.64	Vouchers 734-740,743-777,820,821
Highway Fund	Abstract 12	\$ 48,233.96	Vouchers 734,740,749,779-819
Light District One	Abstract 12	\$ 456.92	Voucher 737
Light District Two	Abstract 12	\$ 270.44	Voucher 737
Light District Three	Abstract 12	\$ 148.54	Voucher 737
Water District Three	Abstract 12	\$ 13,375.00	Voucher 742
Water District Four	Abstract 12	\$ 44,885.00	Voucher 741
Water District Six	Abstract 12	\$ 1,539.87	Vouchers 736,744,823
Library	Abstract 12	\$ 70.77	Voucher 778
Capital Project	Abstract 12	<u>\$ 4,864.00</u>	Voucher 822
		\$136,182.14	

OLD BUSINESS

- Water Expansion – addressed earlier
- Codification – review is nearing completion; next step is resolving any differences with General Code; then Local Law to accept
- Natural gas line expansion – NTSEG is contacting potential customers
- Beechwood Cemetery Chapel repair – nearly done
- Ad hoc committee for Healthcare Consortium – compiling data, next meeting is December 5th
- Cemetery rates – need to be adjusted to continue proper maintenance

NEW BUSINESS

Councilman Joseph said the letter submitted tonight is astonishing, as the upkeep of the cemeteries is admirable. Councilman Martin said he often visits that cemetery, has never observed poor conditions and would scrutinize the cemetery tomorrow, to see if there is any validity to the claim of safety issues or poor maintenance. Supervisor Cammarata will respond in writing to the grievance letter.

With no further business coming before the Board, Councilman Joseph moved for adjournment, seconded by Councilwoman Szozda; all ayes; meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk