

**KENDALL TOWN BOARD**  
Kendall Town Hall – 1873 Kendall Road, Kendall, New York  
Thursday, March 26, 2015 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:07 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

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

Also present, Attorney Schubel, Clerk Richardson, Karl Driesel, Marlene Warnick, and Fern Martin

**SUPERVISOR'S REMARKS**

Clean-up day by the Lions' Club – April 25<sup>th</sup>

Electronics drop-off week at the highway department – free to public, and Sunnking will donate part of its proceeds to Camp Good Days and Special Times

Annual audit has been completed; no report yet

**CORRESPONDENCE**

General Code – packets with discs have arrived

Congressman Collins will be holding Satellite Office Hours at the Kendall Town Hall on April 23, 2015, from 2:00 to 3:30 p.m.

**ACCEPTANCE OF MINUTES**

January 20, 2015 – Regular Meeting

Councilwoman Szozda and Councilman Newell said they were not ready to accept minutes for this meeting.

February 17, 2015 – Regular Meeting

Supervisor Cammarata asked the Attorney about a resolution not being seconded, but voted on. Attorney Schubel said that was not an issue.  
accepted

March 3, 2015 – Work session which included action requiring minutes

Councilman Newell said he was not at the meeting, and asked if he could still vote. The attorney advised in the affirmative.  
accepted

**REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS**

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety  
No report

Buildings, & Grounds - Martin  
Highway - Martin  
Community Relations – Martin  
No reports

Culture & Recreation - Szozda  
Human Resources and Ethics – Szozda  
Employee Benefits – Szozda  
Consortium work continues  
Medical paperwork has been updated for MVP

Planning, Zoning & Agriculture – Newell

No activity this month for either board.

There is a question regarding a subdivision of a lot on the corner of Norway Heights and Norway Road before the Planning Board

Information Services – Newell

No report

Finance, Taxes & Special Districts – Cammarata

No report

Orleans County Representative – DeRoller

Not present

### **Boards**

Planning Board – Kludt, Chair

No report

Zoning Board – Bolton, Chair

No report

### **Department Heads**

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey – no report

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 – no reports

Supervisor – A. Cammarata – written report submitted

### **PUBLIC COMMENT**

Marlene Warnick – 15631 Thompson Drive, reported that upon visiting their cottage during the second week in February, she and her sister noticed extensive damage to their fence and fence post. A neighbor reported to her that a Town of Kendall truck hit it with its scoop during snow plowing, and the driver of the equipment apologized to this neighbor and promised to fix the damage. Mrs. Warnick brought proof of her building permit, obtained in 2011, for this fence, the original spec sheets provided by the installer, photos of the fence before and after the damage, the estimate of what the repairs will cost, and contact information.

Supervisor Cammarata asked if Mrs. Warnick had spoken with the Highway Superintendent. She responded no and asked why she had not been contacted by him.

Councilman Newell said that with such a severe winter, some damage was unavoidable.

Mrs. Warnick said she understands that, and has been patient, but wants to know when the situation will be rectified and asked how the communication will work for the Town's response.

Supervisor Cammarata said he would pass the information to Superintendent Kruger, and assured her that he would contact her.

Karl Driesel – updated the Board on the progress and obstacles he is facing in purchasing the re-zoned property to begin his woodworking business. Legal and town record research is making it apparent that a portion of Crandall Avenue belongs with this purchase, and there is no record of the Town owning that portion by any proper manner. Mr. Driesel does not have interest in that portion, and is asking the Board to expedite a resolution to this omission of fifty years ago.

Supervisor Cammarata said he would wait for Attorney Meier to outline steps to take.

## **RESOLUTIONS**

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

### **RESOLUTION 56-0315 FURTHER CORRECTION TO ABSTRACT ONE 2015**

Resolved, to correct Vouchers 23 and 35 from Account A480 to Account A460.

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 57-0315 SUPPORTING LEGISLATION TO REPEAL THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT OF 2013**

WHEREAS, Senate bills S511-2015 and S1193-2015 have been introduced to the New York State Senate by Senators Michael Nozzolio and Katherine Marchione respectively, which would repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and

WHEREAS, this Legislative Body has long advocated for the protection of the rights afforded our citizens under the Constitution, which has for generations guided our Nation and served as a framework to our republic and society; and

WHEREAS, the Second Amendment of the United States provides for the “right of the people to keep and bear arms” and further states that this right “shall not be infringed”; and

WHEREAS, members of the Kendall Town Board, being elected to represent the people of the Town of Kendall, are duly sworn by their oaths of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, as well as the Governor, being elected by the people of New York State, are duly sworn by their oaths of office to uphold the Constitution of the United States; and

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, “Right to keep and bear arms. - A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed.”; and

WHEREAS, the ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners, creating a hostile environment both for them and for the legal sale and manufacture of firearms; and

WHEREAS, the legislation prohibits the sale of firearm magazines with a capacity larger than

seven (7) rounds and, those firearm magazines with a capacity larger than seven (7) rounds, which are authorized to be retained by existing owners, may only be loaded with seven (7) rounds and eventually must be permanently altered to only accept seven (7) rounds or be disposed of; and

WHEREAS, few or no low capacity (seven (7) rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed by the residents of Kendall for the defense of life, liberty and property; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for forms of recreation including, but not limited to hunting and target shooting; and

WHEREAS, we find the legislation fails to offer any meaningful solutions to gun violence and places undue burdens where they don't belong, squarely on the backs of law abiding citizens; and

WHEREAS, there are many parts of this legislation that place an unfunded mandate on the local Sheriff Departments, County Clerk's Office and County Judges, while tax payers are crying out relief; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, this legislation effectively treats countless New York State law abiding gun owners as criminals; and

WHEREAS, the enactment of the NY SAFE Act has engendered significant controversy over both the process by which it was enacted and certain provisions contained within; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Kendall Town Board; and

WHEREAS, this legislative body unanimously voted to oppose the New York Secure Ammunition and Firearms Enforcement Act of 2013 for all reasons stated above in RESOLUTION 38-0313 at a Kendall Town Board Meeting on March 19, 2013; now be it

RESOLVED, that the Kendall Town Board does hereby support Senators Michael Nozzolio's and Katherine Marchione's bills S511-2015 and S1193-2015, respectively, to repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and be it

FURTHER RESOLVED, that this Legislature supports the introduction of an Assembly bill which calls for the repeal of the New York Secure Ammunition and Firearms Act of 2013; and be it

FURTHER RESOLVED, that this Legislature supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, the Lieutenant Governor, Senator Robert Ort, Assemblyman Stephen Hawley, New York State Association of Towns, and all others deemed necessary and proper.

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 58-0315 SUPPORTING REFORM OF THE AID AND INCENTIVE FOR MUNICIPALITIES (AIM) FORMULA IN ORDER TO DISTRIBUTE THE NEW AID TO LOCAL GOVERNMENTS**

WHEREAS, unrestricted state aid to local governments – formerly known as revenue sharing, now known as Aid and Incentive for Municipalities, or AIM – is general purpose state aid provided to all of New York’s cities (outside of New York City), villages and towns; and

WHEREAS, since the late 1980s, the original “revenue sharing” formula – intended to provide property tax relief by redistributing the state’s progressive tax revenues to municipalities that do not have the tax base or the taxing authority to generate these revenues on their own – has been annually disregarded and various constraints have been imposed on the overall level of state aid to local governments; and

WHEREAS, the original “revenue sharing” formula has not been utilized for decades and, since that time, various additional aid categories have been targeted to specific municipalities based on no particular economic or demographic factors, the current allocation of unrestricted aid (AIM) fails to accurately reflect the fiscal need and capacity of its recipient cities, villages and towns; and

WHEREAS, unrestricted State aid to local governments is a clear and proven way to provide property tax relief, when sufficiently funded; and

WHEREAS, a strong and growing state-local fiscal partnership is essential to generating economic vitality in all regions of our State; and

WHEREAS, local governments are limited by the 2% cap on property tax levies, growth in unrestricted State aid is critical; now, therefore be it

RESOLVED, that the Kendall Town Board calls on the Governor and the State Legislature to implement a multiyear phased 50% increase in the AIM program funding and a reform of the AIM formula in order to distribute the new aid to local governments in a fair and objective manner, and would account for local fiscal capacity and need; and be it

FURTHER RESOLVED, that the new program’s formula components, at a minimum, should include population, population density, poverty and public safety services and the formula should also consider the amount of tax-exempt property a municipality has within its boundaries, as this has a significant effect on a community’s ability to raise revenue; and be it

FURTHER RESOLVED, that the Kendall Town Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Steve Hawley, and all others deemed necessary and proper.

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

Councilwoman Szozda made a motion to pay the bills listed on Abstract 3, as presented; all ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 3	\$ 15,115.46	Vouchers 138-142,144-149,151-162,188-197
Highway Fund	Abstract 3	\$ 27,921.48	Vouchers 146,147,163-187
Light District One	Abstract 3	\$ 516.48	Voucher 140
Light District Two	Abstract 3	\$ 303.26	Voucher 140
Light District Three	Abstract 3	\$ 168.94	Voucher 140
Water District Five	Abstract 3	\$ 8,765.62	Voucher 143
Water District Six	Abstract 3	\$ 56.08	Vouchers 139,145
Library	Abstract 3	\$ 119.45	Voucher 150
		<u>\$ 52,966.77</u>	

**OLD BUSINESS**

Water Expansion – West Kendall Road will now be surveyed for income.

Codification – electronic copies of the regulations may prove to be more convenient and consistent and portable than hard copies; costs were discussed; decision pending – Planning, Zoning, Code Enforcement, and Record Manager all support this.

Natural gas line expansion – no report

**NEW BUSINESS**

Justice Court Petty Cash Fund

Clerk Richardson stated the Justices’ position to justify their request for the establishment of a petty cash fund for change-making. Supervisor Cammarata will find out how to establish that.

With no further business being before the Board, Councilwoman Szozda motioned for adjournment, seconded by Councilman Newell; all ayes. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk