

**KENDALL TOWN BOARD
TOWN BOARD MEETING**

Tuesday, March 20, 2018 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:04 and led the Pledge of Allegiance.

ROLL CALL

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

SUPERVISOR’S COMMENTS

Audit results have not been received.

LaBella Engineering attended the bid opening for the materials for Water District Seven, and have provided a recommendation to the Board.

BAN renewal meeting is set for Water District Seven and the highway loader.

Kendall Medical Building Oversight Committee meeting scheduled. Councilwoman Szozda and Attorney Meier will attend.

Councilwoman Szozda, Councilwoman Flow and Supervisor Cammarata voted to accept the following minutes as presented (Councilman Newell abstained):

Town Board Meeting February 20, 2018

CORRESPONDENCE

LaBella Associates – award of supply contract for WD 7

Orleans County Legislature – resolutions regarding inmate tablet program and offshore industrial wind projects

Orleans County Chamber of Commerce – 2018 Garden Show

PUBLIC COMMENT

Truda Slocum, Lakeshore Road asked when the next water district will be formed.

Supervisor Cammarata said the next one, which will include part of West Kendall Road, has the approval process started. No other will likely be started until at least 2018, as there are so many currently at different stages.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

No reports

Community Relations – Flow

Lawn Chair Ladies scheduled, blood drive scheduled, Homegrown Days date is set for August 18 and 19.

Culture & Recreation – Flow

Very busy season for recreation
Information Services – Flow
A new router is necessary. Estimates have been solicited.

Human Resources and Ethics – Szozda
Employee Benefits – Szozda
Memorial Day observance plans are being put in place.
Newsletter items are due.

Planning, Zoning & Agriculture – Newell
No zoning meeting.
No planning meeting, but sidewalks near Dollar General are being discussed.
The Marina has told TyLin they are not ready for an inspection of the second floor, and the Orleans County Health Department has not given necessary approvals. A May opening of the proposed restaurant seems unlikely.

Finance, Taxes & Special Districts – Cammarata
No further report

Orleans County Representative – DeRoller
No report

Boards

Planning Board – A. Kludt, Chair - e-mail report sent
Zoning Board – P. Bolton, Chair
No report

Department Heads

Assessor – G. Massey – no report
Code Enforcement – P. Hennekey
There have been four variance applications submitted.
A special use application has been submitted.
A new build home is in process.
Both CEO Hennekey and Deputy CEO Strong have completed the required annual training.
Fire Safety inspections are in process. The KFD has been asked to do a walk-thru of one of the churches due to a complicated floor plan. A fire in Hamlin was responded to.

Highway - W. Kruger
Clean-up Day is April 21st.
Councilman Martin has been prioritizing work needed on the highway buildings.
FEMA meetings were attended to comply with fund requests to address lake level damage. A written report has been submitted.

Historian – H. Banker – no report
Recreation – M. Werth – annual as well as monthly reports submitted
Town Clerk – A. Richardson – written report submitted

Town Justices – D. Drennan, D. Gaudioso – written reports submitted
Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

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

RESOLUTION 51-0318 IN OPPOSITION TO THE FREE TABLET PROGRAM FOR PRISONERS

WHEREAS, as a result of the decision by the New York State Department of Corrections and Community Supervision (DOCCS) to allow more than fifty-one thousand inmates statewide to use electronic tablets free of charge, Assemblyman Hawley has written a letter to Governor Cuomo and DOCCS demanding that the program be shut down immediately and to reconsider the misguided policy and urge JayP, Inc. to work with our school system, public libraries and veterans' organizations to furnish tablets to law abiding citizens; so now be it

RESOLVED, that the Kendall Town Board does support Assemblyman Hawley's position in opposing the free tablet program to inmates housed in our New York State correctional facilities; and be it

FURTHER RESOLVED, that the Kendall Town Board also insists that this program be closed immediately and the tablets be available to law abiding citizens, students in our schools, our library systems or veterans' organizations.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Kendall shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, the New York State Department of Corrections and Community Supervision and any others deemed necessary and proper.

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

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

RESOLUTION 52-0318 WATER DISTRICT 10 – INTENT TO DECLARE LEAD AGENCY STATUS FOR SEQR

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Kendall hereby announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the proposed Water District No. 10. The proposed action involves the installation of approximately 6,500 linear feet of waterline along portions of West Kendall Road in the Town of Kendall. The project will provide public water to properties that are currently dependent upon individual groundwater supplies that historically have produced low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within an Orleans County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board has commissioned LaBella Associates DPC to prepare Part 1 of the Environmental Assessment Form regarding the project.

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the completed Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

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

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

RESOLUTION 53-0318 AWARDING SUPPLY CONTRACT FOR WATER DISTRICT 7

Whereas, the Town of Kendall advertised bids for material supply for Water District No 7, and

Whereas, the Ad appeared in the Town's official newspaper on February 25, 2018, and

Whereas, bids were received on March 15, 2018 at the time and location indicated in the Advertisement for Bids and read out loud, and

Whereas, the Town Engineer, LaBella Associates, DPC has reviewed the bids and determine the apparent low bidder was Core & Main, LP with a bid of \$157,695.19, duly adjusted for a \$0.06 math error, and

Whereas, the amount of the bid was lower than the amount budgeted for such materials, and

Whereas, the bid was completed with the exception of one form missing from the bid and

Whereas, said form was executed following the bid,

Now and therefore the Town Board of the Town of Kendall resolves to:

1. Award the contract for material supply for Town of Kendall Water District No 7 to Core & Main, LP in the amount of \$157,695.19 (one hundred fifty seven thousand six hundred ninety five dollars and nineteen cents) subject to approval from Rural Development of the award and receiving the insurance certificates from the Contractor as outlined in the Contract Documents,
2. Retain bid securities from all bidders until the contract has been awarded, and
3. Return the checks for the purchase of the Contract Documents to those submitting bids as provided for in the Special Conditions.

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 54-0318 SUPPORTING TOWN OF YATES RESOLUTION CONCERNING OFFSHORE LARGE-SCALE INDUSTRIAL WIND PROJECTS IN LAKE ONTARIO

RESOLVED, that the Town of Kendall Town Board supports Town of Yates Resolution 35-2/18 entitled “Resolution Regarding Offshore Lake Ontario Large-Scale Industrial Wind Turbine Project Development in the Town of Yates and Orleans County”; and be it

FURTHER RESOLVED, that the Town Board of the Town of Kendall does hereby oppose offshore large-scale industrial wind turbine project developments in Lake Ontario for the full shoreline length of the Town of Kendall and Orleans County; and be it

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

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

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

RESOLUTION 55-0318 REAPPOINTING DANIEL STRONG AS DEPUTY CODE ENFORCEMENT OFFICER

Be it resolved to reappoint Daniel Strong as the Deputy Code Enforcement Officer for the Town of Kendall through June 30, 2018.

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

Attorney Meier summarized the following policy and resolution, and reading of the resolution publicly was waived.

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

RESOLUTION 56-0318 ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York and the poorest performing buildings typically use several times the energy of the highest performing buildings— for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Kendall is able to make

smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Kendall Town Board desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Kendall; and

WHEREAS, as such the Town of Kendall Town Board desires to establish procedures or guidelines to conduct such Building Energy Benchmarking; and so

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Kendall:

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's energy use, tracking that use over time, and comparing that use to similar buildings.

(C) "Commissioner" shall mean the head of the Department (Chairperson of the Town Board).

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Kendall which is 1,000 square feet or larger in size.

(5) "Department" shall mean the Kendall Town Board.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than December 31, 2016, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Kendall including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

IT IS FURTHER RESOLVED, the Town Board, in regular session duly convened, does hereby authorize and direct the Supervisor of the Town of Kendall to execute such other and additional documents as may be required to perfect the resolutions herein.

DISCUSSION: Councilman Newell asked that the dates listed be changed to reflect 2018 rather than 2016. This resolution is being considered as one criterion to be eligible for green community grants.

A discussion of owning versus leasing the light fixtures was held.

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

Councilwoman Szozda made a motion to pay the claims as presented, seconded by Councilwoman Flow; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 3	\$ 13,136.88	Vouchers 109-114, 116-134,160
Highway Fund	Abstract 3	\$ 14,352.81	Vouchers 113,115,133,135-159,161,162
Light District One	Abstract 3	\$ 521.96	Voucher 128
Light District Two	Abstract 3	\$ 304.36	Voucher 128
Light District Three	Abstract 3	\$ 169.02	Voucher 128
Water District Six	Abstract 3	<u>\$ 46.33</u>	Vouchers 127,134
		\$ 28,531.36	

OLD BUSINESS

Morton Union Cemetery

Grant application has been submitted.

Lake Ontario State Parkway Advisory Committee

Next meeting is April 18th.

LWRP Amendment Committee

Awaiting consultants' input

Kendall's Finest

No report

Memorial Day Observance

Set for May 30th at 7:00 p.m. in Greenwood Cemetery. Pastor Richardson will be asked to serve.

Emergency Management Committee

Laminated poster listing emergency contacts being designed for distribution.

Homegrown Days

August 18 movie and dinner and other family entertainment

Newsletter

To be published the third week in April

NEW BUSINESS

Kendall Medical Office Committee

Meeting scheduled for March 21st

Lions' Club Clean-Up Day April 21st

Money donated from Partyka Farms will go to buy new flags for veterans at the cemeteries.

With no further business being brought forward, Councilman Newell made a motion for adjournment, seconded by Councilwoman Szozda; all ayes. Meeting adjourned at 7:59 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk