

**KENDALL TOWN BOARD  
TOWN BOARD MEETING**

Tuesday, May 28, 2019 7:00 p.m.

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

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

**ROLL CALL**

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

**SUPERVISOR'S COMMENTS**

NYS DOT meetings regarding tree replacement in Water District 8 have not gone well, but progress in negotiations is being made. NYS Senator Robert Ortz has been helpful.

Lakefront issues continue to worsen, and change will take time. The IJC has new members.

Homeland Security has been able to intervene to obtain an aquadam for Ed Rose Shores, but there was a shift in the dam itself today. Lake issues have been time consuming.

**CORRESPONDENCE**

- Declaration of emergency from Governor's Office due to high lake levels
- Town of Clarendon – resolutions passed opposing the Red Flag Gun Seizure, the Driver's License Access and Privacy Act, the Returnable Container Act, the Legalizing of Cannabis, and the Bail Reform proposals of the State
- Orleans County Legislature – resolutions regarding Farm Labor and the License Access and Privacy Act proposals (other resolutions were passed in March)
- USDA – acceptance of income survey for Water District Ten
- Office of General Services – SEQR required for transfer of Banner Beach Cul de Sac from NYS Parks and Recreation
- Councilman Newell – LWRP draft list of projects and request to consider/add ideas for Kendall
- NYS DOT – minutes of meeting regarding landscaping of Water District 8

**PUBLIC COMMENT**

Truda Slocum said the lawyers representing the Kendall Medical Center change in ownership closing expect the process to be completed in June.

Mrs. Slocum asked if the issue for the rest of the town, not currently served by public water, has been addressed.

Supervisor Cammarata said that will be discussed under new business on the agenda.

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

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin  
Buildings & Grounds – Martin  
Highway – Martin

The new mini splits have been installed. Each is autonomous. They are quiet.  
The highway department is busy with the lakefront issues. The National Guard is helping.  
Other highway duties have been placed on hold due to the lakefront activities.

Community Relations – Flow

Culture & Recreation – Flow

Information Services – Flow

The Orleans County Youth recognition awards were earned by Steven Balka, Joseph Manno, Ryan Barrett, Morgan Davis, Michael Gardner, and Mason Kuhn. Mr. Kenneth Spohr of Kendall was awarded the Eileen Hays Adult Volunteer recognition.  
Recreation has had multiple cancellations due to weather.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

No report

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

Amato & Fox has completed its audit and reports should be available by July.

Orleans County Representative – DeRoller

No report

## **Boards**

Planning Board – A. Kludt, Chair

No report

Zoning Board – P. Bolton, Chair

No report

## **Department Heads**

Assessor – G. Massey

No report

Code Enforcement – P. Hennekey

Deputy CEO Strong reported a seasonal increase in building permit issuance.  
Permits of interest are a large addition at Jeff Cole's property and a large barn to be erected at Woodams on Center Road for a hops drying and processing operation.  
No permits for cell tower placement have been received.

Highway - W. Kruger

No report

Historian – Cindy Blosenhauer

A new display has been placed in the foyer.

Recreation – M. Werth  
No report

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Kluth, D. Gaudioso – written reports submitted

Supervisor – A. Cammarata – written report submitted

## **RESOLUTIONS**

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

### **RESOLUTION 58-0519 BUDGET TRANSFER**

Be it hereby resolved to reduce General Account Number A9040.80, Workers Compensation Insurance by \$268.22, and increase General Account A7550.40, Celebrations, \$268.22.

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

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

### **RESOLUTION 59-0519 CANCELLING WORK SESSION JULY 2<sup>ND</sup>.**

Due to the Fourth of July Holiday, the work session scheduled for July 2<sup>nd</sup> at 7 p.m. will be cancelled. A legal notice is to be published announcing the cancellation in the Hamlin Herald and on the Town Clerk's board near the front entrance.

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

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

### **RESOLUTION 60-0519 OPPOSING NEW YORK STATE SENATE BILL 2837 AND ASSEMBLY BILL 2750 TO ENACT THE FARMWORKERS FAIR LABOR PRACTICES ACT**

WHEREAS, Agriculture is Orleans County's and the Town of Kendall's number one industry, with farms directly and indirectly providing valuable jobs, support of local businesses and are a critical component of our Town and Region's economy, and,

WHEREAS, farms must compete for workers in a tight labor market, they value and respect their employees and pay over minimum wage to retain their skilled workforce, and H2A employees have a choice to work in less restrictive states, increasing stress on a shrinking labor pool, and

WHEREAS, according to the USDA, 98 % of New York farms are family owned, and

WHEREAS, Senator Jessica Ramos and Assemblywoman Catherine Nolan introduced S2837 and A2750 which would, among other things, provide collective bargaining rights to farm workers and require overtime pay and it is advocacy groups asking for collective bargaining, not farmworkers, and

WHEREAS, farming is already a highly regulated industry in New York State, placing a further marketplace competitive disadvantage from surrounding states and Canada on growing food for New Yorkers, and

WHEREAS, animal agriculture requires a workforce to care for animals at all hours every day and crop vegetable and fruit farming require seasonal, climate sensitive and time sensitive planting and harvesting where the effects of a labor strike on a farm could destroy an entire year's worth of crops, render perishable food not edible and adversely affect the health and care of animals, and

WHEREAS, New York State minimum wage ranks among the top five in the country, minimum wage in upstate New York being currently \$3.85 higher than federal minimum wage and on average farm wages are well above minimum wage, and

WHEREAS, prices paid to farmers for milk and most crops produced in Orleans County and the Town of Kendall are set by market conditions which are out of farmers' control, and they therefore have no way to recoup added costs of production by increasing the prices of their products, and so proposed overtime will likely result in fewer hours for workers rather than increased pay, since current prices received for agricultural products at the farm level cannot justify overtime pay rates, and

WHEREAS, Town of Kendall farmers must compete in regional, national and global marketplaces and this legislation would place them at a greater competitive disadvantage, and

WHEREAS, family farming is already on the decline and the economic impact of these labor mandates will further reduce profitability and push further disincentive to continue family farming operations in New York State and the net effect of increasing agricultural cost solely on New York farms will simply be to drive farm families out of business or out of state, and

WHEREAS, agriculture provides and protects the Town of Kendall's open spaces and beautiful landscapes, which are in jeopardy of falling to development and non-agriculture use if added costs force farms out of business, and so, now, therefore, be it

RESOLVED, that the Town of Kendall Town Board does pause in its deliberations to oppose S2837 / A2750 based on loss of market place, agribusiness economic loss to farm communities and major loss of income and benefits to farm employees, and the Kendall Town Board hereby requests that our State Legislators take steps to defeat such legislation, and be it further

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

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

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

**RESOLUTION 61-0519 CALLING UPON PRESIDENT TRUMP TO IMMEDIATELY RESCIND PLAN 2014 AND BEGIN RENEGOTIATIONS WITH CANADA**

WHEREAS, Plan 2014 and the International Joint Commission have once again – like 2017 – failed to protect the residents and infrastructure of the Town of Kendall’s Lake Ontario shoreline from flooding, be it

RESOLVED, that the Town of Kendall calls upon President Trump to immediately rescind Plan 2014 and, be it further

RESOLVED, that the Town of Kendall calls upon President Trump to renegotiate a plan with Canada that would prevent or alleviate the high Lake Ontario water levels causing devastation of Town of Kendall residences and businesses and strain upon its government infrastructure. Also, be it

RESOLVED, that the Town of Kendall shall forward copies of this resolution to President Trump; Secretary of State Michael R. Pompeo; U.S. Rep. Chris Collins; U.S. Senator Charles E. Schumer; U.S. Senator Kirsten E. Gillibrand; International Joint Commissioner Jane L. Corwin as the U.S. chairwoman, and Robert C. Sisson and Lance V. Yohe as commissioners, Assemblyman Stephen Hawley, Senator Robert Ort and all others deemed necessary and proper.

Discussion: Supervisor Cammarata spoke strongly in favor of this resolution.

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

Councilman Martin made a motion to accept the claims, as presented, which was seconded by Councilwoman Szozda; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 5	\$ 28,479.82	Vouchers 262-272,274-287,289-312,342
Highway Fund	Abstract 5	\$ 19,829.61	Vouchers 266,307,313-341
Light District One	Abstract 5	\$ 435.99	Voucher 291
Light District Two	Abstract 5	\$ 258.52	Voucher 291
Light District Three	Abstract 5	\$ 157.22	Voucher 291
Water District Six	Abstract 5	\$ 47.85	Vouchers 292,309
Water District Eight	Abstract 5	\$ 5,943.30	Voucher 288
Library	Abstract 5	\$ <u>218.67</u>	Voucher 273
		\$ 55,370.98	

**OLD BUSINESS**

Morton Union Cemetery

More documentation is necessary to apply for the grant.

The flag pole cannot be installed until the ground dries somewhat.

Lake Ontario State Parkway Advisory Committee

No report

A long discussion was held regarding whether or not to cancel the Memorial Day Observance due to the prediction of thunderstorms, or moving it to an indoor location. The final decision was to continue with plans, as is.

LWRP Amendment Committee - no update

Emergency Management Committee – no update

Clean Energy Community - all of the Town’s requirements have been met. National Grid must now respond.

Petersmith Road petitions for rezoning – will be discussed at work session

Petersmith Road cell tower – no application has been received

LED Streetlights – waiting for National Grid to respond

Potential Sewer District being formed – not addressed

Restoration landscaping of Creek Road – still is not done; the engineer has been contacted.

County cell tower – Kenmor Road site does not seem viable. A private property on Carr Road is being considered, but the attorney will look into whether private property can be used for the municipal tower.

**NEW BUSINESS**

Immediate and serious lake level concern on Ed Rose Shores – aqua dam shifted

Water District Eleven – possibility of no income surveys required because using 2015 census rather than 2010 results is to Kendall’s favor.

With no further business being brought forward, Councilwoman Flow motioned for adjournment, seconded by Councilman Martin; all ayes. Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk