

**KENDALL TOWN BOARD
TOWN BOARD MEETING**

Tuesday, December 17, 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	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Councilwoman Flow suggested acceptance of the following minutes, as presented:

Town Board Meeting November 19, 2019

Special Meeting December 9, 2019

All were in agreement, with the exception of Councilman Newell, who abstained due to his not attending the meetings.

SUPERVISOR'S COMMENTS

2019 saw two water districts completed, and two more started.

LED conversion is nearly complete.

Three major REDI (Resiliency and Economic Development Initiative) projects were approved for NYS funding through grants. They are waste water infrastructure,

Thompson Drive improvements, and work on several culverts.

Congratulations to Highway Superintendent Kruger for 30 years of service.

CORRESPONDENCE

Rebecca Banker – student request for public water on Lakeshore Road

Colby Speer – student expressing thanks to Supervisor Cammarata

Orleans County Legislature – resolution regarding IJC (International Joint Committee) lawsuit

PUBLIC COMMENT

Truda Slocum, Lakeshore Road – asked if there had been any response to the request for census numbers to be used rather than income surveys in water expansion projects.

Supervisor Cammarata answered that there has not. It will come from the USDA.

Mrs. Slocum relayed a message to the Town Board for the Kendall Medical Oversight Board that the status of the medical building is still being negotiated.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

Ken Spohr will be doing a test area of the paint for the trim and doors in the town hall this week.

Cameras are being hung in the cemeteries.

Flags for the cemeteries are here.

Highway has had extra, weather-related roadwork.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

Tree lighting and reception went well.

The 4th grade concert for the senior citizens is tomorrow.

Two laptops need to be updated to Windows 10.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

The form for Benefit Resource was sent. All new medical information has been given to Supervisor Cammarata.

Planning, Zoning & Agriculture – Newell

Solar project applications are being reviewed

Finance, Taxes & Special Districts – Cammarata – no further report

Orleans County Representative – DeRoller – not present

Boards

Planning Board – A. Kludt, Chair – written report submitted

Zoning Board – P. Bolton, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey – solar farm applications are being reviewed

Highway - W. Kruger – no report

Historian – Cindy Blosenhauer – no report

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 Szozda made the following motion, seconded by Councilman Martin:

RESOLUTION 104 1219 BUDGET AMENDMENT

Be it resolved to increase Highway Account fund balance DA0599 by \$31,300, and to increase highway expense accounts: DA5110.40 by \$10,000.00,
DA5130.40 by \$10,000.00,
DA5142.40 by \$10,000.00,
DA9030.80 by \$700.00,
DA9030.81 by \$200.00, and
DA9060.80 by \$400.00.

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

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

RESOLUTION 105 1219 BUDGET TRANSFERS

Be it resolved to Decrease General Accounts:

A1355.12 by \$303.29,
A7310.11 by \$1,100.00, and
A8810.30 by \$2,100.00, and to

Increase General Accounts:

A1420.40 by \$1,024.00,
A1450.40 by \$ 865.00,
A1220.41 by \$ 263.29,
A1355.40 by \$ 40.00,
A1620.40 by \$ 900.00,
A5010.20 by \$ 48.00, and
A8810.41 by \$ 363.00.

Total: **\$3,503.29**

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

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

RESOLUTION 106-1219 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN LEGAL AGREEMENT WITH WEBSTER, SCHUBEL, AND MEIER, LLP, FOR WATER DISTRICT TEN

Be it resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign a letter of engagement for legal service with Attorney Andrew Meier of Law Offices of Webster, Schubel, and Meier for Water District Ten, in the amount of \$4,000.

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

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

RESOLUTION 107-1219 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN AN AGREEMENT WITH LA BELLA ASSOCIATES FOR PROFESSIONAL SERVICES IMPLEMENTING PHASE 1 FOR THREE REDI PROJECTS

Be it resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign three professional service agreements for engineering services with La Bella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614, as follows:

Thompson Drive Project, \$5,000.00,

Public Town Road Culverts, \$10,000.00, and

Wastewater Infrastructure, \$45,000.00.

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

After Attorney Meier summarized the resolution, Councilman Newell made the following motion, seconded by Councilwoman Flow:

RESOLUTION 108-1219 FINAL ORDER ESTABLISHING DISTRICT TEN

WHEREAS, THE TOWN BOARD OF THE TOWN OF KENDALL (HEREIN CALLED "TOWN BOARD" AND "TOWN", RESPECTIVELY), IN THE COUNTY OF ORLEANS, NEW YORK, HAS, PURSUANT TO TOWN LAW ARTICLE 12-A, CAUSED LABELLA ASSOCIATES, D. P.C., COMPETENT ENGINEERS DULY LICENSED BY THE STATE OF NEW YORK, TO PREPARE A MAP, PLAN AND REPORT FOR THE ESTABLISHMENT OF WATER DISTRICT NO. 10 (THE "DISTRICT") IN THE TOWN, WITH PROPOSED IMPROVEMENTS CONSISTING OF THE CONSTRUCTION AND INSTALLATION OF

APPROXIMATELY 6,500 LINEAR FEET OF 8- TO 12- INCH DIAMETER PVC WATER MAIN ALONG PORTIONS OF WEST KENDALL ROAD, INCLUDING LAND OR RIGHTS IN LAND, ROAD CROSSINGS, FURNISHINGS, VALVES, HYDRANTS, FITTINGS, CONNECTIONS, FILL, SERVICES, APPURTENANCES AND RELATED SITE WORK AND OTHER ANCILLARY WORK, PRELIMINARY COSTS AND OTHER IMPROVEMENTS AND COSTS INCIDENTAL THERETO; AND

WHEREAS, on September 24, 2019, the Town Board adopted an Order Calling Public Hearing, and

WHEREAS, pursuant to the Order Calling Public Hearing, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying October 15, 2019, at 7:00 o'clock p.m. (Prevailing Time) as the time when, and the Kendall Town Hall, located at 1873 Kendall Road, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law and a Notice of Public Hearing was mailed by first class mailed to each owner of taxable real property in the District, and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and the mailing of the Notice of Public Hearing and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted October 15, 2019, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, that the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$672,000.00; and that the plan of financing is the issuance of serial bonds in the amount of \$672,000.00, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Orleans and/or local grants, including but not limited to loan and/or grant funds from USDA Rural Development in the amount of \$384,000.00, and the balance of the costs will be assessed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion

to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, said resolution adopted October 15, 2019, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within thirty (30) days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, the permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property as defined in the Town Law is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, or computed by the State Comptroller; and

WHEREAS, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration, the Town Board has found no substantial adverse environmental impact will be caused by such District; and

WHEREAS, the Town and the Town Board have complied in every respect with all applicable laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act (SEQR);

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved, in the Town of Kendall, to be known as Water District No. 10 in the Town of Kendall, situate wholly outside of any incorporated village or city, and bounded and more particularly described in annexed Schedule "A".

ORDERED, that Water District No. 10 hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$672,000.00, and the plan of financing is the issuance of serial bonds in the amount of \$672,000.00, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Orleans and/or local grants including but not limited to loan and/or grant funds from USDA Rural Development in the amount of \$384,000.00, and the balance of the costs will be assessed by the assessment, levy and collection of the special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Orleans and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by said Town Clerk.

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 109-1219 SUPPORTING NEW YORK STATE'S EXPANDED ACTIONS AGAINST THE INTERNATIONAL JOINT COMMISSION FOR SUBSTANTIAL LAKE SHORE FLOODING DAMAGES

WHEREAS, the International Joint Commission's (IJC) mismanagement of the Lake Ontario water levels has caused Kendall shoreline residents damage with high lake levels, and damage to the infrastructure, roads, properties and businesses along the lake of the Town of Kendall; and

WHEREAS, New York State Attorney General Letitia James and New York State Governor Andrew M. Cuomo have filed an expanded lawsuit with the NYS Department of Environmental Conservation against the IJC for failing to implement its flood protocol and failing in its primary mission of managing Lake Ontario's water levels. The Attorney General and Governor are hopeful that this lawsuit will bring security and justice to those impacted by the IJC's actions and failures to act. So now, therefore, be it

RESOLVED, that the Town Board of the Town of Kendall supports New York State's action in holding the IJC accountable for its failure to protect the shoreline of Kendall; and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward this resolution to the offices of Governor Cuomo, Senator Ortt, and Assemblyman Hawley.

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

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

RESOLUTION 110-1219 MUNICIPAL SNOW AND ICE AGREEMENT BETWEEN THE KENDALL SCHOOL DISTRICT AND THE TOWN OF KENDALL

BE IT HEREBY RESOLVED that the Kendall Town Board authorizes Supervisor Cammarata to execute an agreement between the Kendall Central School District and the Town of Kendall for Municipal Snow and Ice removal on access roads Brehse Day Drive and Noon Blvd. This agreement did commence on November 20, 2019 and terminates on June 30, 2020.

The 2019-2020 Season: Sanding and Plowing per season pay to the Town will be \$4,160.26.

The agreement will be executed by Supervisor Cammarata and also signed by Highway Superintendent Kruger. Form and content is to be reviewed and approved by the Attorney for the Town of Kendall.

Discussion: Councilman Martin said it is the expectation of Highway Superintendent Kruger that additional wording will be added in order to protect his position. Supervisor Cammarata said he

is aware of this, and that any final agreement will have to be signed by Superintendent Kruger, Supervisor Cammarata and a representative of the school. The current agreement is not finalized, but this resolution enables the process to move forward as soon as an agreement IS reached. The attorney will confer with each. The plowing work is being done in the meantime.

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

Councilwoman Flow made a motion to pay the bills, as presented in Abstract 12. Motion seconded by Councilman Martin. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 12	\$ 60,808.90	Vouchers 785-788,790-821,823-825,848,861
Highway Fund	Abstract 12	\$ 21,318.39	Vouchers 787,805,823,826-847,849-857
Light District One	Abstract 12	\$ 488.61	Voucher 804
Light District Two	Abstract 12	\$ 288.59	Voucher 804
Light District Three	Abstract 12	\$ 176.83	Voucher 804
Water District Six	Abstract 12	\$ 48.97	Vouchers 803,824
Water District Seven	Abstract 12	\$ 9,472.26	Voucher 860
Water District Eight	Abstract 12	\$ 4,000.00	Voucher 858
Water District Nine	Abstract 12	\$ 3,735.00	Voucher 859
Library	Abstract 12	<u>\$ 172.59</u>	Voucher 789
		\$ 100,510.14	

OLD BUSINESS

Morton Union Cemetery – nothing to report

Lake Ontario State Parkway Advisory Committee – no meetings recently

LWRP Amendment Committee – no meetings recently

Clean Energy Community – data for Kendall has been input to the system, but more must be collected to complete the energy usage profile. Accreditation should be complete in January.

LED Streetlights – nearly complete

Sewer District being formed – part of REDI program

Condemnation of two properties – nothing to report

Splash Park – procuring Curtis Field on Countyline Road is being pursued.

The Modern Disposal issue with some of the private roads at the lakefront – Supervisor Cammarata provided a re-cap of the issue concerning curbside pickup on the streets considered unsafe for turn around. Nothing has been determined. For now, pickups will be done as usual.

NEW BUSINESS

A recognition party for Warren Kruger’s 30 years of working in the Highway Department is being planned. Plans for gift, food and decoration seem to be in order.

Librarian Grah has given Councilwoman Flow the list of books to be purchased from the LEGO award.

With no further business being brought forward, Councilman Marin made a motion for adjournment, seconded by Councilman Newell. All ayes. Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk