

**KENDALL TOWN BOARD
TOWN BOARD MEETING**

Tuesday, March 17, 2020 7:00 p.m.

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

Due to the declared State of Emergency regarding COVID-19 and the directives for social distancing, the agenda has been truncated, and the meeting closed to the public, as allowed by the temporary suspension of one part of the Open Meetings Law of NYS by Governor Cuomo’s Executive Order. Distancing of seating was employed, and hand sanitizer was available.

Supervisor Cammarata called the meeting to order at 7:12 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

SUPERVISOR’S COMMENTS

This has been an unprecedented week because of the response to the coronavirus epidemic. The Attorney for the Town suggested the resolutions be read in a shortened form, to expediate the meeting.
The check from National Grid for the LED conversion has been received.
The Snow and Ice Agreement with Kendall Central School has been signed.

CORRESPONDENCE

Many County, State, Federal government and departments and NYMIR and vendors - letters, memos, and emails regarding the coronavirus, the declared states of emergency, closings, and directives.

RESOLUTIONS

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

RESOLUTION 53-0320 DECLARING THE TOWN OF KENDALL A LOCAL CONTROL TOWN FOR PURPOSES OF ARTICLE 23

WHEREAS, New York State is a Home Rule state, and

WHEREAS, per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community, and

WHEREAS, the Town of Kendall has a comprehensive plan and accompanying zoning laws, fully supported by its residents, which capture the community's local conditions and values regarding future economic growth and development, and

WHEREAS, on February 21, 2020, Governor Cuomo proposed a Budget Amendment, titled the "Accelerated Renewable Energy Growth and Community Benefit Act (hereafter 'Article 23 Amendment')" which would accelerate industrial wind and solar energy development, and

WHEREAS, the Article 23 Amendment, if passed, would greatly limit the role of local zoning laws, avoid critical reviews of local environmental conditions requiring mitigation, allow the State to take certain lands through eminent domain and make them available to developers for construction of power plants, and limit a town's taxation and assessment powers, and

WHEREAS, the Article 23 Amendment would eliminate protected processes, public participation and speech by specifically limiting administrative hearings and expressions of disagreement or opposition to siting locations, and

WHEREAS, the Article 23 Amendment contains an "approval by default" provision that deems an application "to have been granted" should the newly created Office of Renewable Energy Siting fails to make a decision in one year, be it

RESOLVED, that the Town of Kendall requests that the Article 23 Amendment be withdrawn, and be it further

RESOLVED, should the Article 23 Amendment become law, that the Town of Kendall hereby declares itself a Local Control Town for purposes of Article 23, and be it further

RESOLVED, should the Article 23 Amendment become law, that the Town of Kendall will not provide any local resources or cooperation toward approval, administration, and/or enforcement of any permits issued pursuant to Article 23, and be it further

RESOLVED, that the Town of Kendall will continue to enforce all local laws applicable to any project sited within the Town.

Discussion: Councilman Newell said this is a different version than the one he had seen before. This one is more concise.

This resolution should be forwarded to NYS Governor Cuomo, the Town Supervisors of Orleans County, the Orleans County Legislature, Assemblyman Hawley, and Senator Ort.

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

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

RESOLUTION 54-0320 ORLEANS COUNTY HAZARD MITIGATION PLAN UPDATES PROJECT

Whereas, per federal regulations, all local governments must have a Federal Emergency Management Agency (FEMA)-approved HMP, in order to be eligible to apply for and receive federal mitigation grant funding for public and private mitigation projects, and

Whereas Orleans County, through the Department of Planning and Development, is currently leading this plan update effort, whereby the Town of Kendall, located within Orleans County, may formally participate in this process and thus continue to be eligible for federal pre-disaster mitigation funding opportunities and other benefits under the program, so then,

BE it resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign a letter of participation in the Orleans County Hazard Mitigation Plan Updates Project.

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

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

RESOLUTION 55-0320 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN A LETTER OF ENGAGEMENT WITH BARCLAY DAMON LLP

Be it resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign a letter engagement with Mark McNamara, Esq., a partner with Barclay Damon LLP, Avant Building, 200 Delaware Avenue, Buffalo, New York, 14202, to undertake the interest of the matter of a drainage system.

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 56-0320 AUTHORIZING SUPERVISOR CAMMARATA TO SIGN A BOND COUNSEL AGREEMENT WITH HODGSON RUSS LLP FOR WATER DISTRICT EIGHT

Be it resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign a bond counsel agreement with Hodgson & Russ, LLP, for \$18,000.00, which includes an increase of \$4,000.00 due to the increase of an additional bond with Rural Development that was not expected in 2016.

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

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

RESOLUTION 57-0320 BUDGET AMENDMENT FOR JCAP GRANT

Whereas the Town of Kendall Justice Court has received a JCAP Grant in the amount of \$6,998.94, and this grant is to be used for chairs, blinds, carpeting and a book which aids the handling of Driving While Intoxicated cases,

Now be it resolved to increase General Revenue Account, A2770.31, by \$6,998.94 and increase General Expense Account A1110.42, by \$6998.94.

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

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

RESOLUTION 58-0320 TEMPORARY SUSPENSION OF THE POLICY IN THE HIGHWAY DEPARTMENT WORK AGREEMENT REQUIRING A PHYSICIAN'S CERTIFICATE WHEN RETURNING TO WORK AFTER ILLNESS

Whereas the Town of Kendall, Orleans County, and the United States Governments have declared the spread of the novel coronavirus a state of emergency, and

Whereas, healthcare workers may be overwhelmed with requests, and healthcare offices contaminated, and,

Whereas, an effective thing employers can do to prevent the spread of this virus is to ensure that employees are staying home when they are sick, so then the Town Board does hereby

Resolve, to suspend the portion of the Town of Kendall Highway Department Salary Schedule and Work Agreement requiring a doctor's note to return to work after absence, for the duration of the state of emergency.

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

Councilwoman Szozda made the following motion, seconded by Council

RESOLUTIO 59-0320 PROPOSAL FOR REDI SERVICES FOR ADMINISTRATION SERVICES

Whereas the Town of Kendall was awarded three REDI projects by New York State, and

Whereas these projects consist of (1) Public Town Roads/Culverts, and (2) Thompson Drive turnaround/parking, and (3) Wastewater Infrastructure, and

Whereas the Town is seeking assistance with the administration of these three projects, so then

Be it Resolved, the Kendall Town Board authorizes Supervisor Cammarata to sign a letter of engagement with LaBella Associates, 300 State Street, Suite 201, Rochester, New York to perform this administration, without further consent from the Kendall Town Board. The Attorney for the Town has reviewed this engagement letter for form and accuracy. The total costs for the administration services of these REDI projects will not exceed \$12,000.

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

Councilwoman Flow made a motion to pay the claims as presented in Abstract 3. Motion seconded by Councilman Newell. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 3	\$ 16,455.35	Vouchers 127-136,138-141,143-160,201
Highway Fund	Abstract 3	\$ 52,763.43	Vouchers 130,158,161-200,202
Light District One	Abstract 3	\$ 350.30	Voucher 149
Light District Two	Abstract 3	\$ 221.71	Voucher 149
Light District Three	Abstract 3	\$ 108.15	Voucher 149
Water District Six	Abstract 3	\$ 47.35	Vouchers 159,203
Water District Ten	Abstract 3	\$ 15,706.63	Vouchers 142,204
Library	Abstract 3	<u>\$ 285.17</u>	Vouchers 138,205
		\$ 85,938.09	

NEW BUSINESS

Reschedule May meeting because of school elections conflict
Clerk Richardson said this election may be delayed, so a rescheduling may not be necessary.

The Orleans Hub would like to present an award to the boy scouts and leader Ken Spohr at the May meeting, if possible.

Supervisor Cammarata said the meeting would need to continue on April 7, 2020 to address various issues with the REDI projects.

With no further business being brought forward, Councilwoman Szozda made a motion to recess this meeting until April 7th at 7:00 p.m.. Motion seconded by Councilman Newell. Meeting was recessed at 7:42 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk

