

KENDALL TOWN BOARD
Thursday, May 19, 2022, 7:00 p.m.
Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:08 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

Also present, John Fitzak, Orleans County Legislator, Planning Chairman Newell, Truda Slocum

The following minutes were accepted:

January 18, 2022, as presented

April 19, 2022, with a request to correct “water” to sewer under Supervisor remarks

SUPERVISOR’S REMARKS

The Purpose of the meeting date change from Tuesday May 17th to Thursday May 19th was to accommodate a request from the Kendall School District for a place outside of their schools for a public vote.

The Audit for the Town of Kendall has been completed by our auditors and we are awaiting their conclusions.

The first sewer district in any town in Orleans County is under way with a public hearing completed last month and formation of the sewer district tonight.

We are still waiting final decisions from N.Y. State Parks and Monroe County in regard to funding and implementation into the Monroe County Treatment Facility on Manitou Road in Greece, N.Y.

CORRESPONDENCE

- DOT re. Vegetation Management Program
- OC Public Defender re. District Court System formation
- NYS DOS re. CLEAR plan
- Orleans County Board of Elections re. election poll workers

PUBLIC COMMENT

Bruce Newell, Norway Heights – Commented that the trash and recycling pickup was skipped on his road, and after more than one call to Modern Recycling and assurance that would be corrected, the trash has still not been collected. Clerk Richardson suggested calling the Orleans County Legislature, which contracts with Modern, and report the situation.

Legislator Fitzak spoke about the election poll workers change. Better communication would have prevented some of the confusion. The district court system discussions are just beginning.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

We have three quotes for minisplits. The Board will review these and make a decision.

Carpet tiles in the supervisor/town board office and the clerk's offices have been priced.

New street flags have been added to the streetlights.

Community Relations – Flow

The garden club has made wreaths for the cemeteries for Memorial Day.

The community park agreement is being revisited.

Culture & Recreation – Flow – busy season

Information Services – Flow

The website continues to improve.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Memorial Day service is planned.

A newsletter will be published this weekend to update residents.

Planning, Zoning & Agriculture – Jennings

The ZBA cancelled its April meeting.

The Planning Board held three public hearings on variance applications. Our current code requires public hearings for all subdivisions. It may be prudent to alter this to exempt minor subdivisions. Also, discussions occurred about altering the restrictions placed on farm workers' housing.

Finance, Taxes & Special Districts – Cammarata

NYS assessments have been put on hold until next year because of the current volatility in the housing market. Kendall is currently at an 81% equalization rate.

Boards

Planning Board – B. Newell, Chair There is a plan at the State level NYS Climate Action Council to require electric-only homes.

Zoning Board – P. Bolton, Chair

Department Heads

Assessor – L. Hewitt – no report

Code Enforcement – P. Hennekey – no report

Highway - W. Kruger – no report

Historian – L. Jayne – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written report submitted

Town Justice – D. Kluth – written report submitted

Supervisor – A. Cammarata – written report submitted

Jennings moved, Flow seconded:

RESOLUTION 67-0522 CREATING ONE ADDITIONAL MEO POSITION FOR THE KENDALL HIGHWAY DEPARTMENT

Be It Resolved that the Kendall Town Board approves the creation of a new MEO position at the request of the Kendall Highway Superintendent to assist that department in their roles and responsibilities.

Vote resulted in all ayes. Motion carried.

Flow moved, Szozda seconded:

RESOLUTION 68-0522 APPROVING SALE OF KENDALL HIGHWAY EQUIPMENT AT AUCTION

Be It Resolved the Kendall Town Board authorizes the Kendall Highway Superintendent to sell and send to auction a 1978 dump truck, a bush hog, and miscellaneous parts.

Vote resulted in all ayes. Motion carried.

Szozda moved, Jennings seconded:

RESOLUTION 69-0522 INTRODUCING PROPOSED LOCAL LAW No.2 of 2022 AND TO SCHEDULE A PUBLIC HEARING TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM

WHEREAS, The Town Board of the Town of Kendall, New York desires to consider adopting a law to implement a Community Choice Aggregation Program, which law shall be known as A LOCAL LAW TO ADOPT A COMMUNITY CHOICE AGGREGATION PROGRAM, so

NOW, THEREFORE, BE IT

RESOLVED that proposed Local Law No.2 of 2022 entitled “A Local Law to Adopt a Community Choice Aggregation Program Law of the Town of Kendall”, which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, is hereby introduced for adoption; and be it further

RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and a copy thereof be kept on file in the office of the Town Clerk until June 21, 2022, and that a public hearing be held before this Town Board on the 21st day of June, 2022, at 7:00 pm at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York, on the advisability of enacting said proposed Local Law; and be it further

RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Hamlin Herald at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose of thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk’s Office.

Discussion: Councilman Jennings explained that this enables the town to negotiate better electric rates as an aggregate at no cost to the residents or the Town.

Vote resulted in all ayes. Motion carried.

Flow motioned, Jennings seconded:

RESOLUTION 70-0522 ESTABLISHING SEWER DISTRICT ONE

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 Sewer District No. 1 (the “District”) in the Town, with proposed improvements consisting of the installation of approximately 70,000 linear feet of force main, 10,000 linear feet of gravity sewer, 301 grinder pumps and service laterals, three pump stations, 24 air valves, 45 cleanouts, three odor control

systems, and 24 manholes, together with related site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto; and

WHEREAS, on February 24, 2022, 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 sewer 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 March 30, 2022, at 7:00 o'clock p.m. (Prevailing Time) as the time when, and the Kendall High School, 16887 Roosevelt Highway 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

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law 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 April 19, 2022, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, 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 sewer improvements in connection with the District as hereinabove described at a cost not to exceed \$16,324,812.00; and that the plan of financing is the issuance of serial bonds in the amount of \$16,324,812.00, said amount to be offset by any funds received from the federal, state, county, and/or local grants, including, but not limited to grant and/or loan funds from the Resiliency and Economic Development Initiative (REDI) and New York State Environmental Facilities Corporation (NYSEFC), said balance of costs to be provided by the levy and collection of special assessments from the parcels within the Benefited Area, 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 April 19, 2022, 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 Sewer District No. 1 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 Sewer District No. 1 hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$16,324,812.00 which is planned to be financed by the issuance of \$16,324,812.00 serial bonds offset by any funds received from the federal, state, county, and/or local grants, including, but not limited to grant and/or loan funds from the Resiliency and Economic Development Initiative (REDI) and New York State Environmental Facilities Corporation (NYSEFC), 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.

Discussion: Attorney Meier gave a synopsis of the steps completed so far, and what the establishment of this district involves.

Supervisor Cammarata asked for a roll call vote, with the following results:

Councilwoman Flow	aye
Councilman Jennings	aye
Councilman Martin	absent
Councilwoman Szozda	aye
Supervisor Cammarata	aye

Motion carried.

Jennings motioned for the claims to be paid as presented on Abstract 5. Motion seconded by Szozda; all in favor.

PAYMENT OF CLAIMS

General Fund	Abstract 5	\$ 11,810.15	Vouchers 236-255,257,258,297,298,300-302
Highway Fund	Abstract 5	\$ 44,398.02	Vouchers 237,243,257,262-296
Light District One	Abstract 5	\$ 349.00	Voucher 249
Light District Two	Abstract 5	\$ 220.89	Voucher 249
Light District Three	Abstract 5	\$ 103.35	Voucher 249
Water District Six	Abstract 5	\$ 558.88	Vouchers 258,259,299
Water District Eight	Abstract 5	\$ 23,236.25	Voucher 260
Sewer District One	Abstract 5	<u>\$ 115.54</u>	Voucher 261
	TOTAL:	\$ 80,792.08	

PENDING ISSUES

Morton Union Cemetery – NYS Division of Cemeteries – total amount of grant may be different from what was expected. Some may need to be spent and then reimbursed.

Clean Energy Community – A public hearing on the aggregate community will be held on June 21st. Getting information out on this will be done through the website and newsletter.

Short-term rental properties – a meeting with Attorney Sansone is scheduled.

Solar Projects – decommissioning agreement is still not signed.

NEW BUSINESS

July work session cancellation

June resolutions for carnival – open container/fireworks - will be done in June.

Finalize minisplit and carpet purchases.

Genesee/Orleans County Youth Bureau’s executive director has resigned. The replacement must be a resident of Genesee County.

With no further business being brought forward, Flow motioned for adjournment. Szozda seconded that. All ayes. Meeting adjourned at 8:07 p.m.

Respectfully Submitted,
Amy K. Richardson, Kendall Town Clerk

