

**KENDALL TOWN BOARD**  
Kendall Town Hall ó 1873 Kendall Road, Kendall, New York  
August 18, 2015

Supervisor Cammarata called the meeting to order at 7:01p.m., and led the Pledge of Allegiance.

**ROLL CALL**

|                      |                      |
|----------------------|----------------------|
| Councilwoman Flow    | present              |
| Councilman Martin    | present              |
| Councilman Newell    | arrived at 7:18 p.m. |
| Councilwoman Szozda  | present              |
| Supervisor Cammarata | present              |

Also present, Attorney Meier, Clerk Richardson, Deputy CEO Strong, Planning Chair Kludt, Hwy Supt. Kruger, O.C.Leg. DeRoller, Al and Bev Lofthouse, Eubie and Carol Lenz

**SUPERVISOR'S REMARKS**

- met with Town Engineer to check status of water expansion endeavors, resulting in information that only two grants can be applied for in a calendar year
- Hamlin-Kendall Water District dissolution nearly resolved, will result in check from Hamlin which will be distributed to those on these water lines
- Homegrown Days successful

**CORRESPONDENCE**

Board of Elections ó Primary Date ó September 10, 2015, noon to 9 p.m.  
Heather Koch ó letter of interest in Historian position

**ACCEPTANCE OF MINUTES**

Councilman Martin made a motion to accept the minutes, as presented, seconded by Councilwoman Szozda; all ayes: Town Board Meeting of June 16, 2015

**PUBLIC COMMENT**

none

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

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety ó Martin  
Buildings, & Grounds ó Martin  
Highway ó Martin  
Community Relations ó Martin  
No reports

Culture & Recreation ó Szozda  
Will now be handled by Councilwoman Flow

Human Resources and Ethics ó Szozda  
Employee Benefits ó Szozda  
No reports

Planning, Zoning & Agriculture ó Newell ó no report  
Information Services ó Newell  
Will now be handled by Councilwoman Flow  
The webpage is being updated and Jennifer Banker will be handling updates  
Keys are being sorted and organized, so needed keys can be ordered

Finance, Taxes & Special Districts ó Cammarata  
Medical insurance costs will have a double digit increase  
Budget process has started  
Fiscal Advisors ó may still want to refinance water district loans at some future date

Orleans County Representative ó DeRoller  
A Local Waterfront Revitalization and Development project has submitted an application for an \$80,000 grant to implement a planning process.  
The Innovations Committee has devised the following mission statement, "The mission of the Town of Kendall Innovations Citizen Advisory Committee is to be the premier provider of innovation and effective solutions and a focus on revolving needs of action to improve the quality of life in our community." This group has eight members, with three more possibly joining. The Chairman is Glendon Spellan.

#### **Boards**

Planning Board ó A. Kludt, Chair  
August meeting will be cancelled  
Zoning Board ó P. Bolton, Chair  
No report

#### **Department Heads**

Assessor ó G. Massey ó no report  
Code Enforcement ó P. Hennekey  
Deputy CEO Strong reported. Current workload is heavy with new permits and following up on several property maintenance issues.  
Highway - W. Kruger  
Homegrown Days went well. (Supervisor Cammarata thanked the Highway Department for all its help in making the Homegrown Days events possible.)  
Ditches, mowing and cemetery work are progressing.  
The bridge on the North end of West Kendall Road must be repaired as soon as possible. Part of that road will have to be closed for up to several weeks.  
The drain line issue is being addressed.

Historian ó Vacant - no report  
Recreation ó M. Werth ó written report submitted  
Town Clerk ó A. Richardson ó written report submitted  
Town Justices ó D. Drennan, D. Gaudioso ó written reports submitted  
Supervisor ó A. Cammarata ó written report submitted

## **RESOLUTIONS**

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

### **RESOLUTION 85-0815 MEETING DATE CHANGE IN SEPTEMBER**

Whereas there are schedule conflicts with the bookkeeper in the month of September, the Town Board work session to review, correct and audit the proposed Abstract and payment of claims will be moved from September 12, 2015 to September 19, 2015 at 9:00 a.m.

Also, the regular Town Board Meeting scheduled for September 15, 2015, will now be held on September 22, 2015 at 7:00 p.m.

The deadline for vouchers being submitted will remain unchanged at September 8, 2015 at noon.

Notice of these changes will be sent to the official newspaper and to the Town Website.

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 86-0815 ACCEPTING MICHELLE WERTH'S RESIGNATION FROM THE TOWN OF KENDALL RECREATION COMMITTEE**

Whereas Michelle Werth has tendered her resignation from the Recreation Committee, so as to accept her new position as Recreation Director, be it so resolved to accept Michelle Werth's resignation, retroactive to July 31, 2015.

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

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

### **RESOLUTION 87-0815 APPROVING OUT OF DISTRICT WATER USER AGREEMENT BETWEEN TOWN OF KENDALL RESIDENTS AND THE TOWN OF CARLTON**

**RESOLVED**, that pursuant to the provisions of §198(3)(b) of the Town Law of the State of New York, the Kendall Town Board hereby consents to the Town of Carlton entering into an outside user agreement with the following owners of real property situate on the east side of Transit Road, which premises are contiguous to, or within 500 feet of, the boundaries of The Town of Carlton Water District, providing for the Town of Carlton to supply public water to the said the property through the Town of Carlton water distribution system:

Owners: David and Judith Onderdonk

Property Address: 1857 Transit Road

Tax Account No.: 31.-1-24.113,

and

Property Address: 1865 Transit Road

Tax Account No.: 31.-1-24.114

**FURTHER RESOLVED**, that the property owners shall acknowledge in such agreement that if the Town of Kendall establishes a water district in the future which includes the owners' properties, the owners will be deemed to benefit from inclusion in that water district and they will be assessed a bond repayment charge.

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

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

**RESOLUTION 88-0815 Hamlin-Kendall WATER DISTRICT DISSOLUTION**

WHEREAS, the Hamlin-Kendall Joint Water District was formed in 1961 to construct and operate water improvements within the towns of Hamlin and Kendall; and

WHEREAS, the joint district is no longer needed to further the improvement or operation of said district because all debt of the original district was paid off in 1991 and the improvements have been operated by the Monroe County Water Authority since 2006; and

WHEREAS, as part of said joint district, the Town of Hamlin was designated agent to hold and deposit funds belonging to the joint district, and

WHEREAS, based on an evaluation by Hungerford Vinton, LLC dated July 15, 2015, the Town of Hamlin remains in possession of funds belonging to the joint district in the amount of \$188,735.69, of which \$143,178.80 belongs to 770 water users within Town of Kendall Water Districts 1, 2, 3, 4, and 5, requiring distribution, and

WHEREAS, the Town of Hamlin further retained possession of equipment owned by the joint district for which the Town of Kendall is owed reimbursement by the Town of Hamlin in the amount of \$10,000 as the parties have mutually agreed, based on an independent valuation of said equipment, and

WHEREAS, the Towns of Hamlin and Kendall now wish to finalize distribution of remaining joint district assets and obligations,

Now, therefore, be it **RESOLVED**, that the Town Board of the Town of Kendall hereby authorizes Supervisor Cammarata to request and obtain from the Town of Hamlin, proceeds in the amount of \$153,178.80, which constitute the amount remaining owed to water users within the Town of Kendall by the Hamlin-Kendall Joint Water District, and be it further

**RESOLVED**, that Supervisor Cammarata is further authorized to divide such proceeds into as many parts as there are water customers within Kendall Water Districts 1, 2, 3, 4, and 5 as appear in the records of the Monroe County Water Authority as of the date of mailing, and distribute one such part to each such water customer by US Mail. The cost of postage, mailing, printing, and other administrative expenses related to the distribution thereof shall be deducted from the net proceeds, before distribution.

DISCUSSION:

Highway Superintendent Kruger asked to speak. His request was denied by Supervisor Cammarata.

Supervisor Cammarata stated this being done by customer rather than parcel because the money should go to the one paying the water bill, not necessarily to the debt payer/property owner.

Attorney Meier said this is the resolution to a years-long holding of Kendall residents' money by the Town of Hamlin.

Councilwoman Szozda said this is the only way to handle this money. It cannot be used to pay off debt.

The Highway Superintendent again asked to speak, and the Supervisor denied the request. Superintendent Kruger said he has the advantage of knowing the history of this dissolution process, and felt it is imperative to the public interest to inquire as to who completed the accounting assessment of equipment. Supt. Kruger asked about a new-at-the-time backhoe, partly purchased by the Hamlin-Kendall Water District. Supervisor Cammarata said he was told all the equipment is gone. Supt. Kruger said the backhoe is not gone, and felt the \$10,000 assigned to worth of all the liquidated equipment is unreasonable.

Supervisor Cammarata said he has participated in multiple meetings about this, and it is time to just have the situation concluded.

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

|                      |     |
|----------------------|-----|
| Councilwoman Flow    | aye |
| Councilman Martin    | aye |
| Councilman Newell    | aye |
| Councilwoman Szozda  | aye |
| Supervisor Cammarata | aye |

and declared the motion passed.

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

**RESOLUTION 89-0815 COMPUTER / IT AGREEMENT**

WHEREAS, the Town of Kendall is in need of certain computer and IT services and support on an ongoing basis, and

WHEREAS, C&H PC has presented a proposal to the Town of Kendall dated May 15, 2015 for such services to be performed on an as-needed basis at the rate of \$65 per hour, and

WHEREAS, such rate is considered competitive and acceptable to the Town Board of Kendall, Now, therefore, be it

RESOLVED, that the proposal of C&H PC dated May 15, 2015 is hereby accepted, and be it further

RESOLVED, that the Supervisor is authorized to sign an agreement with C&H PC for the provision of such services for the remainder of the fiscal year, subject to review and approval by the Attorney for the Town as to form and content.

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

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

**RESOLUTION 90-0815 POTENTIAL WATER DISTRICT FORMATION**

WHEREAS, the Town of Kendall has been investigating the feasibility of constructing new water districts to serve portions of Norway, Creek and Kendall Roads in the town, and

WHEREAS, Labella Associates, PC has completed income surveys and delineated two potential new water districts that could serve such areas as identified on the attached tentative map plans, which are incorporated by reference into this Resolution, and

WHEREAS, the Town Board of the Town of Kendall now seeks to authorize Labella Associates PC to continue with the due diligence associated with such districts,

NOW, therefore, be it

RESOLVED, that the Town of Kendall hereby authorizes Labella Associates, PC to submit the income surveys for the districts serving Norway Road from Roosevelt Highway to Creek Road and Kendall Road to Creek Road. Also for Kendall Road from the Town of Murray line plus Creek Road from Kendall Road to just east of Carton Road, as appears on the attached tentative map plans, to USDA Rural Development for further review.

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

|                      |         |
|----------------------|---------|
| Councilwoman Flow    | aye     |
| Councilman Martin    | aye     |
| Councilman Newell    | aye     |
| Councilwoman Szozda  | abstain |
| Supervisor Cammarata | aye     |

and declared the motion passed.

Councilman Martin made a motion to accept the payment of claims, as presented, seconded by Councilman Newell; all ayes:

**PAYMENT OF CLAIMS**

|                      |            |                 |                          |
|----------------------|------------|-----------------|--------------------------|
| General Fund         | Abstract 8 | \$ 11,080.74    | Vouchers 563-599         |
| Highway Fund         | Abstract 8 | \$ 47,646.44    | Vouchers 565,597,600-629 |
| Light District One   | Abstract 8 | \$ 332.07       | Voucher 586              |
| Light District Two   | Abstract 8 | \$ 202.78       | Voucher 586              |
| Light District Three | Abstract 8 | \$ 103.61       | Voucher 586              |
| Water District Six   | Abstract 8 | <u>\$ 43.20</u> | Voucher 585,598          |
|                      |            | \$ 59,408.84    |                          |

**OLD BUSINESS**

Information Technology Issues and Plan ó already addressed

Public Water Expansion ó next step ó Councilwoman Szozda said the next step is well testing. Orleans County Health Department will test samples from the wells at no cost. Then initial engineering reports would be generated, as well as environmental SEQR review, so that application can be made for grants. Then once there are preliminary funding estimates prepared, as well as map plans and reports being authorized, the potential water districts can then be created. At that point, final application could be made. LaBella Engineering estimates that if every step goes well and as planned, the ðgroundbreakingö could begin in approximately two years.

Councilman Newell asked if a certain percentage of the wells have to ðfailö in order to meet the USDA eligibility requirements. Councilwoman Szozda responded that approximately 20% of the wells must be tested, and it IS helpful in obtaining grants if some fail. Unfortunately, this does not take into account quantity problems.

Councilwoman Flow asked if a percentage of each road needs to be tested, or just an overall percentage. Councilwoman Szozda said for now it is just Norway Road, due to its low incomes.

Energy Efficiency Review ó will be August 25<sup>th</sup> at 4:00 p.m. Supervisor Cammarata and Highway Superintendent Kruger will do a walk through with a representative of Wendell Engineering to seek opportunities for saving energy costs.

Kendallø Finest ó Councilman Martin has crafted a letter to include in local church bulletins, and hang in local establishments to seek names and photos of currently-serving military personnel who reside in the Town of Kendall to hang in the courtroom. Clerk Richardson asked for a copy to be posted on the Town Hall community events board.

## **NEW BUSINESS**

Petition to NYS DOT regarding Parkway repair ó Supervisor Cammarata and Legislator DeRoller have contacted State Representatives, and given interviews to news media regarding the poor condition of the west end of the NYS Ontario Parkway. Supervisor Cammarata read an e-mail letter he sent to Jim Rourke, who works in NYS Senator Ortòs office, in which he reiterated the concern of Kendall residents and business owners about the parkway's poor condition, affecting safety, tourism, and commerce. The petition can be signed electronically by going to [www.change.org](http://www.change.org) and following the Lake Ontario link. Councilman Newell said some repairs are currently being made on the westbound lanes, between Morton and Kendall.

With no further business being brought forward, Councilwoman Szozda motioned for adjournment, seconded by Councilman Newell; all ayes. Meeting adjourned at 7:54 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk