

KENDALL TOWN BOARD  
Kendall Town Hall – 1873 Kendall Road, Kendall, New York  
May 19, 2015 7:00 p.m.

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

**ROLL CALL**

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

Also present, Clerk Richardson, Attorney Meier, Highway Superintendent Kruger, CEO Hennekey, Al and Bev Lofthouse

**SUPERVISOR’S REMARKS**

E-scrap program of electronic equipment waste collection was successful, and it is hoped it can be repeated.

Fiscal Advisors have suggested re-funding the debts for Water Districts 1, 2, 3, 4 and 5, to benefit those taxpayers on those various water lines, if it is determined to be worthwhile. No public referendum would be necessary. The Town of Hamlin would have to approve, by resolution, for the Water District 5 portion. This would be done as one closing. Supervisor Cammarata will prepare a spreadsheet for Board and public perusal.

**CORRESPONDENCE**

Barb Flow’s letter of resignation

Assemblyman Hawley – thank you letters to Supervisor and Clerk for attending his Town Hall meeting

Phil D’Agostino, Chairman of Kendall Firemen’s Carnival Committee – requesting suspension of the open container ordinance during carnival

Village of Medina Board of Trustees – resolution seeking modifications to the Orleans County Legislature’s distribution of County sales tax revenue sharing with the villages and towns

Councilwoman Szozda made a motion to accept the minutes, as presented; seconded by Councilman Newell; all ayes:

April 7, 2015 meeting

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

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety - Martin

Buildings, & Grounds - Martin

Highway - Martin

Community Relations - Martin

Fire extinguishers done

No communication from “innovation committee” yet

Culture & Recreation - Szozda

Human Resources and Ethics - Szozda

Employee Benefits – Szozda

Memorial service plans finalized; see resolution regarding eyecare rider to healthcare;  
healthcare consortium – finalizing proposed agreement

Planning, Zoning & Agriculture – Newell

Information Services – Newell

Planning Board has a public hearing scheduled regarding Mr. Driesel's property

Finance, Taxes & Special Districts – Cammarata

Audit report has still not been received

Orleans County Representative – DeRoller – not present

### **Boards**

Planning Board – Kludt, Chair – no report

Zoning Board – Bolton, Chair – no report

### **Department Heads**

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Kenmor Road problem house – “Serve-Pro”, the bank's maintenance company, has been contacted again. Condemnation and demolition will be the likely recommendation, at which time the Town Board will become responsible for disposition. The bank is hesitating to take official ownership and make its recommendation. If it accepts ownership, it has thirty days to make a decision. The owner of record cannot be found.

Cottages at Troutberg – 1 new house being built; new principal interest is planting trees and adding signage. A Town Board liaison is necessary to co-ordinate emergency services, as soon as possible, who can support site plan issues. (Councilman Newell volunteered to be this liaison.)

Councilman Newell asked about a problem property on Norway Heights. Work is being done, and the owner has agreed to complete the demolition, and has lowered his asking price for the property. Councilman Newell expressed concern for safety.

Highway - W. Kruger – written report submitted

Thank yous to the Lions' Club, and other volunteers for clean-up day.

Cemeteries are open, and clean of debris and mowed. Mrs. Erdmann, member of the Morton Union Cemetery Association has asked for help in preparing a map of that cemetery. It will become a town owned cemetery eventually, and putting things in good order now will benefit the town.

Brush cutback is underway.

The county will be working on pothole repair on Kenmor Road.

A snow blower is being purchased from the school for \$1500.

Historian – K. Corcoran – no report

Recreation – B. Flow – written report submitted

Town Clerk – A. Richardson – written report submitted

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

Supervisor – A. Cammarata – written report submitted

**PUBLIC COMMENT**

Al Lofthouse asked about the refinancing of the water districts, and when the information will be available to the public. Supervisor Cammarata said it will be available to the public as soon as it is available to the Board, from Fiscal Advisors.

Mr. Lofthouse asked if there is any progress on the Hamlin-Kendall Water District final dissolution. Supervisor Cammarata stated he needs to sit with the Hamlin people to determine the equipment division.

Mr. Lofthouse asked the salary of the Recreation Director, and was told approximately \$13,000.

**RESOLUTIONS**

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

**RESOLUTION 65-0515 AUTHORIZING EXECUTION OF AGREEMENT TO EXPEND HIGHWAY MONEYS**

WHEREAS, the The Kendall Town Board and the Highway Superintendent have agreed to set aside the amount of \$143,161 for general repairs and \$168,223.74 for permanent improvements, and to undertake the specific improvements set forth in the agreement attached; and,

WHEREAS, this agreement is to be executed in furtherance of the provisions of Section 284 of the New York State Highway Law; and,

WHEREAS, the Town Board has determined that it is in the best interest of the Town to authorize the execution of the attached agreement, and,

WHEREAS, the execution of the agreement to spend town highway funds for repairs and improvements to Town of Kendall roads is hereby determined not to have a significant effect on the environment, so now,

Therefore, be it RESOLVED, that the Town Supervisor, Town Board members and Highway Superintendent be authorized to execute the attached Agreement to spend Town Highway Funds.

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 66-0515 APPOINTING JULIE D'AGOSTINO TO THE RECREATION COMMISSION**

Whereas there is currently a vacancy on the Kendall Recreation Commission,

Be it resolved to appoint Julie D'Agostino of 1357 Kendall Road, Kendall, New York, to the Kendall Recreation Commission, her term beginning immediately, and expiring on 12/31/18.

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

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

**RESOLUTION 67-0515 WAIVER OF OPEN CONTAINER LAW**

Be it RESOLVED that the Town of Kendall Open Container Ordinance be waived during the Kendall Firemen's Carnival in 2015 as follows:

Thursday, July 9 from 6:00 p.m. to 12:00 midnight

Friday, July 10 from 5:00 p.m. to 2:00 a.m.

Saturday, July 11 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover a square in the area 1/4 mile South and 1/4 mile East commencing at the intersection of Kenmor Road and Kendall Road, and

Further, such waiver is in effect only on the specified dates and time set for herein and only in the geographical area described herein.

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

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

**RESOLUTION 68-0515 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT**

WHEREAS, the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk, and,

WHEREAS, said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Town Board to approve a conditional permit, subject to receiving waivers from adjacent landowners, so therefore...

Be it RESOLVED that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York and the New York State Fire Code Section 3308.1, to the Kendall Fire Department for a fireworks display commencing at 10:00 p.m. on Saturday, July 11, 2015.

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 69-0515 AMENDMENT TO THE TOWN OF KENDALL HEALTH CARE REIMBURSEMENT ACCOUNT PLAN.**

WHEREAS, effective December 1, 2010, the Town of Kendall adopted the Town of Kendall Health Reimbursement Account Plan (“Plan”) for the benefit of its employees and

WHEREAS, pursuant to Section 8.1 of the Plan, the Town of Kendall may amend the Plan at any time by an instrument in writing.

NOW THEREFORE, BE IT RESOLVED, that the Plan is hereby amended and restated effective December 1, 2014 as an employee welfare benefit plan to be maintained by the Town of Kendall pursuant to Section 105 of the Internal Revenue Code, and that a copy of the plan document, as amended and restated, be attached to these resolutions: and be it further

RESOLVED, that the Plan is hereby amended to add vision as an eligible expense in addition to deductibles and prescriptions. And be it further

RESOLVED, that the proper officers of the corporation are authorized to execute the amended and restated Plan, pay benefits as provided therein, and to do every other act or thing necessary or proper to meet and comply with the obligations as therein provided and to carry these resolutions into full force and effect, and to direct counsel to take such action as may be necessary to satisfy any applicable requirements of law.

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

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

**RESOLUTION 70-0515 ACCEPTING RECREATION DIRECTOR BARBARA FLOW’S RESIGNATION**

Be it hereby resolved to accept, with much regret, and great appreciation for her 26 years of fine service to the Town of Kendall and its residents as Recreation Director, Barb Flow’s resignation, effective July 31, 2015. Her care and enthusiasm have been much valued.

Be it further resolved, in order to fill this vacancy, to direct the Town Clerk to place an ad in the official newspaper seeking those interested in serving as Recreation Director for the remainder of 2015. Qualified individuals should direct their letters of interest and resumes to the Town Clerk, by hand or by mail. The Town Board of the Town of Kendall reserves the right to accept or reject any or all candidates.

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

Councilman Newell made a motion to accept the claims be paid, as presented, seconded by Councilwoman Szozda; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 5	\$ 19,333.67	Vouchers 291-319,321,324,325
Highway Fund	Abstract 5	\$ 14,229.34	Vouchers 293,300,326-364
Light District One	Abstract 5	\$ 500.40	Voucher 291
Light District Two	Abstract 5	\$ 295.84	Voucher 291
Light District Three	Abstract 5	\$ 160.83	Voucher 291
Water District Three	Abstract 5	\$ 6,226.25	Voucher 322
Water District Four	Abstract 5	\$ 23,438.75	Voucher 323
Water District Six	Abstract 5	\$ <u>1,276.79</u>	Vouchers 295,315,320
		\$65,461.87	

**OLD BUSINESS**

Public Water Expansion – surveys submitted to USDA, and the engineer for the town is optimistic.

Codification – a draft of the law was presented to the Board by Attorney Meier.

**NEW BUSINESS**

IT issues – plan for fix – Marchese and P&C from Medina have submitted bids. Kevin Murray has temporarily addressed the internet issues. Clerk Richardson asked that the viruses be addressed immediately.

With no new business coming before the Board, Councilwoman Szozda motioned for adjournment, seconded by Councilman Martin; all ayes; meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk