

KENDALL TOWN BOARD
Informational Presentation to Those Interested in Public Water Expansion
Regular Town Board Meeting
David J Doyle Kendall Junior/Senior High School Auditorium
16887 Roosevelt Highway, Kendall, New York 14476
June 17, 2014 7:00 p.m.

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

ROLL CALL

Councilman Joseph	present
Councilman Levett	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Meier and Clerk Richardson, CEO Hennekey, Planning Chair Wenzel, approximately 50 observers

SUPERVISOR’S REMARKS

Supervisor Cammarata introduced Mr. William Reemtsen, of Stuart Brown Associates (LaBella Associates)

Mr. Reemtsen reviewed his own history and credentials as grant writer. He outlined the three main grant and low interest sources – Community Development Block Grant (former Small Cities) program, which due to Smart Growth Policy changes in Albany is no longer viable for rural areas, the Drinking Water State Revolving Fund, which is slanted toward existing systems which need upgrading rather than new projects, and USDA Rural Development Program, which is the only suitable source of funding available to Kendall. The USDA uses median household income as a screening tool for applicants. Mr. Reemtsen provided a handout providing specific information about this program. The USDA uses recent census results to obtain median income for areas. Kendall would not qualify according to census results, but that can be challenged for a specific area, by conducting income surveys. A certain high response rate is required for the results to be used. If those numbers showed eligibility, an initial application can be submitted to USDA, which includes SEQR, an engineering report, and documentation of the eligibility by income, among other documents. Public safety can also be a factor in the USDA’s decision to allow this second step of the process.

Mr. Reemtsen reviewed how income, population and population density affect eligibility, maximum loan amounts, and interest rates. The Town of Kendall faces many difficulties and hurdles to obtaining these grant funds, and the projects are simply unaffordable without them. There are legal maximums placed on each benefit unit for debt service and usage. Low density, agricultural areas find it particularly difficult to obtain funding. This has been a years-long struggle for the Town Boards of Kendall.

A draft of the income survey was shared. An 84 % response rate is required. All determination is speculation until the surveys are completed and tabulated.

There are costs associated with applying, which are not insignificant, and a larger project makes more sense, so these costs are spread over more benefitting units.

The area chosen to study first seems most promising because of density, positive response to the questionnaire of interest in obtaining public water, and having a ready water source. A water district can be formed by permissive referendum or petition to the Town Board, each with its own legal requirements. Much of the process depends on residents’ involvement.

PUBLIC COMMENT PERTAINING TO WATER

Unidentified man – asked about the Town of Murray’s new water district including Carton Road. Mr. Reemtsen said that Murray did not need to conduct income surveys because the census results showed a much lower median income. Murray was also awarded extra grant monies a few years ago, due to lucky timing.

Charles Scroger, Kendall Road – asked what constitutes and is included in “income”. Mr. Reemtsen listed wages, pension and 401K withdrawals. He will check with the survey experts and provide that definition on the survey.

Pat Barnard, Lakeshore Road – expressed exasperation at the inability to obtain public water. Her household has desired public water for 39 years. She urged alternative ideas.

Councilman Joseph explained the only viable means, based on projected costs, is to obtain grant funding. Every step involves legal procedures. Residents who purchased property without public water bought with that knowledge. Farming communities are often dependent on private wells. The local government has been working toward this goal for years, but the government is not obligated to provide that service. A full petition can force the Town Board’s hands, but will be unaffordable to most residents. Income, density, need and affordability all have to merge to create viability of a given area.

Supervisor Cammarata said the Board has the objective to expand water, but whether or not that is realistic is yet to be seen.

Councilman Joseph urged those present to check the town website for details and progress. It took nearly A YEAR to gather information from the initial, town-wide surveys from residents.

Harold Barnard, Lakeshore Road – said he had circulated petitions in 1995 to start the process but it was halted. He cited the costs at that time of not being prohibitive.

Councilman Joseph and Hwy. Supt. Kruger explained some complications with ownership of roads and getting water to that area. The current cost estimations are based on recent (2007) costs of Water District 6 on Petersmith Road, with estimates of inflation effects.

Ken DeRoller, Kendall Road – said, “Kendall has a history of not providing water”.

Councilman Joseph countered that statement. There are six water districts in the Town currently. He requested Mr. DeRoller not make this a political opportunity.

Mr. DeRoller restated the importance of the income survey, and said water quality and water quantity in a given area will weigh in. He restated what Mr. Reemtsen had outlined, and offered his help as a resident on the proposed area of study of Kendall, Creek and Norway Roads. He urged others to be co-operative and positive.

Mark Maynard, Kenmor Road – asked if an extension to Center Road can be considered, and asked for the Board’s future plans to service multiple areas.

Supervisor Cammarata said the Board would like to consider several areas. The area chosen by the engineers as most likely to qualify will be first, affecting up to 68 homes, but will not necessarily limit the final decision.

Councilman Joseph said affordability is paramount to any final decision. Many variables come into play. The results of the initial survey were mixed in every aspect. Some want water, some do not. Some qualified their desire dependent on cost. Some complained of poor quality but had no testing done to document that. Testing can be very expensive. Quantity complaints from wells varied greatly. Much effort has been put into getting this far. The Board has worked on this for years, mostly unnoticed.

Mrs. Barnard commented that having water problems with a well is also very expensive – purchasing drinking water, going to a laundromat, etc.

Annette Staples, who owns property on Carton Road, said she did not receive the original survey. Mr. Reemtsen said only property with residences or businesses would be considered benefitting units, and information is not tabulated from vacant land.

Ron Hughson, Carton Road – said he circulated and submitted a petition two years ago from land owners and residents of Carton Road, and has never heard anything regarding that petition.

Adair Korn, Creek Road - asked about whose incomes are considered in the survey.

Mr. Reemtsen responded that all members of a household over the age of 15 with incomes count.

Nick Schicker, Kendall Road – suggested the parameters of whose and types of income to include be spelled out clearly in the instructions for completing the income survey.

Jack Gillman (former Town Supervisor), Roosevelt Highway – said there was a struggle with Monroe County Water Authority (MCWA) over being able to use plastic versus iron pipes, adding to cost. Mr. Gillman restated the work necessary to obtain water, and said the Boards have been working toward this goal for years.

Councilman Joseph reviewed the work aggressively accomplished so far, spanning several years, despite multiple competing priorities. Resident involvement is crucial, and public input has been and will continue to be solicited.

Daniel Gaesser (most recent former Town Supervisor), Kendall Road – asked that a correction to Mr. Gillman’s statement be on record. On the several occasions in which Supervisor Gaesser met with MCWA, there has been cooperation. The Town’s agreement with MCWA clearly states that the Town is free and clear to use plastic pipe. MCWA has itself replaced ductile iron pipes under their responsibility with plastic. “THERE IS NO ISSUE WITH USING PLASTIC.”

Supervisor Cammarata thanked everyone for his/her input, and closed the informational presentation and public comment.

REGULAR TOWN BOARD MEETING:

CORRESPONDENCE

- Building use requests - Postmaster of Kendall for Public Information Meeting – July 31
- Homegrown Days Celebrations Committee – July 31
 - Upcoming blood drive – Red Cross – cancellation
 - Assemblyman Hawley letter regarding receipt and agreement with recent resolutions

Councilman Newell asked for a change to the following minutes:

Town Board Meeting May 20, 2014

Councilman Newell remembered asking CEO Hennekey about SWPPD reports regarding The Wegman Group during Mr. Hennekey's report, and wanted his question included. Clerk Richardson agreed to add this.

PUBLIC COMMENT

Mr. Lofthouse asked if the referred to letter of Assemblyman Hawley included the town's response to Senate Bill 6870, which concerned placing accountability and limitations on the EDA.

Councilman Newell said it did not. That was discussed at a workshop.

Councilman Joseph expressed his disagreement with the County's stance of opposition to this bill, and is personally in favor of the bill proposed by the State.

Mr. Lofthouse asked if a response to the request for support was answered by the town.

Supervisor Cammarata said because of the Town's treatment by the EDA in January, the Board is in support of the Bill, and is in strong disagreement with the County, but he has not yet sent a response. He is planning to respond.

Mr. Lofthouse asked if Attorney Meier is too busy with his other responsibilities to be focused on Kendall.

Attorney Meier responded that he is a good multi-tasker, that he has several municipal clients, as well as running a municipality, and is able to wear his many hats with efficiency.

Daniel Gaesser – suggested that the PUBLIC COMMENT portion of the meeting be positioned just before RESOLUTIONS, so that all present could gather input from reports and Board discussions, before comment.

Supervisor Cammarata agreed to make that agenda change.

Mr. Gaesser asked where the Town currently stands with the Office of Community Renewal, in regard to repaying the \$562,000 owed them through Eagle Creek Marina's default. A Freedom of Information Request yielded a letter stating that there will be a meeting to discuss the Town's position to potentially be liable for repayment.

Supervisor Cammarata said that the status was still to be determined.

Mr. Gaesser said the document stated that HUD was demanding return of the funds from the State.

Attorney Meier answered that he has reviewed the agreement between the State and Kendall, and the agreement between the State and federally administered HUD. The federal government has requested the funds be returned to them from the OCR. That does not necessarily mean that Kendall is obligated to return the funds to the State.

Mr. Gaesser asked if there is a recapture provision in the agreement.

Attorney Meier stated no, not in his opinion, and that has been communicated to the Office of Community Renewal. The town does have certain obligations, such as reporting defaults. Attorney Meier does not know if that was done. The tentative result looks positive, with the town most likely being responsible only for the funds which were collected before default.

Mr. Gaesser asked for the results of the audit which was to have been done in March. Supervisor Cammarata said Amato & Fox have completed their work, and a rough draft of their report should be provided in a week to ten days.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph

Buildings, & Grounds – Joseph

Information Services – Joseph

Electronic funds transfer procedure is being put into place to pay many of the pre-paid bills each month.

Meeting room use is to be monitored more closely by the Town Board

Highway – Levett

Community Relations – Levett

No report

Culture & Recreation - Szozda

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

NYS Retirement resolutions are in place

Supervisor Cammarata thanked Councilwoman Szozda for her efforts in making the Memorial

Day observance memorable, and for the work put into the newsletter.

Planning, Zoning & Agriculture – Newell

No report

Supervisor Cammarata asked Councilman Newell to accelerate efforts on the codification process.

Finance, Taxes & Special Districts – Cammarata

Supervisor Cammarata, Councilman Joseph, Tim Hungerford, and representatives from the Town of Hamlin met to discuss the financial state of the dissolved Hamlin-Kendall Water District. They made progress toward a final resolution.

Councilman Joseph said the Hamlin representatives agree that their numbers provided in 2006 were inaccurate, and seek to correct that.

Orleans County Representative – DeRoller

No report

Boards

Planning Board – R. Wenzel, Chair

The Planning Board recommends the Town Board move forward with the re-zoning of the property at the corner of Kendall Road and Crandall Avenue to Light Industrial.

Zoning Board – P. Bolton, Chair
No report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

Two Certificates of Occupancy have been issued for cottages at Troutburg.

The Wegman Group has addressed the SWPPD reports; remedy is not complete.

Various town-wide property maintenance issues continue to be addressed.

Highway - W. Kruger – written report submitted

Historian – K. Corcoran – no report

Recreation – B. Flow –written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Drennan, S. Cliff – written reports submitted

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

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

RESOLUTION 68-0614 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 his recommendation to the Kendall Town Board to approve a conditional permit, subject to receiving a list naming the pyrotechnician in charge, the authorized assistants, and copies of all necessary valid certificates of those listed, 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 12, 2014.

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

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

RESOLUTION 69-0614 WAIVER OF OPEN CONTAINER LAW

BE IT RESOLVED that the Town of Kendall Open Container Ordinance be waived during the 2014 Kendall Firemen’s Carnival as follows:

Thursday, July 10 from 6:00 p.m. to 12:00 midnight

Friday, July 11 from 5:00 p.m. to 2:00 a.m.

Saturday, July 12 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 times 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 Joseph made the following motion, seconded by Councilman Newell:

RESOLUTION 70-0614 ESTABLISHING STANDARD WORK DAY FOR EMPLOYEES

Whereas, The NYS Retirement System requires government entities to establish standard work day hours for elected and appointed officials and hourly employees for reporting to the NYS Retirement System, so

Now therefore, BE IT RESOLVED, that the Town of Kendall, location code 30127, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system of the record of activities maintained and submitted by these members to the clerk of this body.

TITLE	STANDARD WORK DAY (Hrs/day)
Code Enforcement	6
Justice 1	6
Justice 2	6
Recreation Director	6
Town Clerk	6
Highway Superintendent	8
Highway workers/Laborers	8
Town Assessor	6

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

Councilman Newell made the following motion, referencing the attached table, seconded by Councilman Joseph:

RESOLUTION 71-0614 STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

BE IT RESOLVED that the Town of Kendall, Location Code 30127, hereby establishes the following standard work days for these titles and will report the officials to the New York State Retirement System based on time keeping system records or their record of activities:

Elected Officials	Standard Work Day (HRS./day)	Names	Current Term Begin & End Dates	Record of Activities Result(ROA)	Not Submitted (ROA)	Participates Hourly time keeping
Town Clerk	6	Amy Richardson	1/1/14-12/31/17	22		no
Highway Superintendent	8	Warren Kruger	1/1/14-12/31/15	22	X	no
Justice 1	6	Debra Drennan	1/1/14-12/31/17	5.13		no
Appointed Officials						
Deputy Code Enforcement Officer	6	Daniel Strong	1/1/14-12/31/14	8	X	no
Town Assessor	6	Arthur Massey, Jr.	10/1/13-9/30/19	22		no
Recreation Director	6	Barbara Flow	1/1/14-12/31/14	8.3		no
Justice 2	6	Stephen Cliff	1/1/14-12/31/14	3.5		no

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

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

RESOLUTION 72-0614 CANCELLING WORKSESSION

WHEREAS there is no demanding business to be addressed, the Kendall Town Board hereby

RESOLVES to cancel the work session it had scheduled for July 14, 2014, and also

RESOLVES to direct the Town Clerk to place an ad in the official newspaper and on the town website to notify interested persons of such cancellation.

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

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

RESOLUTION 73-0614 URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO CONTINUE TO ADDRESS UNFUNDED MANDATES THAT USE LOCAL TAX DOLLARS TO FUND STATE AND FEDERAL PROGRAMS AND SERVICES

WHEREAS, many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

WHEREAS, in most instances the county fiscal challenges are directly tied to state imposed mandates and reduced state reimbursement; and

WHEREAS, counties play a central role in delivering state services, due to our state mandated role in the administration and financing of a wide variety of state programs; and

WHEREAS, in 2013, the state enacted Medicaid reforms to assume all of the growth in spending from the local taxpayers by 2015; and

WHEREAS, local taxpayers continue to fund \$7.5 billion of Medicaid costs; now be it

RESOLVED, that the Kendall Town Board strongly encourages the Governor and State Legislature to work to address the underlying causes of fiscal stress facing so many localities; and be it

FURTHER RESOLVED, that the Kendall Town Board believes the State must work diligently to enact a **no new unfunded mandates law** and constitutional protections against future unfunded mandates; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, State Senator George Maziarz, Assembly Member Stephen Hawley, NYSAT, the Orleans County Legislature, and all others deemed necessary and proper.

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

Councilman Newell made motion to pay the claims, as presented; seconded by Councilwoman Szozda; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 6	\$ 11,766.41	Vouchers 324-368,414
Highway Fund	Abstract 6	\$ 37,479.47	Vouchers 325,338,369-413
Light District One	Abstract 6	\$ 392.06	Voucher 330
Light District Two	Abstract 6	\$ 233.49	Voucher 330
Light District Three	Abstract 6	\$ 125.45	Voucher 330
Water District Six	Abstract 6	\$ 46.79	Vouchers 328,358
		\$ 50,043.67	

OLD BUSINESS

Water Expansion

No additional report

Codification

Report to be given at July meeting

Eagle Creek Marina Update

Previously discussed

Re-zoning Application

Orleans County Planning Board accepted the application as complete for referral, and will hear it at their next meeting.

The Town Board must hold a Public Hearing.

This change fits into the Master Plan perfectly.

Clerk Richardson suggested a resolution be put forth tonight scheduling that Public Hearing for July in order to expedite this process. Attorney Meier offered to prepare a notice and send it to the official newspaper, and said he could have the local law prepared in time to meet notice regulations.

Supervisor Cammarata made the following motion, seconded by Councilwoman Szozda:

RESOLUTION 74-0614 SETTING PUBLIC HEARING FOR RE-ZONING

RESOLVED, that a Public Hearing on Local Law 1 of 2014, regarding re-zoning and which is to be drafted by Attorney Meier, is to be held at 7:00 p.m. on July 15, 2014, and to be publicized.

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

Natural gas line expansion

Councilman Newell has contacted the engineering staff at RG&E. The comment made by those staff members was that there is not much gas capacity in this area, but they showed enthusiasm about pursuing expansion in Kendall. The next step is the engineering staff will engage its marketing co-ordinator to contact Councilman Newell to lay out a plan of proceeding. Normal procedure is for individuals interested in becoming customers contact RG&E, but Councilman Newell thinks the Town may be able to facilitate this by passing on names of interested areas of town and customers. RG&E would like to be kept abreast of water expansion successes.

NEW BUSINESS

None brought forth

Councilman Joseph motioned for adjournment, seconded by Councilwoman Szozda; all ayes. Meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk