

**KENDALL TOWN BOARD  
TOWN BOARD MEETING**

Tuesday, March 19, 2019 7:00 p.m.

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

These minutes were prepared from an audio recording made by the recreation secretary, Tammy Bakutis, in the Town Clerk’s absence. No notes were provided. All motions and seconds made are inferred from voice recognition.

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

**ROLL CALL**

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

**SUPERVISOR’S COMMENTS**

Thank you to Mrs. Bakutis for filling in as recording secretary in Clerk Richardson’s unexpected absence.

The Annual Update Document was filed on time with the New York State Comptroller’s office. Bonds for the water districts and highway bonds are renewed, and will be processed April 1<sup>st</sup>.

**ACCEPTANCE OF MINUTES**

Councilwoman Szozda moved to accept the following minutes as received. Seconded by Councilwoman Flow; all ayes:

February 19, 2019 Meeting  
March 5, 2019 Recessed Meeting

**CORRESPONDENCE**

The Hamlin Herald is offering a free service of local advertisement, listing events and services. Councilwomen Szozda and Flow will provide input for this flyer.

The Orleans County Legislature has sent resolutions they have passed regarding costs associated with implementing the proposed election reforms, one opposing the new law which will prohibit guns being used as prizes in games of chance, and one opposing the state budget impacts regarding cost shifts due to changes in AIM funding, which will burden town and county level government (not cities, though).

Councilman Newell made the Board aware that the law regarding firearms as prizes is just one of a plethora of tyrannical anti-firearms legislation, including a bill to outlaw hunting contests, and even reaching to include outlawing dog trials, closing pheasant farms, and other lifestyle-changing rules aimed at upstaters. Our representatives should be contacted.

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

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin  
Buildings & Grounds – Martin

#### Highway – Martin

Supervisor Cammarata gave the following updates:

Minisplits will be installed this spring in the courtroom, paid through a Justice Court Assistance Program grant.

Assistance pull cords in the rest rooms will be upgraded in April to include an audible alarm.

The front lawn sign board will have its lights repaired.

New flags are up.

#### Community Relations – Flow

Several church dinners and blood drive are coming up.

Bricks in honor or in memorial of any veteran are on sale as a fundraiser for the gazebo war memorial project by local Eagle Scout candidates.

#### Culture & Recreation – Flow

Recreation seasons are starting

#### Information Services – Flow

FAX machine is fixed in court office.

#### Human Resources and Ethics – Szozda

#### Employee Benefits – Szozda

Univera Healthcare has been contacted regarding an employee issue.

New employees should stay after this meeting to fill out W-4 forms.

New employees must subscribe an Oath of Office before the Town Clerk.

#### Planning, Zoning & Agriculture – Newell

No report

#### Finance, Taxes & Special Districts – Cammarata

No report

#### Orleans County Representative – DeRoller

### **Boards**

#### Planning Board – A. Kludt, Chair

Re-zoning of Petersmith Road application has been reviewed by the Orleans County Planning Board. It gave its approval, but with stipulations, including that it must be demonstrated that this plan cannot be accommodated by existing zones of General Business. Granting this request must be in compliance with our Comprehensive Master Plan.

The owners of Bald Eagle Marina have been granted permission to rent the third story to no more than eight occupants.

The Planning Board will present to the Zoning Board of Appeals its discovery of what appears to be an error on our zoning maps for its determination.

### **Department Heads**

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey – no report

Highway - W. Kruger

Spring preparations to equipment are started at the Highway Department.

Roadside maintenance and repair projects are in process.

Lake front repair will begin as soon as the weather permits.

Brush pickup between May 1<sup>st</sup> and May 15<sup>th</sup>.

April 27<sup>th</sup> will be Lions' Club cleanup day.

Historian – Cindy Bloshauer – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written reports submitted

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

Supervisor – A. Cammarata – written report submitted

## **RESOLUTIONS**

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

### **RESOLUTION 45-0319 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 2019 as follows:

Thursday, June 20 from 6:00 p.m. to 12:00 midnight

Friday, June 21 from 5:00 p.m. to 2:00 a.m.

Saturday, June 22 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover an area ¼ mile South and ¼ mile East of the intersection of Kenmor Road and Kendall Road, and

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

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

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

### **RESOLUTION 46-0319 TO RESCHEDULE THE TOWN BOARD MEETING IN MAY**

Whereas the school district has requested that its elections be held at the Kendall Town Hall, and The Kendall Town Board has agreed to this request, and

Whereas such a school district election will be held on May 21, 2019, which coincides with a regularly scheduled Kendall Town Board Meeting , now

Therefore, be it resolved to change the date of the Kendall Town Board meeting to Tuesday, May 28, 2019 at 7:00 p.m.

Further, this rescheduling will be noticed in the Town's official newspaper, on its website, and posted on the Town Clerk's official notice board.

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

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 47-0319 DECLARING TABLE AS SURPLUS**

Be it hereby resolved to declare as surplus the Town of Kendall table, which was in the Historian/Recreation Director office, and discarded from that office, not having value greater than one hundred dollars; and also

Be it resolved to authorize the Town Board to dispose of the described table, as per the Town of Kendall's policy for the disposition of property.

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

Councilwoman Flow made the following motion, seconded by Councilwoman Szozda:

**RESOLUTION 48-0319 APPOINTMENTS TO PLANNING BOARD**

Whereas there is currently a vacancy on the Kendall Planning Board due to a resignation, and

Whereas, the Planning Board Chairman has given his recommendation to the Town Board for filling this vacancy, so

Be it hereby resolved to appoint Patricia Pfister, of 16903 Bald Eagle Drive, Kendall, New York, to the Kendall Planning Board, to complete said term, which will expire December 31, 2020.

Also, whereas Local Law 4 of 2006 authorizes the position of an alternate Planning Board member, and the Planning Board Chairman has asked the Town Board to fill this position as well, and has given his Board's recommendation, so then

Be it also resolved to appoint Steven Catone, of 16171 Lakeshore Road, Kendall, New York as an alternate member of the Kendall Planning Board, for a term to expire December 31, 2023.

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

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

**RESOLUTION 49-0319 ASSISTANT TO THE ASSESSOR APPOINTMENT**

Be it hereby resolved to appoint Lisa Ames, of 1997 Main Street, Waterport, New York, to the position of Assistant to the Assessor, effective April 1, 2019 and for the year 2019, at an hourly wage of \$11.80.

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

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 50-0319 BUDGET TRANSFER**

Be it resolved to decrease Highway Account, DA5142.4 \$261.00 and increase Highway Account DA9040.8 Workers' Compensation \$261.00.

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

Councilwoman Flow made the following motion, seconded by Councilwoman Szozda:

**RESOLUTION 51-0319 BUDGET AMENDMENT**

Be it resolved to increase Highway Account DA0599 by \$53,020.00, and increase Highway Account DA5130.20 Equipment by \$53,020.00.

DISCUSSION: This is money received from working in WD 7.

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

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

**RESOLUTION 52-0319 RESOLUTION 52-0319 NOTICE OF PUBLIC HEARING; TOWN OF KENDALL REQUEST FOR AMENDMENTS TO THE ZONING MAP FOR FOUR PARCELS ON PETER SMITH ROAD FOR REZONING FROM RESIDENTIAL /AGRICULTURAL (RA) TO GENERAL BUSINESS (GB)**

This is to hereby give notice that the Kendall Town Board will conduct a Public Hearing on April 16, 2019, at 7 p.m. prior to the regularly scheduled town board meeting, to allow for public participation and comments to amend the current zoning map for four (4) parcels on Petersmith Road for rezoning from Residential/Agricultural (RA) to General Business (GB). All persons wishing to speak will be heard at this time.

Therefore be it resolved that the Kendall Town Board requests the Kendall Town Clerk to publish a notice of this public hearing with the official newspaper of the town and on the town website.

DISCUSSION: Attorney Meier asked if this is a Hearing to get comments regarding a change by Local Law to the zoning map. Supervisor Cammartata said he did not know. Attorney Meier advised that a zoning map change must be made by Local Law, and offered to draft the law. Supervisor Cammarata said he would rather hold a public hearing just to garner input on the idea of rezoning prior to the potential law being drafted, because there are too many questions at this point. The Board was in agreement that it was willing to hold an additional public hearing as a first step; aware that at least one additional hearing will be required if a law is written for consideration.

Clerk's note: This resolution was passed in the form of a notice. The "whereases" are that petitions for rezoning were received from two adjacent landowners asking that their total of four parcels be re-zoned,

and the Orleans County Planning Board has reviewed the petitions and given its recommendation for approval if certain criteria are met, so the Board will seek public input.

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

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

**RESOLUTION 53-0319 AUTHORIZING THE HIGHWAY SUPERINTENDENT TO SELL AT MUNICIPAL AUCTION SURPLUS OBSOLETE AND WORN OUT EQUIPMENT**

Be it resolved to authorize the Highway Superintendent to take the following surplus, obsolete and worn out equipment to municipal auction:

One 2004 Chevy pick-up with plow, a swing plow, a plow wing, a front plow, a steam cleaner, an air compressor, a harder sander, several used tires, and miscellaneous old truck parts.

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

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

**RESOLUTION 54-0319 CREDIT CARD AUTHORIZATION**

Whereas the Town of Kendall can reduce expenses through the use of a VISA credit card specifically designed for non-profits and municipalities, and whereas there are significant savings through on-line purchases that will only accept credit cards, so

Be it resolved, that the Kendall Town Board authorizes Supervisor Cammarata to sign an application for a VISA credit card though Five Star Bank. This is subject to review and approval by the Attorney for the Town as to form and content.

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

Councilman Newell made a motion to pay the bills, as presented on the Abstract, seconded by Councilwoman Szozda; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 3	\$ 17,167.14	Vouchers 121-150
Highway Fund	Abstract 3	\$ 73,886.31	Vouchers 124,147,151-184
Light District One	Abstract 3	\$1,064.11	Voucher 137
Light District Two	Abstract 3	\$ 625.93	Voucher 137
Light District Three	Abstract 3	\$ 164.28	Voucher 137
Water District Six	Abstract 3	\$ 48.00	Vouchers 138,149
Water District Eight	Abstract 3	\$ 4,412.43	Voucher 185

Water District Nine      Abstract 3      \$ 1,490.65      Vouchers 186,187  
\$ 98,858.85

## **OLD BUSINESS**

### Morton Union Cemetery

Deeds will be sent to the County Clerk by the Attorney. Councilwoman Flow needs a copy of the stamped as recorded deed for the grant application.

### Lake Ontario State Parkway Advisory Committee

Nothing new

### LWRP Amendment Committee

Meeting scheduled for next week

### Emergency Management Committee

Discussion has been held regarding the school wanting to place flashing lights near the school on Route 18. They are awaiting a determination from the NYS DOT as to placement.

The committee now meets once a quarter.

Radio tower for county communication may be placed at Woodchuck Alley dump or on school grounds.

Councilwoman Flow asked if the school will be used as the sheltering place, and if so, the school needs to communicate that. In the recent windstorm the school generators failed.

The town can communicate information in the newsletter. If a storm is short-lived, the Town Hall is sufficient shelter and a charging station.

### Clean Energy Community

An outstanding question is whether or not the commercial training will be completed in time to obtain the certification. That must be done by a Code Enforcement Officer. Supervisor Cammarata believes both officers will be in attendance at that training on April 3<sup>rd</sup>.

### Petersmith Road cell tower rumor – nothing new

LED Streetlights – National Grid has all the data, and we are waiting for them.

## **NEW BUSINESS**

Annual audit will be done by Amato & Fox beginning on March 25<sup>th</sup>.

Water District Ten income surveys must be redone. This is the proposed West Kendall Road district. USDA approval was given based on previous survey results. There has now been a policy change within the USDA, which disqualifies the town engineer from collecting the income data, as it is now considered a conflict of interest. The approval has been withdrawn, and the USDA has a branch (RCAP) which will send, receive and compile the surveys. This is disappointing, and certainly seems unfair to change the rules after approval. The inconvenience caused to the residents affected by this is unfortunate. A letter of explanation and a new survey will be sent tomorrow.

With no further business being brought forward, Councilman Newell made a motion to adjourn, seconded by Councilwoman Szozda; all ayes. Meeting adjourned at approximately 8:00 p.m.

Respectfully Submitted, with thanks to Secretary Bakutis for audio recording this meeting and to Deputy Town Clerk Corcoran for creating an agenda for this meeting.

Amy Richardson, Kendall Town Clerk