

**KENDALL TOWN BOARD  
PUBLIC HEARING AND TOWN BOARD MEETING**

Tuesday, October 15, 2019 7:00 p.m.

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

Supervisor Cammarata called the meeting to order at 7:03 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

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

WATER DISTRICT TEN PUBLIC HEARING was opened at 7:04 p.m.

Supervisor Cammarata read the public notice introducing Water District Ten, and introduced Mike Schaffron and Kashara Webb from LaBella Engineering to present the Map, Plan and Report for Water District Ten.

Supervisor Cammarata thanked those who returned the income surveys, making an excellent USDA loan possible. This area has poor water quality, so this is a positive step for affected residents.

Following the presentation, the floor was opened for public comment and questions.

Scott Rodas, 2180 West Kendall Road – asked if the \$2,000 first year cost is a hard number or an estimate.

Mr. Schaffron stated it is an estimate. The loan and interest costs are hard, but the installation and connection costs can be variable. All expenses will be explained as the process progresses.

Mr. Rodas asked why the last water line put in had much lower costs, and had \$250 reimbursed.

Supervisor Cammarata said that if any money is left, it is distributed to each user. The costs may be lowered if the Town of Hamlin is able to do the construction, for example.

Mr. Schaffron said each project stands alone, having different numbers of users, different material requirements, different funding streams and levels of government assistance, etcetera, and therefore can have different startup costs. It is advantageous to connect at the time of installation rather than later. The reimbursement through MCWA is given after your well is decommissioned.

Blair Bobzin, 2160 West Kendall Road – asked if the installation from the line to the house is included in the estimate.

Mr Schaffron said it is the \$1,000 portion of the estimate. That can be shaved by having the same contractor do several homes on the line at one time, or doing the installation yourself.

Mr. Bobzin asked how long the increase in taxes lasts.

Mr. Schaffron said it is a 38 year loan. That special district cost appears on the tax bill for the duration of the loan.

John Rachow, 2243 West Kendall Road – said he owns two adjoining parcels, and asked what the costs are with vacant land parcels.

Mr. Schaffron vacant parcels are charged at the rate of ½ benefit unit. Many affected users combine the parcels into one to avoid the extra charge.

Mr. Rachow asked if there would be a tax change to this.

Supervisor Cammarata said each individual situation can be calculated by Assessor Massey.

Supervisor Cammarata said that toward the end of the project, a meeting with MCWA and the involved engineers will occur to answer any questions about hookup. It is expected that the project will be completed in 2020. Establishment, engineering, and approvals being sought may be completed in 2019 if the weather is conducive. The west side of the road may be better, but that will be evaluated based on many factors.

Mr. Rachow asked if this line will connect to the Town of Murray water line. Mr. Schaffron said “no.” That may be a future possibility.

Dennis Bauer, two vacant parcels on West Kendall Road – said he lives in Hamlin, on Redman Road. Water is also being run there, but at approximately ¼ the cost and asked how far the line will be run to a house.

Mr. Schaffron said as far as 500 feet during initial installation. Beyond that is at owner cost.

Mr. Bauer said he will combine his parcels.

With no one else wishing to speak, Supervisor Cammarata closed the Hearing at 7:32 p.m.

Supervisor Cammarata called the regular meeting to order at 7:34 p.m.

#### **SUPERVISOR’S COMMENTS**

Assemblyman Hawley will be at the Kendall Town Hall for an open forum on Saturday.

REDI program now requires only 5% local government input. Second home owners will now be eligible for the government assistance programs to the lake front property owners.

#### **CORRESPONDENCE**

Katherine Bogan, County Attorney - county’s intentions as to Payment In Lieu of Taxes contract with Center Road solar project, and Supervisor Cammarata’s e-mail stating Town’s intent that we intend to contract for the same.

Amato, Fox & Company, Inc. - merger with Allied Financial Partners

Resignation letter of John Hughes, forwarded to clerk by Planning Board Chairman Kludt

#### **PUBLIC COMMENT**

None

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

##### **Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

Cemetery cameras will be ordered

Community Relations - Flow  
Culture & Recreation – Flow  
Information Services – Flow

Commemorative bricks are still available for the War Memorial  
Windows 10 will be installed on all computers

Human Resources and Ethics – Szozda  
Employee Benefits – Szozda  
Univera will be renewed.  
Retiree program costs decreased slightly.

Planning, Zoning & Agriculture – Newell  
No report

Finance, Taxes & Special Districts – Cammarata  
No report

Orleans County Representative – DeRoller – not present

### **Boards**

Planning Board – A. Kludt, Chair – no report  
Zoning Board – P. Bolton, Chair – no report

### **Department Heads**

Assessor – G. Massey – no report  
Code Enforcement – P. Hennekey – nothing of interest to report  
Highway - W. Kruger – no report  
Historian – Cindy Blosenbauer – no report  
Recreation – M. Werth – no report  
Town Clerk – A. Richardson – written report 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 Martin:

### **RESOLUTION 90-1019 BUDGET AMENDMENT**

Be It Resolved, to increase Revenue General Account, A 1170.00, Franchises, by \$1,250.00, and

Increase General Expense Accounts Contractual Supervisor, A1220.41, by \$600.00, and Buildings and  
Grounds Contractual, A1620.40, by \$650.00.

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

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

**RESOLUTION 91-1019 BUDGET TRANSFER**

Be It Resolved, to decrease General Account, Contingency, A1990.40, by \$ 7,000.00 and to increase General Account, Buildings and Grounds Contractual, A1620.40, by \$4,500.00 and to increase General Account, Engineering, by \$2,500.00.

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

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

**RESOLUTION 92-1019 ACCEPTING RESIGNATION OF JOHN HUGHES FROM THE PLANNING BOARD AND APPOINTING STEVE CATONE TO THE TOWN OF KENDALL PLANNING BOARD**

Whereas, The Town Clerk has received John Hughes' letter of resignation from the Town of Kendall Planning Board, which was effective as of September 4, 2019, and

Whereas the Kendall Town Board appreciates and thanks him for his contributions while serving on the planning board, so

Be It Resolved to accept the resignation of John Hughes from the Town of Kendall Planning Board. In addition,

Whereas this resignation leaves a vacancy on this board, and

Whereas Steve Catone has been serving as an alternate member of the Planning Board, so now

Be it Also Resolved to appoint Steve Catone, 16171 Lakeshore Road, to the Kendall Planning Board, with a term expiring, December 31, 2022.

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

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

**RESOLUTION 93-1019 ESTABLISHING WATER DISTRICT 10 IN KENDALL, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM.**

Recitals

WHEREAS, the Town Board of the Town of Kendall (herein called "Town Board" and "Town" respectively) in the County of Orleans, New York has heretofore duly caused LaBella Associates, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for a proposed Water District No. 10 (the "District"), in the Town, consisting of the construction and

installation of approximately 6,500 linear feet of 8- to 12- inch diameter PVC water main along portions of West Kendall Road, including land or rights in land, stream and road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances related site work and other ancillary work; which, map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order duly adopted on September 24, 2019, the Town Board has 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 water improvements in connection with 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 October 15, 2019, at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Kendall Town Hall, located at 1873 Kendall Road, Kendall, New York, in the Town, as the place where, the Town Board would meet to consider the 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, 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 that no substantial adverse environmental impact will be caused by such District and a Negative Declaration has been issued; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 15<sup>th</sup> day of October, 2019, commencing at 7:00 o'clock P.M. (Prevailing Time), at such Kendall Town Hall, at which all interested persons desiring to be heard were heard.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF KENDALL, IN THE COUNTY OF ORLEANS, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the Order Calling Public Hearing was published and posted as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Water District No. 10, in the Town of Kendall, and shall be bounded and described as more particularly described in annexed Schedule "A".

Section 3. The maximum amount proposed to be expended for said District improvements is \$672,000.00, which is planned to be financed by the issuance of \$672,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants including, but not limited to, loan and/or grant funds from USDA Rural Development in the amount of \$384,000.00, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. 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 below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval.

Section 5. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adopted resolution, to cause to be published at least once in the "Hamlin Herald" a newspaper having a general circulation in the Town of Kendall, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form:

LEGAL NOTICE  
TOWN OF KENDALL, NEW YORK

PLEASE TAKE NOTICE that on October 15, 2019, the Town Board of the Town of Kendall, in the County of Orleans, New York, adopted a resolution entitled:

"Resolution of the Town of Kendall, New York, Establishing Water District No. 10, in said Town, and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Kendall ("Town Board" and "Town", respectively), New York, has heretofore duly caused the preparation of a general map, plan and report for the proposed Water District No. 10, in the Town (the "District") consisting of the construction and installation of approximately 6,500 linear feet of 8- to 12-inch diameter PVC water main along portions

of West Kendall Road, including land or rights in land, stream and road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances and related site work and other ancillary work; which map, plan and report have been duly filed in the office of the Town Clerk of Town public inspection; that an Order was adopted on September 24, 2019, reciting a description of the boundaries of the proposed 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 therefore, the proposed method of financing, 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 the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, that all environmental laws and regulations will be complied with, and that such hearing has been duly held on October 15, 2019, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Order Calling Hearing was published and posted as required by Law and is otherwise sufficient, (b) the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District (c) all the property and property owners within the proposed district are benefited thereby, (d) all the property and property owners benefited are included within the limits of the proposed District, and (e) that the establishment of the District is in the public interest.

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, DESIGNATING such District as Water District No. 10 in the Town of Kendall, and DESCRIBING the District by metes and bounds;

FOURTH: FURTHER RESOLVING that the maximum amount proposed to be expended for said District improvements is \$672,000.00, which is planned to be financed by the issuance of \$672,000.00 serial bonds of the Town offset by any funds received from the federal, state, county, and/or local grants, including but not limited to loan and/or grant funds from USDA Rural Development in the amount of \$384,000.00, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

FIFTH: FURTHER RESOLVING that 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 below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval; and

SIXTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the  
Town of Kendall, in the County of  
Orleans, New York.

Dated: October 15, 2019

Supervisor Cammarata called for a roll call vote, resulting in ayes – Flow, Martin, Szozda and Cammarata, with Newell absent.

Clerk’s note: No SCHEDULE A was provided.

Councilman Martin made a motion that the claims be paid, as presented. Motion seconded by Councilwoman Flow; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 10	\$ 22,512.31	Vouchers 629-659,693
Highway Fund	Abstract 10	\$ 47,586.47	Vouchers 632,657,660-691
Light District One	Abstract 10	\$ 427.17	Voucher 646
Light District Two	Abstract 10	\$ 254.44	Voucher 646
Light District Three	Abstract 10	\$ 151.23	Voucher 646
Water District Two	Abstract 10	\$ 37.00	Voucher 692
Water District Three	Abstract 10	\$ 73.00	Voucher 692
Water District Four	Abstract 10	\$ 284.00	Voucher 692
Water District Five	Abstract 10	\$ 106.00	Voucher 692
Water District Six	Abstract 10	\$ 47.47	Vouchers 647,658
Water District Nine	Abstract 10	\$ 277.78	Vouchers 694
Water District Ten	Abstract 10	<u>\$ 46.85</u>	Voucher 695
		\$ 71,803.72	

**OLD BUSINESS**

Morton Union Cemetery – still waiting for State  
Lake Ontario State Parkway Advisory Committee – no report  
LWRP Amendment Committee – Each chapter being reviewed; Yates may do its own  
Clean Energy Community – new funding begins in January  
LED Streetlights – LED replacements have started  
Potential Sewer District being formed – grant application has been submitted  
NYS REDI program re. Lake Ontario – second home owners may now benefit  
Condemnation of three properties – no action

**NEW BUSINESS**

Splash Park – manufacturer will present options



At Supervisor Cammarata's request, Councilwoman Szozda made a motion to move into executive session, in order to discuss impending litigation over a contract and payment agreement. Motion was seconded by Councilman Martin. All ayes. Mr. Schaffron was asked to stay. Executive session was convened at 7:58 p.m.

The Board moved out of executive session at 8:15 p.m. No decision stemming from the executive session was announced.

With no further business being brought forward, Councilman Martin made a motion for adjournment. Seconded by Councilwoman Szozda. All ayes. Meeting adjourned at 8:16 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk