

**AGENDA**  
**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, January 17, 2012, 7:30 P.M.

***OPEN TOWN BOARD MEETING***

Reference location of exits, defibrillator, and request that cell phones be silenced.

***PLEDGE OF ALLEGIANCE***

***ROLL CALL***

Councilman Pritchard  
Councilman Joseph  
Councilman Schuth  
Councilwoman Szozda  
Supervisor Gaesser

***SUPERVISOR'S REMARKS***

***PRESENTATION BY BICENTENNIAL COMMITTEE CHAIRS***

***ACCEPTANCE OF MINUTES***

Regular Board Meeting November 15, 2011  
Recessed Board Meeting November 21, 2011  
Regular Board Meeting December 20, 2011  
Special Meeting December 30, 2011  
Organizational Meeting January 3, 2012

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

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair  
Buildings, & Grounds –Joseph, Chair  
Information Services –Joseph, Chair

Highway –Gaesser, Chair

Culture & Recreation –Pritchard, Chair

Planning, Zoning & Agriculture –Schuth, Chair  
Community Relations –Schuth, Chair

Human Resources and Ethics –Szozda, Chair  
Employee Benefits –Szozda

Finance, Taxes & Special Districts –Gaesser, Chair

Orleans County Representative – Ken Rush

Boards

Planning Board – P. Gray, Chair

Zoning Board – K. Banker, Chair

Department Heads

- Assessor – G. Massey
- Code Enforcement – P. Hennekey
- Highway - W. Kruger
- Historian – J. Knapp
- Recreation – B. Flow – written report submitted
- Town Clerk – A. Richardson – written report submitted
- Town Justice - C. Lape & V. Maxon – written reports submitted
- Supervisor – written report submitted

***CORRESPONDENCE***

- Association of Towns of the State of New York re. Training School for town officers, Annual Meeting, and resolutions to be considered at the February meeting of the Association of Towns
- One copy of the form letter regarding the potential development of Troutburg from John Pulver of Banner Beach Road
- Letter from Bonnie-Anne Briggs of Lakeland Beach re. disappointment in lack of opportunity for her participation in a recent meeting of the Planning Board, and concern about the process the Town must follow in the potential development at Troutburg
- E-mailed letter from Melissa Prater of Lakeland Beach, with concerns that the various offices of the town may be overworked with the Marina under new ownership, and the Troutburg project.

***PUBLIC COMMENT***

Anyone wishing to address the Town Board please stand and state your name.

***RESOLUTIONS***

**RESOLUTION 35-0112      BUDGET TRANSFERS AND ADJUSTMENTS**

Be it RESOLVED, to make the following budget transfer for 2011:

Transfer \$415.00 from account A1620.41 Building Security to account A1620.40 Buildings Contractual

**RESOLUTION 36-0112      ADJUSTING SALARIES FOR CODE ENFORCEMENT**

WHEREAS, currently the office of Deputy Code Enforcement Officer is vacant and the Town of Kendall is advertising for this position, and

WHEREAS, the current CEO is performing the duties of both positions,

Now, therefore, be it RESOLVED to make the following budget adjustments:

Increase A3620.10 Code Enforcement Personal Services from \$8,250.00 to \$10,500.

Decrease A3620.11 Deputy Code Enforcement Personal Services from \$6,250.00 to \$4,000.00.

**RESOLUTION 37-0112            ASSIGNING LEAD AGENCY STATUS TO THE TOWN BOARD  
RELATED TO DEVELOPMENT OF THE COTTAGES AT  
TROUTBURG AND AUTHORIZING HIRING OUTSIDE LEGAL  
COUNSEL**

Whereas the Kendall Town Board has received an application for the development of “The Cottages at Troutburg” (hereinafter “the project”) by The Wegman Group, LLC on the property commonly known as 19 County Line Road, Kendall, NY; and

Whereas, the current owner, the Salvation Army, has also submitted written authorization for the Wegman Group, LLC to apply for permits, etc. necessary to effectuate development of said property; and,

Whereas, since current plans for the project are unique; and,

Whereas, the Kendall Town Board intends to ensure compliance with all legal aspects associated with this project; therefore,

BE IT RESOLVED that the Town Board of the Town of Kendall is designated as lead agency associated with this project, and,

BE IT FURTHER RESOLVED that the Kendall Town Board will initiate and complete a State Environmental Quality Review (SEQR) with the assistance and under advisement from the Town of Kendall Planning Board, the Town of Kendall Zoning Board of Appeals and the Code Enforcement Officer, and in conjunction with any additional agencies from the New York State and the federal government; and,

BE IT FURTHER RESOLVED that the Kendall Town Board is authorized, in its discretion, to solicit and retain outside legal counsel that may be necessary to assist and advise the Town of Kendall Board in issues related to this project.

**RESOLUTION 38-0112            CONSIDERATION OF A REQUEST FOR PROPERTY ZONING  
DISTRICT CHANGES FROM WATERFRONT RESIDENTIAL TO  
WATERFRONT DEVELOPMENT**

Whereas it has been reported to the Kendall Town Board that the property owned by the Salvation Army located at 19 County line Road, Kendall, New York has been for sale for approximately five years; and

Whereas that real property is currently under contract for sale with a potential buyer, The Wegman Group, L.L.C.; and,

Whereas the requested zoning change would be modifying 76.293 acres of property identified as Parcels #11.00-1-15 and 11.00-1-11 from Waterfront Residential (WR) District to Waterfront Development (WD) District; and

Whereas changing the zoning designation to WD would make the property more marketable because it broadens the scope of use for both development and residential purposes without reducing the regulations currently mandated under a WR designation, whether the existing contract is completed or not; and,

Whereas, consideration of this request will be directed to legal counsel, and also, involve the completion of a SEQR; and,

Whereas, a public hearing will be held at a later time regarding this proposed zoning change, now therefore

BE IT RESOLVED that the Town Board of the Town of Kendall will consider this request, and is authorized, in its discretion, to solicit outside legal counsel to assist and advise the Kendall Town Board in considering this request, and

BE IT FURTHER RESOLVED, that a State Environmental Quality Review (SEQR) will be initiated.

**RESOLUTION 39-0112            IN-KIND RENTAL AGREEMENT WITH THE ORLEANS COUNTY OFFICE OF THE AGING FOR 2012**

Be it RESOLVED that the Town Board of the Town of Kendall authorizes Supervisor Gaesser to negotiate and execute an in-kind agreement with the Orleans County Office of the Aging for use of building space in the Kendall Town Hall for the Orleans County Office of the Aging's Elderly Nutrition Program, subject to attorney approval as to form, content and legal compliance.

**RESOLUTION 40-0112            AUTHORIZING AN AGREEMENT WITH ORLEANS COUNTY FOR ANIMAL CONTROL SERVICES**

BE IT RESOLVED that the Town Board hereby authorizes Supervisor Gaesser to negotiate and execute an inter-municipal services agreement with the County of Orleans for animal control services, subject to attorney approval as to form, content and legal compliance.

**RESOLUTION 41-0112            TO REAPPOINT ROBERT HART TO THE BOARD OF ASSESSMENT REVIEW**

Whereas there is currently a vacancy in the Kendall Board of Assessment Review as a result of Robert Hart's expired term on September 30, 2011, and,

Whereas Robert Hart has declared interest in being reappointed to this position, and

Further that Robert Hart has done an admirable job during his term,

Therefore be it resolved to appoint Robert Hart, 1256 Kendall Road, Kendall, NY 14476 to the position of Board of Assessment Review with this term of office to expire on September 30, 2016.

**RESOLUTION 42-0112            TO APPROVE BICENTENNIAL CELEBRATION PLANS OF THE BICENTENNIAL COMMITTEE AND ASSURE INDEMNITY BY THE TOWN**

***PAYMENT OF CLAIMS***

General Fund	Abstract 1	\$10,740.54	Vouchers 1-5, 6-24
Highway Fund	Abstract 1	\$17,911.38	Vouchers 1, 4, 26-36
Water District 6	Abstract 1	<u>\$1,220.48</u>	Vouchers 5, 8, 25
		\$29,872.40	

***OLD BUSINESS***

***NEW BUSINESS***

***ADJOURNMENT***

**Scheduled Meetings:**

Weekly Work Sessions – Each Monday evening from 6:00PM to 9:00PM, excluding holidays.

Regular Town Board Meeting -Tuesday, February 21, 2012 at 7:30 PM

Monthly Conference Session – Tuesday, February 7, 2012 at 7:30 PM

Monthly Work Session – Saturday, February 18, 2012 at 9:00 AM