

TOWN OF KENDALL
TOWN BOARD MEETING
Tuesday, June 21, 2011, 7:30 P.M.

Supervisor Gaesser called the meeting to order at 7:30 and led the Pledge of Allegiance.

ROLL CALL

Councilman Pritchard	present
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present, Attorney Sansone, Clerk Richardson, Orleans County Legislator Rush, Highway Superintendent Kruger, Deputy CEO Hennekey, Planning Board members Henry and Newell, Al and Bev Lofthouse, Mr. and Mrs. Freemesser

SUPERVISOR'S REMARKS

The NYS seal hanging behind the meeting room bench was obtained through the Justice Court Assistance grant. A new printer has been installed, and tables will be ready by the end of July.

Councilman Pritchard and Supervisor Gaesser met with representatives of MCWA on May 27. The meeting was informal, but informative. The Town Board met subsequently, and compiled a list of questions about the agreement with MCWA to be addressed by the attorney.

Councilman Pritchard made motion to accept the following minutes, seconded by Councilman Schuth; all Ayes:
Town Board Public Hearing May 3, 2011
Town Board Meeting May 17, 2011

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
Energy contract is being worked on.
Time-Warner reduction in internet costs is pending.

Planning, Zoning & Agriculture –Schuth, Chair
Community Relations –Schuth, Chair
Bicentennial work is progressing.
Gazebo work has begun again.
Carnival 7th, 8th and 9th of July.

Human Resources and Ethics –Szozda, Chair
Employee Benefits –Szozda
Budget for medical plan is on track.

Finance, Taxes & Special Districts –Gaesser, Chair

BAN for Water District Six is due for renewal in July. It is still advantageous to renew the BAN, based on interest rates.

Orleans County Representative – Ken Rush

Ice removal and mowing checks have been sent to the towns.

A cemetery which has been discovered and recovered by a local group of students was dedicated.

There are no current plans to sell the county nursing home.

The county and town highway superintendents work together to arrive at a snow and ice agreement.

Department Heads

Code Enforcement – P. Hennekey

Many building permits are being issued.

Follow-up on the survey of the town has begun.

A special use permit for a boat repair business has been received.

Motzer property – awaiting a response to letter

KFD fireworks permit application is complete except for a pyrotechnician license, which will be faxed.

ECM fireworks permit application was lacking items. A list of these items has been provided to Mr. Freemesser, and many have now been provided. The items still missing were listed. This meeting will be recessed until next week to provide additional time for Mr. Freemesser to provide all documentation needed.

Highway - W. Kruger

Issues arising from unusually high lake levels. The state is attempting to lower the lake level, but it is a slow process.

FEMA stores sand bags in the highway garage.

Culvert damage is being repaired.

New, required signs are being installed as time allows.

New state regulations require expensive upgrades, with long permit waits. Towns are pushing back against the futile rules.

Niagara Mohawk should clean up the hazardous area on Kendall Road where the pole was downed in the Spring. They are difficult to contact.

Sump pumping across Kendall Road – the origin of the water is unknown. It has been determined that the water is not hazardous, but is certainly unsightly. The county health department is involved.

County contracts are due for renewal, and a draft for review will be given to the Board soon.

The 284 agreement is with the Board.

Recreation – B. Flow – report submitted

Town Clerk – A. Richardson – report submitted

Supervisor – report submitted

PUBLIC COMMENT

Mr. Freemesser entered the meeting at 8:00 p.m., and supplied more of the necessary documentation toward his fireworks permit application. He thanked the Board for the week extension of time.

Al Lofthouse asked about progress toward a resolution of the Hamlin-Kendall Water District dissolution, and expressed the importance of resolving the issue. Supervisor Gaesser has had e-mail contact with Hamlin, but no meeting date has been set.

RESOLUTIONS

Councilman Pritchard made the following motion, seconded by Councilman Schuth:

RESOLUTION 54-0611 SENIOR RECREATION

Whereas, the Town of Kendall has received a request from the Orleans County Nutrition Program to expand its use of our Town Hall from two weekdays to three weekdays each week for the purpose of providing meals and activities for our senior citizens, and,

Whereas, the Town Board has received a letter from the Department Head for Senior Recreation stating that, after reviewing our town hall's community calendar, there is presently no time consistently available for adding a third day each week for the use of the town hall for this activity,

Now, therefore be it RESOLVED to inform David Spaker, Program Manager for this activity that the Town of Kendall cannot meet his request at this time.

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

Councilman Pritchard made the following motion, seconded by Councilman Schuth:

RESOLUTION 55-0611 BUDGET ADJUSTMENT FOR RECREATION

Whereas, actual revenues received have exceeded the amount budgeted for A2706 Gifts and Donation for Recreation- Disadvantaged Fund

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

Increase revenue account A2706 Gifts and Donation for Recreation- Disadvantaged Fund from \$700 to \$775.

Increase expense account A7310.42 Recreation, Contractual, Disadvantaged from \$700 to \$775.

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

Councilman Joseph made the following motion, seconded by Councilman Pritchard:

RESOLUTION 56-0611 BUDGET ADJUSTMENT FOR ANIMAL CONTROL

Whereas, we have a new contract and revenue sharing formula with Orleans County for animal control, which requires a budget adjustment, and,

Whereas, under the former revenue sharing formula, the Town of Kendall paid a percentage of dog license revenue to Orleans County, and under the new revenue sharing formula, the amount of the county dog control apportionment paid by the Town of Kendall is based on population and is \$2,065.58 for 2011, and

Whereas, the Town of Kendall has already paid \$645 to Orleans County in 2011 under the old revenue sharing formula,

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

Increase revenue account A2544 Dog License from \$600 to \$1,421.

Increase expense account A3510.4 Control of Animals, Contractual from \$0 to \$1421.

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

Councilman Schuth made the following motion, seconded by Councilman Pritchard:

RESOLUTION 57-0611 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 2011 as follows:

Thursday, July 7 from 6:00 p.m. to 12:00 midnight

Friday, July 8 from 5:00 p.m. to 2:00 a.m.

Saturday, July 9 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 time set for herein and only in the geographical area described herein.

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

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

RESOLUTION 58-0611 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 a copy of a valid certificate of competency as a pyrotechnician, 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 10:30 p.m. on Saturday, July 9, 2011.

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

Councilman Schuth made motion to accept Abstract 6 claims, as presented; all ayes; motion carried:

PAYMENT OF CLAIMS

General Fund	Abstract 6	\$21,838.52	Vouchers 344-385,387-399,401-404
Highway Fund	Abstract 6	\$11,782.79	Vouchers 346,357,405-438
Street Lighting 1	Abstract 6	\$367.47	Voucher 387
Street Lighting 2	Abstract 6	\$220.00	Voucher 387
Street Lighting 3	Abstract 6	\$124.36	Voucher 387
Water District 2	Abstract 6	\$11,550.00	Voucher 400
Water District 6	Abstract 6	<u>\$55.03</u>	Vouchers 386,401
		\$45,938.17	

OLD BUSINESS

Morton Union Cemetery

David Strassenburgh sent correspondence for Attorney perusal, to determine the legality of helping the cemetery with mowing.

Water Improvements Feasibility Study

Met with MCWA; Councilman Joseph is working on a list of questions he will submit to the attorney next week.

Carlton Intermunicipal Agreement regarding water on Transit Road, north of Carr Road

still only four responses to the letter. Councilman Pritchard will pursue further input from those residents.

NEW BUSINESS

Senior Citizen Tax Rate

Increasing the exemption based on income has been discussed with the assessor, and is being looked at county-wide. The current exemption level has not been raised in several years. Councilman Joseph will talk with the assessor about the history of this exemption, its current rate, and the method by which the amount is derived.

The Board received an e-mail from a resident on Norway Hts., a private road, about the poor condition of the road, a plea for help in fixing it, and an inquiry as to the process available for the town to legally convert the road to a public road. The Norway Heights Association president, Mr. Newell, said that as of two years ago, there was not 100 % agreement to dedication among the roads' residents. The association is currently forming a committee to revisit this issue. A discussion of some of the difficulties – rights of way, 100% agreement being required, the road, as is, being too narrow to be accepted or safely maintained, misunderstandings as to past actions, legal options in various circumstances, and problems within the association itself. Supervisor Gaesser recalled the 2007 meeting, at which a presentation was given, and the Board at that time resolved to give serious consideration to taking the road by dedication, when all parameters of dedication were met. The association at that time also offered to defray some of the cost of bringing that road up to standard. The association has not approached the Board, as a body, since.

This will be a huge undertaking. Supervisor Gaesser suggested that Mr. Newell speak with the most affected property owner to determine his current stance, and to document a survey of all the road's inhabitants. Highway Sup. Kruger discussed some of the requirements of a public road, such as widening the road.

Councilman Pritchard made a motion to recess this meeting to June 28, 2011 at 6:30 p.m., seconded by Councilman Schuth; all ayes; recessed at 9:02 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk