

**TOWN BOARD
TOWN OF KENDALL
PUBLIC HEARING – PROPOSED LOCAL LAW #1 of 2008
AMENDMENT TO THE TOWN OF KENDALL ZONING ORDINANCE REGULATING
WIND ENERGY CONVERSION SYSTEMS
Thursday August 14, 2008 7:30 p.m.
REGULAR TOWN BOARD MEETING
Immediately following
KENDALL TOWN HALL-1873 Kendall Road, Kendall, New York**

Supervisor Gillman called the meeting to order at 7:30 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

Also present: Planning Board Chairman Paul Gray, Attorney Leone, CEO Larry Gurslin, Highway Superintendent Warren Kruger, Recreation Director Barb Flow, 25 members of the public.

PUBLIC HEARING opened at 7:33 p.m.

**PROPOSED LOCAL LAW #1 of 2008
AMENDMENT TO THE TOWN OF KENDALL ZONING ORDINANCE
REGULATING WIND ENERGY CONVERSION SYSTEMS**

William Hance – expressed his opinion that the stated 450 ft. height limitations for the wind energy towers is too high because of visibility, and that he would like to see all setbacks set to 2500 ft.

Chairman Gray said setbacks vary because of Kendall's one mile blocks. Any increase in setbacks would prohibit any wind energy conversion potential. These setbacks are the result of much discussion and compromise. Heights of the commercial towers are such that the 450 ft. height restriction is realistic.

Mr. Hance pointed out a 1000 ft. setback difference between residents' and public properties, and suggested a voter referendum for whether people want wind energy in Kendall.

Councilman Schuth said that the Public Hearings are being held to gather public opinion on the presented law itself, and does not preclude a voter referendum occurring at the point of a wind energy company approaching Kendall. This local law is the starting point in the evolution of a Wind Energy Plan.

Mary Crumb – stated that she would like to see 1500 ft. setbacks from **property lines**, not **residences**, in residential areas.

Steve DeMallie – addressed Section 28 on page 21. His concerns are the residential windmill regulations, not commercial. Mr. DeMallie considers the regulations regarding residential windmills too strict, and the requirements too extensive. This may make this option unaffordable for average private residents. He feels local government responsibility is to empower individuals, but this law places too many barriers to private citizens powering their own homes.

Supervisor Gillman stated that he “wouldn’t want to see a lot of them around”, and that the wording has been checked by the Attorney for the Town, and provides safeguards against abandoned windmills polluting the town.

Mr. DeMallie restated that commercial and residential windmills are two different worlds. Private windmills tend to be small, and helical, and should not require a “panel of judges” to erect.

Chairman Gray – explained that many of the requirements spelled out in this law are nothing different from the requirements necessary for much building in Kendall, and many, such as SEQR, are New York State requirements. The rules have been put into place to protect the health, safety, and welfare of applicants, and neighbors, and so there can be a proper determination of impact. Individual cases would assuredly be considered independently.

Jerry Borkholder, from the Town of Hamlin, congratulated Chairman Gray on the document’s protections and thoroughness, but cautioned the Board that the protections do not go far enough. He mentioned ice-throw concerns, proximity to houses, and bat kills as considerations in deciding whether wind energy should be allowable in Kendall.

Chairman Gray stated that as part of the application process of any company coming in will be provision of many studies, such as shadow flicker, visual impact, effect on property values, noise analysis, geological impacts, ice and blade throw, and bird/bat studies.

Mr. Borkholder interjected that many of these studies are done by the developers, resulting in skewed results.

Mary Crumb – asked if fire protection has been considered when considering the heights of the towers. Local fire departments are not equipped to fight any fire at that height.

Councilman Joseph said that training is available, but there is not equipment. Any potential fire would likely be site-specific, and would be allowed to burn, while protecting the surrounding area. Injuries or hazardous materials could be addressed through shared emergency services.

Mrs. Crumb asked if there would be a time limit to repaint to eliminate any graffiti that may appear. Supervisor Gillman responded that the Town would be vigilant. Mrs. Crumb asked if there has been any consideration given to any effect on TV reception. Mr. Gray responded that that has been addressed in the document. Mrs. Crumb complimented the easy-to-read, comprehensive document.

Mr. Borkholder suggested that cell phone reception can experience interruption due to Wind Towers.

With no one else wishing to be heard, Supervisor Gillman called the Public Hearing closed at 8:29 p.m., and called a ten minute recess.

Supervisor Gillman called the regular meeting to order at 8:40 p.m.

ACCEPTANCE OF MINUTES

Councilman Gaesser moved to accept the minutes of the Regular Kendall Town Board Meeting held July 8, 2008, seconded by Councilman Schuth. All ayes; minutes accepted.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – B. Joseph, Chair – written report submitted; CPR class will be scheduled; lighting audit has been conducted

Highway – D. Gaesser, Chair – Water District 6 completion in approximately two weeks; on-budget; meetings necessary with Supervisor Gillman and Superintendent Kruger regarding budget and energy efficiency upgrades, and potential purchase of a new truck

Buildings, & Grounds – B. Joseph, Chair – written report submitted

Planning, Zoning & Agriculture - D. Schuth, Chair – minutes of both Boards are on website

Community Relations – D. Schuth, Chair – no report

Human Resources and Ethics – L. Szozda, Chair – second newsletter coming; Civil Service titles are being researched and corrected as needed

Finance, Taxes & Special Districts – J. Gillman, Chair – moving toward internet banking; \$100,000 moved to a CD, to gain additional interest

Information Services – B. Joseph, Chair – written report submitted; website now has a link to the Office of the Aging; Assessor awaiting a second monitor
 Employee Benefits – L. Szozda, Chair – no report
 Culture & Recreation –D. Gaesser, Chair – summer sports winding down; Hunter Education, Bowhunter Education, and Driver Education Courses are scheduled; Recreation Department is on budget
 Orleans County Representative – K. Rush – not present

Boards

Planning Board – Paul Gray, Chair – Wind Energy has been focus; a one lot subdivision has passed; property maintenance will be next high priority
 Zoning Board - K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – written report submitted to Supervisor
 Code Enforcement – L. Gurrslin – written report submitted; CEO Gurrslin would like to waive fees on handicapped ramp permits
 Highway - W. Kruger – written report submitted to Board
 Historian - J. Knapp – no report
 Recreation – B. Flow – written report submitted
 Town Clerk – A. Richardson – no report
 Town Justice - R. Ernenwein & C. Lape – no report

PUBLIC PARTICIPATION

Curt Crumb – asked to whom to report street light outages.
 Councilman Joseph answered to contact the Town Clerk.
 Mr. Crumb asked how to apply for a variance.
 Councilman Schuth answered to see the Code Enforcement Officer first. If a variance is required, the Zoning Board is the next step.

Councilman Gaesser moved to pay the claims as presented, and also a payment to Blair Supply for Contract C of Water District 6 for an additional \$ 32,318.00, bringing the **Water District 6 total to \$69,722.17, and the overall total to \$141,675.49**, seconded by Councilman Joseph. Vote resulted in all ayes.

General Fund	Abstract.008	\$ 20,738.04	Vouchers 1162-1211, 1213-1215, 1238, 1242-1244
Highway Fund	Abstract 008	\$ 24,568.45	Vouchers 1168, 1169, 1216-1237, 1239-1241
Street Lighting #1	Abstract 008	\$ 374.24	Voucher 1170
Street Lighting #2	Abstract 008	\$ 220.67	Voucher 1170
Street Lighting–Gen.	Abstract 008	\$ 120.68	Voucher 1170
Water District #4	Abstract 008	\$ 25,931.24	Voucher 1212

Councilwoman Szozda moved the following, seconded by Councilman Schuth:

RESOLUTION 119-808 COUNCILMAN JOSEPH'S SALARY

Be it resolved that the Kendall Town Board accepts Town Board Member Bart Joseph's donation of his salary for the year 2008 for serving on the Kendall Town Board. This donation is retroactive to January 1, 2008. The Town Board commends Mr. Joseph for his action.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

OLD BUSINESS

Intermunicipal Agreement between Murray and Kendall for Water District 6 – a part of the agreement needs to be revised. Councilman Gaesser reminded the Board that this needs to be in place by the 28th.

Code Enforcement Court Order – progress on clean-up is underway

Cemetery Trust – nothing to report

Marina Project – slow, but progressing; Councilman Gaesser said the Newsletter states that a temporary Certificate of Occupancy has been applied for. That is NOT the case. Councilman Gaesser contacted Councilwoman Szozda to correct this before publication. Councilwoman Szozda was unsure of whether or not it had been corrected before going to print. Councilman Gaesser suggested a correction be posted on the website, if necessary.

Court Security – nothing to report

Banner Beach Road Dedication – Supervisor Gillman has met with some residents.

With there being no further business brought before the Board, Councilman Gaesser moved for recess until August 28th at 7:30 p.m., seconded by Councilwoman Szozda; all in favor. Meeting recessed at 9:37 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk