

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

Supervisor Gaesser called the meeting to order at 7:32, 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, Bob and Jane Hart, Legislator Rush, Joyce Henry, Hwy Sup. Kruger, Mr. and Mrs. Clement, Planning Chairman Gray, Bruce Newell, Dan Wegman, Dan Pixley, Ty and Melanie Whitehair, Sean Harnett

SUPERVISOR'S REMARKS

2012 promises to be an exceptionally busy year.
The Bicentennial events will be a commemoration and a celebration.

The Bicentennial Committee has been working for the past six years on the celebration, and Chairpersons Jane and Bob Hart gave a presentation of the calendar of plans.
Supervisor Gaesser discussed the liability issues involved with each event. The fire department needs to be contacted about the cruise-in and the Civil War living history events, to be held on the firemen field. The Board will formalize individual events, and determine steps necessary to sponsor each event.

Councilman Pritchard motioned to accept the following minutes, seconded by Councilman Joseph; all ayes:

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

Website is being updated; working with Marchese.

Security system at the Highway Dept. is working well. Upgrades and a system for the Town Hall are being considered.

A new boiler has been installed for \$4100, as the old one failed. Cost-saving methods have been put in place.

Highway –Gaesser, Chair – no report

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture -Schuth, Chair

Community Relations –Schuth, Chair

Meetings will likely be more frequent, due to a number of simultaneous projects this year.

Lions Club fundraisers are in progress.

Human Resources and Ethics –Szozda, Chair

Employee Benefits –Szozda

No reports

Finance, Taxes & Special Districts –Gaesser, Chair

Audit scheduled with Amato & Fox in March

Orleans County Representative – Ken Rush

Organizational meeting and training are the main focus in January for the county legislature.

Thanks to all who supported Mr. Rush in the November election.

The Kendall Bicentennial celebration plans sound excellent.

Boards

Planning Board – P. Gray, Chair

The Wegman Group has submitted preliminary site plans to the Planning Board, and has given a formal presentation to the Zoning, Planning and Town Boards. A workshop following this presentation was held. Review is extensive, and an ongoing, changing process. Nothing similar has been attempted in the county, and this will be the first time the LWRP will be utilized to this extent. The Coastal Erosion Assessment has been received from Marathon Engineering. Eagle Creek Marina has changed ownership, and new plans for use will be discussed. Work on a potential restaurant is in progress.

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey – excused tonight and no report

Highway - W. Kruger

The unusually mild winter has freed some time to do truck repairs; the new security system is functioning, and could be converted to an alarm system.

Historian – J. Knapp – no report

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

-One additional 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 regarding her 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. Supervisor Gaesser addressed the first issue by clarifying that all planning board meetings are open to public attendance and observation, but not public participation or discussion unless that Board chooses to invite comment at a designated point during the meeting. Comments and questions can be submitted by e-mail, telephone, mail or personal visits at any time. Also, part of the process will be publicized Public Hearings, at which time all those wishing to be heard may address the Planning Board.

-E-mailed letter from Melissa Prater of Norway Heights, with concerns that the various offices of the town may be overworked with the Marina under new ownership, and the Troutburg project, and suggested creating a moratorium on the Troutburg project until the Marina is complete.

-Marathon Engineering – Coastal Assessment Form on behalf of The Wegman Group, LLC

PUBLIC COMMENT

Mr. Pixley, Norway Heights – Asked if the future Planning Board meetings regarding Troutburg could include question periods from residents. Supervisor Gaesser said the meetings will be very lengthy, and time will not always allow for that. The meetings are for the members to accomplish specific agenda items and that forum is not a practical one to address questions. The questions and input can be answered and taken into consideration at any later time. Final decisions will not be made at these meetings. Other methods of communication will be more efficient and effective. Concerns can be addressed to Chairman Gray or Supervisor Gaesser. Chairman Gray added that this will also enable thorough analysis of the questions and more complete, researched responses.

Joyce Henry asked about the charge to Time Warner on the abstract. Councilman Joseph explained that it is for phone service and all internet and cable services.

Jerry Clement, Norway Heights – suggested obtaining a performance bond from The Wegman Group to ensure that the area would be left in its current condition if the project were to be abandoned.

If the town will invest money, it should be after ownership of the property officially changes. Supervisor Gaesser responded that one of the resolutions on the agenda is to set in place a professional services agreement with the developer for reimbursement to the Town.

Bruce Newell, Norway Heights – questioned proposed resolution 38-0112, paragraph 4.

Supervisor Gaesser responded that Waterfront Development (WD) designation allows for more development options than Waterfront Residential (WR) designation. WD also allows for everything included in WR. Anything which is currently allowed in the zoning would also be allowed in the proposed rezoning. The change would not restrict the use, but would enhance the use.

RESOLUTIONS

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

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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

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.

Discussion: Supervisor Gaesser commented that when this position is filled, the new Deputy will most likely need extensive training and will not be as engaged as Paul Hennekey had been in that role. This can be addressed, if necessary, when the role is filled.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

RESOLUTION 39-0112 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT REGARDING PROFESSIONAL SERVICES REIMBURSEMENT

BE IT RESOLVED, to authorize Supervisor Gaesser to enter into agreement, subject to legal review, with The Wegman Group, LLC regarding reimbursement to the Town for professional services expenses incurred relating to the development of “The Cottages at Troutburg” project.

Discussion: Attorney Sansone has drafted this agreement.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

RESOLUTION 40-0112 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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

RESOLUTION 41-0112 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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

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

RESOLUTION 42-0112 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.

Supervisor Gaesser called for a vote, resulting in all ayes; motion carried.

PAYMENT OF CLAIMS

Councilman Pritchard made a motion to pay the claims, as presented, seconded by Councilman Joseph; all ayes:

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

Attorney Sansone has provided his response to the list of questions about water. It will be forwarded to Town Board members.

Bicentennial celebration issues will need to be addressed. The attorney will be reviewing the events in more detail.

NEW BUSINESS

Highway 284 Agreement needs to be completed.

There being no further business coming before this Board, Councilman Schuth motioned for adjournment , seconded by Councilman Pritchard; all ayes; adjournment at 8:49 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk