

TOWN OF KENDALL
TOWN BOARD MEETING
Tuesday, February 21, 2012, 7:30 P.M.

Supervisor Gaesser called the meeting to order and led the Pledge of Allegiance.

ROLL CALL

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

Also present, Dan Wegman, Bruce Newell, Joyce Henry, CEO Paul Hennekey, Chairman Paul Gray, O.C. Leg. Ken Rush, Hwy. Supt. Warren Kruger, Keith ad Barbara Germano, Al and Bev Lofthouse, Kim Tonas, Gordon Tonas, four visiting students.

SUPERVISOR'S REMARKS

A revised reimbursement contract has been received from The Wegman Group for attorney review.

Hodgson and Russ' Attorney Spitzer has been approached as special legal counsel to advise on the Troutburg development. The Board gave consent to Attorney Sansone to forward the Consistency Review Law to Attorney Spitzer, to obtain his legal opinion as to which local agency is to take the lead on the project. After reviewing the document, his response was that although it is "not a clearly drafted law", he opined that each agency with decision-making power must make its own determination. So, the Zoning, Planning and Town Boards will each have to complete its own consistency review of the proposed development.

The county legislature, the county health department, and the DEC have signed consent to turn over lead agency for the SEQR process for the proposed Troutburg development to the Town. The DEC did include ten pages of concerns to guide the town on specific requirements.

Supervisor Gaesser, Clerk Richardson, Councilman Joseph, and Highway Superintendent Kruger met with members of the Morton Union Cemetery Association and Cindy Craig, from the NYS Division of Cemeteries, to discuss options to keep the Association financially viable as long as possible, and the legal options the town has to provide assistance in maintaining this cemetery.

Supervisor Gaesser met with Orleans County Legislature Chairman Callard to discuss the current state of the town. Discussion centered on the Bicentennial celebrations, and the economic development potential of the Troutburg development, the new Marina ownership and plans, and the proposed restaurant in the former hardware store. The condition of county roads within Kendall was also discussed.

An informal meeting with the new owners of Eagle Creek Marina is scheduled.

A State of the County Address will be attended by Supervisor Gaesser.

ACCEPTANCE OF MINUTES

Councilman Pritchard moved to accept the minutes as presented, seconded by Councilman Joseph; all ayes:

Town Board Meeting – January 17, 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

Code Enforcement computer has been replaced with a new laptop, as part of the yearly replacement plan. Kevin Murray has been a great help.

The new software for the website is being evaluated.

Cemetery meeting was helpful.

DOSH paperwork has been completed, and filed with the clerk.

Highway –Gaesser, Chair – meetings with Sup. Kruger. There have been breakdowns of the snow removal equipment. One truck needs to be replaced.

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture -Schuth, Chair

Community Relations –Schuth, Chair

No report

Human Resources and Ethics –Szozda, Chair

Employee Benefits –Szozda

No report

Finance, Taxes & Special Districts –Gaesser, Chair

All town tax levy has been received, and the fire district levies have been turned over.

Orleans County Representative – Ken Rush

Mr. Rush attended a meeting called by State Senator Maziarz to discuss proposed legislation regarding the water levels of Lake Ontario. If the international joint commission is able to change the lake levels to the proposed extent, it could have serious negative ramifications to lakefront counties, particularly Niagara, Monroe and Orleans counties. The senator is encouraging the towns to provide all lakefront owners' addresses, so that he can keep them personally informed.

Supervisor Gaesser has reviewed the information and data, and the Town Board will put up a resolution opposing this change.

Boards

Planning Board – P. Gray, Chair

The planning board has decided to allow a limited public participation session at each of the formal meetings.

The differences between modular and manufactured homes have been made clear.

The review of the site plan in regard to the ordinances has been started. More information has been requested from Marathon Engineering. Consistency review has begun.

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

An erosion abatement meeting with The Wegman Group is planned.

There are 3 one-lot subdivisions pending.
The Morton Fire Company has submitted a site plan.

Highway - W. Kruger –

The mild weather has been unusual. One of the trucks is damaged to the point to which it is not cost-effective to repair. One option is Pennsylvania DOT used trucks are available, and Sup. Kruger has located a box and hoist that will fit. Supt. Kruger will take a trip there to view possible trucks of interest.

Historian – J. Knapp – annual report submitted

Recreation – B. Flow – annual report submitted

Town Clerk – A. Richardson – written reports submitted

Town Justice - C. Lape & V. Maxon – reports submitted

Supervisor – written report submitted

CORRESPONDENCE

- Assemblyman Hawley’s invitation to participate in the Local Government Conference to be held in May in Albany – all officials are encouraged to attend.
- State of the County Announcement – Supervisor Gaesser will attend
- NYS Dept. of Ag & Mkts – our county dog shelter was cited for one incident of dog mishandling.
- Orleans County Board of Ethics – will be scheduled to a workshop to update the Board.

PUBLIC COMMENT

Mr. Lofthouse asked if the shared highway services contract referred to in Resolution 46 is always for five years. Supervisor Gaesser responded, “yes”. The Snow and Ice Agreement is annual.

Mr. Lofthouse asked if Paul Gray had said that public comment would now be part of Planning Board meetings. Chairman Gray answered, “yes”.

RESOLUTIONS

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

RESOLUTION 43-0212 AUTHORIZING AN AGREEMENT FOR SPECIAL COUNSEL

BE IT RESOLVED that the Town Board hereby authorizes Supervisor Gaesser to negotiate and execute an agreement for legal representation with Hodgson Russ Attorneys, LLC regarding the proposed commercial development at the Salvation Army Camp, subject to attorney approval as to form, content and legal compliance.

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

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

**RESOLUTION 44-0212 AUTHORIZING HIGHWAY SUPERINTENDENT TO ASSIST IN
MAINTAINING THE MORTON UNION CEMETERY**

WHEREAS, the Morton Union Cemetery Association intends to convey the cemetery to the Town of Kendall,
and,

WHEREAS, general municipal law allows for municipal assistance to private cemeteries within the Town,

Now, therefore, be it RESOLVED to authorize the highway superintendent to assist in maintaining the Morton
Union Cemetery.

Discussion: At this point, maintaining the Association is preferable to conveyance to the Town. There are funds
available to help repair damaged headstones, and Hwy. Supt. Has plans to improve the grounds to maintain them
properly.

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

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

**RESOLUTION 45-0212 APPOINTING BART JOSEPH AS LIAISON FROM THE TOWN BOARD
TO THE MORTON UNION CEMETERY ASSOCIATION**

Be it RESOLVED to appoint Bart Joseph to be the liaison between the Kendall Town Board and the Morton
Union Cemetery Association.

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

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

**RESOLUTION 46-0212 AUTHORIZING SUPERVISOR TO EXECUTE SHARED HIGHWAY
SERVICES CONTRACT**

Be it RESOLVED to authorize Supervisor Gaesser to execute a five-year contract for shared highway services
with the Orleans County Highway Department, subject to the approval of the Town of Kendall Highway
Superintendent and the attorney for the town.

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

Councilman Joseph made a motion to pay the claims, as presented on ABSTRACT 2, seconded by Councilwoman Szozda; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 2	\$59,970.85	Vouchers 37-45,47,48,50-66,68-81,83-86
Highway Fund	Abstract 2	\$38,553.03	Vouchers 40,41,46,54,87-117
Light District One	Abstract 2	\$519.78	Voucher 68
Light District Two	Abstract 2	\$305.80	Voucher 68
Light District Three	Abstract 2	\$171.33	Voucher 68
Water District Five	Abstract 2	\$9,693.74	Voucher 82
Water District Six	Abstract 2	\$54.73	Vouchers 67,83
Fire District	Abstract 2	<u>\$24,561.00</u>	Voucher 41
		\$133,830.26	

OLD BUSINESS

MCWA – unmetered connection

Another letter has been received from the MCWA. They offer assistance as necessary to cap the unmetered connection. This must be capped, as it is against the charter not to charge for water. Superintendent Kruger wants MCWA to be responsible for hydrant markers and hydrant maintenance, and believes there was a type of in-kind agreement, but does not know if there is documentation of this. Supervisor Gaesser said dealing with this issue must come first, then other issues can be raised, and directed it be accomplished by March 1st. Councilman Joseph offered his assistance.

Highway 284 Agreement –

Should be submitted by March meeting

Mill Road work may start this season; agreement will be submitted.

Bicentennial

At last meeting, all seems on goal for scheduling and fund raising.

NEW BUSINESS

Proposal for Annual Service Agreement – IT agreement in packets

Regulation of Lake Ontario Water Levels covered in Leg. Rush’s remarks

With no further business being brought forward, Councilman Pritchard motioned for adjournment, seconded by Councilman Joseph; all ayes; meeting adjourned at 8:41 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk

