

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, April 19, 2011, 7:30 P.M.

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

**ROLL CALL**

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

Others present: Attorney Sansone, Orleans County Legislator Rush, Planning Board Members Gray, Henry, and Newell, Al and Bev Lofthouse, Stephen and Mary Ellen Seaman, Catherine Renko, Chuck Patt, Jack Gillman

**SUPERVISOR'S REMARKS**

Preliminary results of the financial audit for 2010 are expected any day.

The revisions to the intermunicipal agreement with the Town of Carlton regarding a water district on Transit Road are complete, and will be discussed tonight.

The attorney's recommendations to the zoning code revisions, Local Law 1 of 2011, have been discussed and incorporated, and appear in the current version.

Billing for the Marina – there have been no payments received.

**ACCEPTANCE OF MINUTES**

Councilman Joseph requested a change be made in the submitted minutes for Recessed town Board Meeting – April 5, 2011. Clerk Richardson agreed. Councilman Schuth motioned for the minutes, as amended, to be accepted, seconded by Councilman Pritchard; all ayes; motion carried.

**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

An estimate for tree trimming in Beechwood Cemetery has been submitted. The bid was reviewed and approved by the Board. Scheduling should be done as soon as possible because the trees and limbs are hazardous.

National Grid is expected to contact Councilman Joseph about its energy efficiency program.

A company called Rochester Computer Recycling and Recovery would like to have a bin for residents to drop their used computers and TV's set on town property.

Highway –Gaesser, Chair – no report

Culture & Recreation –Pritchard, Chair

The seniors who meet in the Town Hall twice a week for their Nutrifare program would like to add a third day. The Office of the Aging and the town will discuss this with the Recreation Director.

Planning, Zoning & Agriculture –Schuth, Chair

Community Relations –Schuth, Chair

The Zoning Board discussed what will be considered in the roadside survey.  
A town-wide cleanup will take place on April 30<sup>th</sup>.  
Lion's Club will have a community garage sale near the end of May.  
A Memorial Day ceremony is scheduled for May 30th at 7:00 pm at Beechwood Cemetery.

Human Resources and Ethics –Szozda, Chair  
Employee Benefits –Szozda – no report

Finance, Taxes & Special Districts –Gaesser, Chair – no further report

Orleans County Representative – Ken Rush

The county is planning work on two miles of Creek Road.

The county nursing home is running under budget for the first quarter.

The county property auction went well.

Supervisor Gaesser asked about a revised dog control contract being sent from the county.

Legislator Rush responded that the process is in place, and the suggested contracts are nearly complete and should be sent to each town soon.

#### Boards

Planning Board – P. Gray, Chair – Mr. Seibert has approached the Planning Board as liaison for the Morton Fire Company, which inquired about erecting a storage barn. A special use permit would be required, and the steps were outlined for Mr. Seibert.

The owner of the former Vick Hardware store is seeking information about the process necessary to convert the building to a restaurant. This is being handled by code enforcement at this stage.

Zoning Board – K. Banker, Chair – no report

#### Department Heads

Assessor – G. Massey – no report

Code Enforcement – L. Gursslin

Dep. CEO Hennekey -Sump water is being temporarily pumped across the street in the four corners area. The Orleans County Health Department is involved. Causes and solutions to the on-going problem are being addressed.

Highway - W. Kruger –

A yard clean-up and brush pick up will be scheduled.

Sidewalk edging work is in process.

Cemetery maintenance work is being addressed.

One of the school parking lots needs repair.

County bids for pricing of work are not available yet.

A snow blower / mower may be available from the school.

Supervisor Gaesser asked if the decisions for CHiPs and the 284 agreement have been finalized.

Superintendent Kruger is waiting for funding information and clarification.

Woodchuck Alley heaving problem will be partially paid for by the company which paved last year.

Historian – J. Knapp – no report

Recreation – B. Flow – report submitted

Town Clerk – A. Richardson – report submitted

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

Supervisor – report submitted

## PUBLIC COMMENT

Allen Lofthouse – Will the town-wide clean-up include the cemeteries? Concerned that the tree trimming should precede the clean-up for safety reasons. Councilman Schuth responded that the clean-up will include only road-sides.

## RESOLUTIONS

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

### **RESOLUTION 45-0411 SEQR FOR ESTABLISHING LOCAL LAW #1 OF 2011 Revisions to the Town of Kendall Zoning Regulations within Hamlet, Waterfront Development and Waterfront residential Zones**

It is hereby resolved that, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Kendall announces its intent to serve as lead agency to conduct an environmental review as it relates to the establishment of Local Law #1 of the year 2011, which will consider adoption of Revisions to the Town of Kendall Zoning Regulations within Hamlet, Waterfront Development and Waterfront residential Zones.

Be it further resolved that the Town Board has determined that the proposed Local Law is an “Unlisted Action”, as defined under SEQR, and...

Be it further resolved that the Town Board, in its capacity as Lead Agency, has prepared an environmental assessment of the significance of and potential environmental impact of the above listed action and declares that it will not result in any major impacts, and therefore will not cause damage to the environment. A Negative Declaration under SEQR is therefore issued for this action, and...

Be it further resolved that this SEQR action and declaration is to be forwarded along with this resolution to the Orleans County Planning Board for its review of Local Law #1 and filed with the Town Clerk as is appropriate for the official record of establishment of Local Law #1.

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 46-0411            INTRODUCING LOCAL LAW 1 OF 2011: Revisions to the Town of Kendall Zoning Regulations within HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT RESIDENTIAL ZONES**

Be it RESOLVED, that the Kendall Town Board introduces Local Law 1 of 2011 entitled *Revisions to the Town of Kendall Zoning Regulations within HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT RESIDENTIAL ZONES*, as attached, for consideration by the Town Board and to allow for public input and Orleans County Planning Board comment, and,

Be it further RESOLVED, that the Town Clerk is authorized to place a Legal Notice for a Public Hearing to consider adoption of this law, to be held on May 3, 2011 at 7:30 p.m., in the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14476 at which time all persons wishing to be heard in favor of or in opposition thereto will be heard; and,

Be it further RESOLVED, that the text of this local law will be available at the Kendall Town Clerk's Office for public inspection, and posted on the town website for public inspection.

Discussion: Councilman Schuth reiterated that this is still in draft format, pending further recommendations of Attorney Sansone, the County Planning Board, the Town Board and public input.

Supervisor Gaesser called for a roll call vote, with the following results:

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

Supervisor Gaesser declared the motion carried.

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

#### **RESOLUTION 47-0411          INTERMUNICIPAL AGREEMENT**

Whereas, the Town of Carlton desires to extend municipal water service to its residents on Transit Road north of Carr Road on its border with the Town of Kendall, and,

Whereas, the Town of Carlton desires to include the Kendall residents along the east side of this road as out-of-district users, and,

Whereas, both Town of Carlton and Town of Kendall residents will benefit from this project, and

Whereas, the Town of Kendall's participation should improve the Town of Carlton's probability of being awarded a grant for this project,

Now, therefore, be it RESOLVED, that the Town of Kendall desires to enter into an intermunicipal agreement with the Town of Carlton with the goal to extend municipal water service to residents on Transit Road north of Carr Road, and,

Be it further RESOLVED, to authorize Supervisor Gaesser to execute said agreement subject to attorney approval.

Discussion:

Councilman Pritchard offered to contact MCWA for a response in writing to this proposal.

Legislator Rush said he has been informed that there are currently no grants available for these projects, and that the Town of Carlton is aware of this, and will be including the option of seeking low interest loans to proceed.

An amendment to this resolution was suggested by Councilman Pritchard. The words “ / low interest loan” will be inserted after the word grant.

Councilman Pritchard motioned to amend the resolution to incorporate this, seconded by Councilman Schuth.

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

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

**RESOLUTION 48-0411            AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MUSIC THEATRE INTERNATIONAL FOR ROYALTY AND RENTAL OF MATERIAL**

Whereas, the Town of Kendall desires to include performances of *The Music Man* as part of its 2012 Bicentennial celebrations, and,

Whereas, royalties and materials must be obtained to carry out these performances from Music Theatre International,

Now, therefore, be it RESOLVED, to authorize Supervisor Gaesser to execute an agreement with Music Theatre International for said royalties and materials, subject to attorney approval.

Discussion: Supervisor Gaesser has met with Mary Campbell on this. Negotiations resulted in this deal. This will be a free to the public Bicentennial celebration event.

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

Supervisor Gaesser made the following motion, seconded by Councilman Joseph:

**RESOLUTION 49-0411            BUDGET ADJUSTMENTS FOR BICENTENNIAL CELEBRATION**

Whereas, an agreement with Music Theatre International has been authorized, and payment for royalties and materials for performances of *The Music Man* as part of our 2012 Bicentennial celebrations is necessary at this time, and,

Whereas, a reserve fund was established to accumulate monies for payment of our 2012 Bicentennial celebrations,

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

Transfer \$400 from account A888 Reserve for Celebration to account A5031 Interfund Transfers, and,

Increase account A7550.4 Celebrations Contractual from \$600 to \$1000.

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

Councilman Schuth made motion to pay the claims as listed on Abstract 4, seconded by Councilman Joseph. All ayes; motion carried.

**PAYMENT OF CLAIMS**

General Fund	Abstract 4	\$13,611.70	Vouchers 202-215,217-225, 227-232,234, 270
Highway Fund	Abstract 4	\$18,704.66	Vouchers 203,214,235-269
Light District One	Abstract 4	\$ 446.36	Voucher 209
Light District Two	Abstract 4	\$ 265.01	Voucher 209
Light District 3	Abstract 4	\$ 155.36	Voucher 209
Water District 6	Abstract 4	<u>\$ 1,513.18</u>	Vouchers 210,226,233
		<b>\$34,696.27</b>	

**OLD BUSINESS**

**Water Feasibility Report**

Councilman Joseph suggested setting a time to discuss this report and to formulate a letter to the interested residents as to what steps are being taken, and to outline the proper order of steps. A discussion about water questions and procedures was held. Supervisor Gaesser said that if grant money is not available, and low interest loans may take up to five years to procure, the emphasis needs to be on following the steps necessary to have the areas “shovel-ready”, so that when funds do become available, we can act. A round-table discussion of this report will be held May 9, during normal Monday conference session hours, 6 to 9 pm.

Water Hamlin-Kendall District – an e-mail has been sent to Supervisor Terry asking his availability for a meeting.

A letter to the potentially affected residents on Carr Road will be drafted seeking opinions on being included in the Carlton water district. This will done by the end of the week.

There being no other business coming before the board, Councilman Pritchard motioned for adjournment, seconded by Councilman Joseph; all ayes. Supervisor Gaesser closed the meeting at 8:47 pm.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk