

# KENDALL TOWN BOARD MEETING

Tuesday, April 20, 2010, 7:30 P.M.

Supervisor Gaesser called the meeting to order at 7:30 p.m., 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, Kendall Historian Joette Knapp, Planning Board Chair Paul Gray, Planning Board member Joyce Henry, Stephen Seaman, Al Lofthouse and Bev Lofthouse, Zoning Board member Tony Cammaratta, Orleans County Legislator Ken Rush, Ken Lillibridge, William Vess, Joseph Gaudio

## SUPERVISOR'S REMARKS

The auditors' preliminary report for the year 2009 has been received. Supervisor Gaesser has begun reviewing it, and has found no significant findings.

Supervisor Gaesser and Councilman Pritchard have a meeting scheduled with Monroe County Water Authority regarding MCWA's concerns about the quality of the water in the private line which goes to the bus garage.

On March 23<sup>rd</sup>, the Town of Kendall was served a summons from The Lyon's National Bank which stated a determination to begin foreclosure proceedings against Eagle Creek Marina. The information was turned over to the Attorney for the Town for his review and to the State Office of Community Renewal. Mr. Freemesser has called and said he is trying to arrange alternate financing to avoid the foreclosure.

## ACCEPTANCE OF MINUTES

Councilman Pritchard motioned to accept the minutes of the town board meeting of March 16, 2010. The motion was seconded by Councilman Joseph. All ayes.

## REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

### Standing Committees

Public Safety/Emergency Services & Occupational Safety, Joseph  
Buildings, & Grounds, Joseph  
Information Services, Joseph :

The installation of highway building windows is complete and the grant paperwork is nearly complete.

ADA compliance with parking spaces is being addressed.

Superintendent Kruger is working on a packet regarding water line installation costs using various options.

A new fireworks permit policy is being written, with input from the Attorney.

A router problem with the town hall computers has been corrected, at no cost.

#### Highway –Gaesser, Chair

A part-time highway employee suffered a minor injury while working. Paperwork for that incident is being handled by the Orleans County Self-Insurance Office.

Spring clean-up is underway

#### Culture & Recreation –Pritchard, Chair

The swimming program had excellent attendance.

The recreation budget has been under in revenues, but that has been offset with fewer expenses.

#### Planning, Zoning & Agriculture -Schuth, Chair

There are variances before both boards.

A special use application is being considered.

The accessory structure regulations are being updated.

The current building permit fee schedule is being revised to include fees for wind energy conversion systems, and other alternate energy systems

The first draft of a junk and storage container law is being reviewed by Attorney Sansone.

#### Community Relations –Schuth, Chair Lions' Club birthday celebration is Saturday

Street clean up by boy scouts, lions, and other volunteers will be Saturday.

Holley Library Art Show is May 10<sup>th</sup>. Councilman Schuth will be one of the judges.

The Memorial Day observance will be May 30<sup>th</sup>, at 7:00 at the Morton Cemetery.

NYS Senator Maziarz will be the keynote speaker. Flags will be placed on the veterans' graves by the boy scouts.

A flag retirement ceremony will be held in June for tattered American Flags. The town clerk's office will be a collection area for any flags.

The Bicentennial Committee has met again, and plans are moving along well. A treasurer has been named. A fund raising Fathers' Day breakfast is planned.

#### Human Resources and Ethics –Szozda, Chair

##### Employee Benefits –Szozda, Chair

One employee has changed his enrollment.

Contracts need to be signed with MVP.

A self-assessment health form will be distributed to all employees at the request of the county self insurance office. Councilwoman Szozda will verify this request.

Newsletter submissions are needed as soon as possible.

#### Finance, Taxes & Special Districts –Gaesser, Chair

Municipal CD interest rates are currently not as high as the rates for the money market savings, so a maturing CD was moved to savings.

In-house bond counsel for water district six is viable, and the BAN should be converted to long-term financing by July.

Orleans County Representative – Ken Rush

Two bridges are planned.

There have been 4000 applications for H.E.A.P. assistance from Orleans County. Encouraging growth in some Orleans County agricultural businesses is taking place. A permit has been issued by the state for the county to run Oak Orchard Park. An application for a grant to study public water installation has been submitted

#### Boards

Planning Board – P. Gray, Chair

The board is working with code enforcement to decide on fair solutions to the issues of accessory structures. Small lot sizes are creating challenges.

There has been an inquiry about installation of a wind energy system by a resident whose property does not meet the necessary conditions but who wishes to pursue the variance process. No official application has been received. A preliminary meeting is scheduled. Supervisor Gaesser recommended that legal guidance be sought before the meeting takes place.

Zoning Board – K.Banker, Chair – no report

#### Department Heads

Supervisor – written report submitted

Assessor – G. Massey – Supervisor Gaesser reported that the informal meetings are completed, and the assessor is in the process of reviewing the information obtained during these meetings.

Code Enforcement – L. Gursslin – no report

Highway - W. Kruger – written report submitted

Historian – J. Knapp

Mrs. Knapp has been busy working with organizations to update their histories since 1963 (the Sesquicentennial) for the Bicentennial, and is a member of the Bicentennial Committee.

There have been many genealogy requests recently.

A local home is a former schoolhouse from 1824. New owners have moved in, and Mrs. Knapp is planning to interview them, and would like to place a historical plaque on this home.

Recreation – B. Flow – written report submitted

Town Clerk – A. Richardson – written report submitted

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

PUBLIC COMMENT

Mr. William Vess, Knapp Shores – commented on the current re-assessments. He expressed concerns that the assessments on lakefront property in Kendall do not seem to be in line with surrounding towns’ lakefront properties, and that they seem unfair to owners of smaller lots. Supervisor Gaesser explained the grievance process. Mr. Vess said he is currently going through that process.

Mr. Joseph Gaudio, Knapp Shores – expressed that he feels that the lakefront assessment increases are too high, and thinks that the owners of smaller lots pay proportionately too much. Supervisor Gaesser stated the town board appoints the assessor, but does not determine assessments, and that the assessment process is regulated by New York State.

Mr. Vess suggested that a town board can overturn an assessor’s determination, and gave an example of Cicero, NY, where he stated a town board overturned the lakefront assessments, and forced a new reassessment.

RESOLUTIONS

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

**RESOLUTION 58-0410- INTER-MUNICIPAL AGREEMENT FOR COMMUNITY PARK**

Whereas, the Kendall School District and the Town of Kendall are authorized to enter into a cooperative agreement pursuant to Article 5-G of the General Municipal Law of the State of New York to develop, operate, and maintain cooperative facilities for each municipal corporation’s use, and,

Whereas, the Kendall School District and the Town of Kendall have reached agreement as to the terms and conditions of such inter-municipal agreement and are desirous of memorializing their understandings, expectations, and representations as to their agreement,

Be it RESOLVED that the Town Board of the Town of Kendall approves of an inter-municipal agreement between the Town of Kendall and the Board of Education of the Kendall Central School District for the operation and maintenance of a community park.

It is further RESOLVED, that the Kendall Town Board authorizes Supervisor Gaesser to execute an agreement with the Board of Education of the Kendall Central School District, subject to attorney approval as to form, content and legal compliance.

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

**RESOLUTION 59-0410 - BUDGET TRANSFER FOR TIRE DISPOSAL**

WHEREAS, the adopted budgets for 2008 and 2009 provided \$1,000 in account A8160.4 Home and Community Services, Refuse, Tires, Contractual, for each of those years, and,

WHEREAS, those funds were not expended in 2008 and 2009, and,

WHEREAS, the adopted budget for 2010 provided \$1,000 in account A8160.4 Home and Community Services, Refuse, Tires, Contractual, and,

WHEREAS, tire disposal fees for tires in 2010 have exceeded \$2,038, and,

WHEREAS, it is necessary to fund account A8160.4 Home and Community Services, Refuse, Tires, Contractual with an additional \$1,040 to pay the vendor their fee for tire disposal,

Now, therefore, be it **RESOLVED**, that the Town Board of the Town of Kendall does hereby authorize the transfer of \$1,040 from account A1990.4 Special Items, Contingent Account to account A8160.4 Home and Community Services, Refuse, Tires, Contractual.

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

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

**RESOLUTION 60-0410 - BUDGET ADJUSTMENT FOR SIDEWALKS**

WHEREAS, the adopted budget for 2010 did not provide funds for the repair or replacement of sidewalks within the hamlet of Kendall, and,

WHEREAS, the Kendall Town Board desires to repair or replace approximately 1400 feet of sidewalks within the hamlet of Kendall on Kenmor Road during 2010,

Now, therefore, be it **RESOLVED**, that the Town Board of the Town of Kendall does hereby authorize a budget increase to revenue account DA5031 to \$10,000 and increase highway expense account DA5410.4 Sidewalks.

Discussion: Supervisor Gaesser explained this interfund transfer is funded through the general fund balance, and that this is the second year of a three year plan to repair sidewalks.

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

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

**RESOLUTION 61-0410 - KENDALL LIONS CLUB 35<sup>TH</sup> ANNIVERSARY**

WHEREAS, the Kendall Lions Club was chartered on April 24, 1975, and for thirty five years has initiated and assisted with projects that have helped individual local residents and improved the Town of Kendall as well as contribute to worldwide projects through Lion's Club International; and further that,

WHEREAS, locally, the Kendall Lions have installed handicap ramps, given assistance to needy families and deserving students, planted and donated pumpkins for youth, taught hundreds of youth soccer, helped to beautify Kendall including planting the pine tree at the town hall and organized the town wide cleanup efforts every Earth Day, lead the building of a Habitat for Humanity home and greatly assisted with the Kendall medical office building. But larger than these acts, the Kendall Lion's Club has promoted a sense of service and community within its membership that has been witnessed by all residents, motivating them to think about helping others, and,

WHEREAS, the Kendall Lions Club has decided to celebrate its thirty-fifth anniversary on May 8, 2010,

Now, therefore, be it resolved that the Town of Kendall does hereby thank the members of the Kendall Lion's Club for their service, congratulate the involvement of the Kendall Lions Club for thirty five years, and look forward to the future generosity of the Kendall Lions Club that has made the community of Kendall a much better place to live; and

Be it further resolved that May 8, 2010 be established and celebrated as Kendall Lions Club Day.

Supervisor Gaesser asked 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 Schuth suggested this resolution be presented at the Lions Club celebration in a framed format as a commemoration.

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

**RESOLUTION 62-0410 - FOR THE PURCHASE OF LAND IN RELATION TO BANNER BEACH ROAD**

WHEREAS, this action by the Town Board is deemed a Type II action for purposes of the State Environmental Quality Review Act; and,

WHEREAS, the Town Board of the Town of Kendall has determined that it is in the best interest of the residents of the Town of Kendall to acquire certain property for the improvement of Banner Beach Road as is more fully described as follows,

ALL THAT TRACT or parcel of land situate in the Town of Kendall, County of Orleans, State of New York distinguished as being part of Lot 14, Township 4 of the 100,000 Acre Tract, so-called, bounded and described as follows:

BEGINNING AT AN angle point in the southerly bounds of Banner Beach Road, Said point being a distance of 1149.41 feet north 38°-13'-10" west from the westerly bounds of Kendall Road; THENCE SOUTH 38°-13'-10" EAST along the southwesterly bounds of Banner Beach Road a distance of 42.06 feet to a point; THENCE NORTH 66°-36'-38" WEST along a line a distance of 74.01 feet to a point in the southerly bounds of Banner Beach Road; THENCE NORTH 84°-59'-55" EAST along the southerly bounds of Banner Beach Road a distance of 42.06 feet to the point or place of beginning, containing 0.02± acres; and,

WHEREAS, the Town Board of the Town of Kendall finds that such improvements will positively contribute to the health, safety and welfare of the residents of the Town of Kendall; and,

WHEREAS, the owner of such parcel of property is willing to accept the following in-kind transfer of town labor and equipment in exchange for said property, to dig a trench for a waterline from the road connection to his residence for a cost to the Town of Kendall not to exceed \$900.00 in labor and equipment for a total purchase price of \$900.00; and,

WHEREAS, the Town of Kendall Highway Superintendant has recommended the acquirement of above-described property for the price as a fair and equitable exchange; and ,

WHEREAS, the Town Board of the Town of Kendall finds that such price for the property purchase is fair and equitable;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kendall hereby approves the purchase of the above-described property for the in kind exchange value of \$900.00 as listed above and authorizes the Supervisor to enter into a contract for the purchase thereof. The Town Board further directs the Town Clerk to post and publish a notice within ten days a copy of this resolution and to specify that such resolution was adopted subject to permissive referendum.

A short discussion about the background of this resolution was held.

Supervisor Gaesser asked 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 Schuth motioned to approve the payment of claims, as presented, seconded by Councilwoman Szozda; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 04	\$37,970.71	Vouchers 216-237,239-252, 254-258,260,268,275,298, 307,309
Highway Fund	Abstract 04	\$15,670.62	Vouchers 219,261-267,269-274,276-297, 299-306,308
Street Lighting 1	Abstract 04	\$444.74	Voucher 226
Street Lighting 2	Abstract 04	\$259.42	Voucher 226
Street Lighting 3	Abstract 04	\$145.24	Voucher 226
Water District 6	Abstract 04	\$1,134.49	Vouchers 217,229,253,259
Library	Abstract 04	<u>\$368.96</u>	Voucher 238
		<b>\$55,994.18</b>	

OLD BUSINESS

Joint Hamlin-Kendall Water District – still awaiting meeting date from Hamlin; Attorney Sansone suggested the meeting, when scheduled, be advertised as both an organizational meeting and a regular meeting.

Potential Water District Petitions – Councilman Joseph presented a draft letter to respond to residents.

Justice Court Security Upgrade – Work will begin on May 4<sup>th</sup>.

NEW BUSINESS

Grant for the Study of Potential New Water Districts – Orleans County has applied for grant to study the most effective ways to proceed. Information from other towns will be sought.

There being no further business coming before the board, Councilman Pritchard motioned for adjournment, seconded by Councilman Schuth. All ayes. Supervisor Gaesser declared the meeting adjourned at 9:06 p.m.

Respectfully Submitted,

Amy Richardson  
Kendall Town Clerk

***ADJOURNMENT***