

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, May 15, 2012, 7:30 P.M.

Supervisor Gaesser called the meeting to order at 7:33 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

Also present, Attorney Sansone, Clerk Richardson, Planning Board Chair Gray, CEO Hennekey, Highway Superintendent Kruger, Jane McLean, Marilyn Clement, Melanie Whitehair, Ty Whitehair, Barbara Germano, Keith Germano

**SUPERVISOR'S REMARKS**

The Opening Ceremony of the Bicentennial Celebrations was well done and well attended.

The annual audit is complete; the annual update document has been filed with the State Comptroller. The letter to management has not been received.

The NYS Comptroller's Office risk assessment is completed. Results should be released in approximately two months.

Troutburg Development – the attorneys have come to an agreement as to reimbursement to the town for legal and engineering expenses. An escrow account will be utilized. The developer will be responsible for the expenses upfront.

A PUD (Planned Unit Development) approach has been suggested as the best option for the town. The attorneys are experienced in this area, and are drafting a suggested Local Law, which will be forwarded to all Board members and Chairman Gray as soon as it is received. An extensive review of this draft will be conducted. Any changes desired by the Town and Planning Boards will be submitted to the attorney. At the June meeting, the Local Law will be presented. The SEQR will be worked on simultaneously to the PUD. By the end of June, it is possible to have a draft submitted to the Orleans County Planning Board for its review and input. A Public Hearing could be scheduled in July, and any changes resulting from that hearing could be made, so that it is possible to adopt the local law in July.

Councilman Pritchard moved to accept the minutes of the Town Board Meeting April 17, 2012, with a correction, seconded by Councilman Schuth; all ayes. Clerk Richardson made the correction.

**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

The former dump site information from the Health Department is being studied, and the possibility of having the Health Department monitor those sites is being pursued.

The website system is being converted. There is a search engine on the website. There is a great deal of information available. The posting of minutes onto the website will not occur until Board acceptance. If a meeting is audio recorded, a copy of that recording is available after said meeting, through the Town Clerk, and draft copy in hard copy form can be obtained prior to Board review and acceptance, by contacting the Town Clerk. The final minutes are posted to the website as soon as is practicable after approval.

Highway –Gaesser, Chair –

The acceptance of a bid for a truck is on the agenda.

Culture & Recreation –Pritchard, Chair

Nothing to add to Recreation Director's report.

Planning, Zoning & Agriculture -Schuth, Chair

Zoning Board meeting resulted in a front setback variance granted on Kendall Road.

The Planning Board is reviewing the site plan for the Troutburg development.

Community Relations –Schuth, Chair

The road side clean-up by the Lion's Club and Boy Scouts was conducted.

The gazebo is painted and a ramp is installed. A landscape company has been contacted.

The Bicentennial Committee Cruise-in and a steak roast by the Lions' Club is planned.

The Memorial Day Service will be at Greenwood Cemetery on May 30th.

Human Resources and Ethics –Szozda, Chair

Employee Benefits –Szozda

One issue regarding an employee's medical plan was resolved.

Finance, Taxes & Special Districts –Gaesser, Chair

HSBC has become First Niagara Bank. Town Of Kendall accounts will now be in First Niagara accounts. They are anticipating a smooth transition.

Orleans County Representative – Ken Rush – unable to attend

Boards

Planning Board – P. Gray, Chair

Troutburg site plan review continues, and a list of concerns has been generated.

The proposed P.U.D. would certainly help address the concerns. Association rules may be provided by the developer.

Buffer plantings, potential leasing, accessory structures, road widths, possibility of variances being granted, signage, dog issues, and parking are some of the issues of concern.

Required road widths will impact the site.

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – written report submitted, which was read by Supervisor Gaesser.

Code Enforcement – P. Hennekey

Busy month. A new house will be built. Closure of previous building permits continues.

New York statutes will determine road widths in the potential Troutburg development.

A new, complete permit fee schedule is a high priority. Old forms available on the website do not reflect current fees, and our schedule is not comprehensive. Councilman Schuth will work on this.

#### Highway - W. Kruger

Cemeteries – the logging occurring near Beechwood Cemetery is NOT on town property.

A tree in Beechwood will have to come down.

The garden club flower boxes will be relocated.

Brush pickup is on-going.

Some road signs have been stolen, and are being replaced.

A plan is being worked on with the Town of Murray to address the concerns on 237 near Mill Road.

The county will not be paving Kenmor Road this season.

The truck bids were opened. It is the recommendation of Superintendent Kruger to accept the Hunter Peterbilt bid. Although it is higher, the truck is a better fit for the need, and with fewer motor hours, should last significantly longer, and make it a better value.

A truck sold by Kendall garnered more than expected at auction.

Supervisor Gaesser explained the funding of the new truck.

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 – D. Gaesser – written report submitted

### **CORRESPONDENCE**

A waiver in the form of an e-mail was received from a Mr. Noce, the executive director of Monroe County Water Authority, allowing the retail sale of bulk water at the Highway Department.

A letter from the Morton Fire Company, with its recommendation as to who should be on the consolidation board of the fire company was received. A decision will be made in March 2013.

### **PUBLIC COMMENT**

Marilyn Clement, Norway Heights – asked who initiated a meeting with the Wegman Group's attorney, Supervisor Gaesser, Chairman Gray and Planning Board member Newell. Supervisor Gaesser responded that the early March meeting was initiated by the town. Where the attorneys suggested a PUD, it was a meeting without the Wegman Group's attorneys; with the town's special attorney. Since then, Supervisor Gaesser has met informally with the Wegman Group. The attorneys did not begin dialogue until a reimbursement agreement for legal expenses was in place.

Keith Germano, Norway Heights – asked if an environmental impact statement would be prepared before or after a PUD was introduced. Supervisor Gaesser answered that it would be determined as part of the process of preparing a SEQR, and part 2 of the Environmental Assessment Form.

Dan Pixley, Norway Heights – asked when minutes are made available on the website. Councilman Joseph answered that after minutes are accepted by the Board, they are posted as soon as possible to the website, dependent on work schedules. They are available immediately after acceptance in hard copy format from the Town Clerk, or Planning or Zoning Secretary in the case of those boards and unofficial, draft copies can be

obtained before that, in hard copy format by request to the Town Clerk. A new law in New York State requires as much information as practicable to be provided before any public meeting, in whatever format is most practical. Mr. Pixley expressed that the process regarding the Troutburg project seems too drawn out, and that nothing “official” seems to be happening. Supervisor Gaesser responded that a formal application has been received; a preliminary site plan and a revised site plan have been submitted for review. There will be other revisions. It is a work in progress, and involves many steps. The pace of progress will increase, and there will be significant submissions.

Mr. Pixley asked if the town will be preparing the SEQR. Supervisor Gaesser answered yes, with input from many other agencies, including attorneys, the DEC, U. S Fish & Wildlife, NYS DOT, and the Federal Corps of Engineers. The town is lead agency, which ensures full insight and control. Chairman Gray explained the Environmental Assessment Review process.

Highway Superintendent Kruger said there are currently non-conforming roads as to width within the town. Supervisor Gaesser responded that they are grandfathered as pre-existing, but new roads are subject to current codes. Codes evolve over time.

Ty Whitehair, Norway Heights – asked if the Wegman Group had withdrawn its request for a zoning change. Supervisor Gaesser said that had been mentioned but not done.

Mr. Whitehair stated that a boat of the Wegman Group was passing along the houses on the lake, east to west, taking pictures, and it made residents uncomfortable.

## **RESOLUTIONS**

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

### **RESOLUTION 56-0512 TO UNDERTAKE AND IMPLEMENT A REASSESSMENT OF THE TOWN OF KENDALL IN 2013**

WHEREAS Section 305 of the New York State Real Property Tax Law mandates uniform and equitable assessments; and...

WHEREAS computer-assisted mass appraisal systems, technical advice and financial assistance are available by cooperative agreement with the New York State Office of Real Property services and the Orleans County Real Property Tax Service Agency; and

WHEREAS the last town-wide reassessment of our real property took place in 2010; and

WHEREAS, the Town Board is convinced that a reassessment is necessary to comply with Section 305 of the New York State Real Property Tax Law;

Now, therefore, be it **RESOLVED** by the Town Board of Kendall, New York as follows:

That the assessor of the Town of Kendall is hereby authorized to undertake and implement a reassessment for the 2013 assessment roll;

That the Kendall Town Board does hereby agree, in conjunction with the New York State Office of Real Property Services, and the Orleans County Real Property Tax Services Agency to support the town’s assessment staff in this reassessment; and,

That the Kendall Town Board and the Assessor are authorized to enter into any agreements necessary to achieve this purpose. Any agreements resulting in expenditure by the Town of Kendall must first be approved by the Town Board. Any agreement with a private contractor to provide services for this



Increase account DA5031 Interfund Transfer from \$10,000 to \$23,500.

Transfer \$15,000 from account DA9950.0 Capital Project Fund to DA5130.2 Machinery Equipment.

Increase account DA5130.2 Machinery Equipment from \$4,000 to \$41,500.

Be it further RESOLVED to authorize the Supervisor to pre-pay Hunter-Buffalo Peterbilt the bid amount of \$36,898.

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

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

**RESOLUTION 60-0512            Authorizing Agreement With The Wegman Group Regarding Municipal Expenses**

Be it resolved to authorize the Supervisor to enter into the AGREEMENT FOR THE PAYMENT OF THE MUNICIPAL ENGINEERING AND LEGAL EXPENSES reimbursement escrow account with The Wegman Group, LLC.

Be it further RESOLVED to authorize the Supervisor to set up and open a separate escrow checking account for this purpose, subject to attorney review and approval.

Discussion: this is an excellent agreement and the culmination of three months of work.

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

Councilman Pritchard made motion to accept the payment of claims, as presented, seconded by Councilwoman Szozda; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 5	\$15,695.41	Vouchers 253-273,275-282, 284-298,325
Highway Fund	Abstract 5	\$6,364.23	Vouchers 254,263,274,299-324
Light District One	Abstract 5	\$419.26	Voucher 282
Light District Two	Abstract 5	\$248.88	Voucher 282
Light District Three	Abstract 5	\$136.30	Voucher 282
Water District 6	Abstract 5	<u>\$54.17</u>	Vouchers 283,292
		\$22,918.25	

**OLD BUSINESS**

Energy Grant for Highway Building – should make deadline of July.

Building Permit Fee Schedule – Councilman Schuth will have a draft by next week.

Codification – the incompleated book will be sent to Codification. General Code will be able to start on what is provided.

**NEW BUSINESS**

Bicentennial 5K race/family fun walk event – organizers Deanna D’Agostino and Jillian Kludt have mapped a route, beginning and ending at the Town Hall. It would be town sponsored. Traffic control will be addressed. There seems to be a great deal of interest in this event. This will be put up for consideration at June’s meeting.

With no further business coming before the Board, Councilman Pritchard motioned for adjournment, seconded by Councilman Joseph; all ayes; meeting adjourned at 9:11 p.m.

Respectfully Submitted,

Amy Richardson  
Kendall Town Clerk