

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Thursday, June 12, 2008 7:30 P.M.

Supervisor Gillman called the meeting to order at 7:32 pm., and led the Pledge of Allegiance.

Clerk Richardson called roll:

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

OTHERS PRESENT: Attorney Leone, Highway Superintendent Kruger, Historian Knapp, Orleans County Legislator Rush, Planning Board Chairman Gray, Al and Bev Lofthouse, Gary Williams, Joyce Henry, Gert Hauck, Harry and Dot Butler, Larry Allen, Margie Kingston, Paul Hennekey

***SUPERVISOR'S REMARKS***

- Senator Maziarz' call regarding MCWA taking over all Kendall water districts; Supervisor Gillman said no.
- Thanks to Councilmen who have been helping with bill paying

***ACCEPTANCE OF MINUTES***

Councilman Joseph moved to accept the following minutes, seconded by Councilman Gaesser:

Revised March 13, 2008 Regular Town Board Meeting

March 27, 2008 Recessed Town Board Meeting

April 10, 2008 Regular Board Meeting

April 17, 2008 Recessed Town Board Meeting

A vote resulted in all ayes for acceptance.

***REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS***

Standing Committees

Public Safety/Emergency Services & Occupational Safety – B. Joseph,  
Chair - written report submitted; CPR class to be scheduled this  
week

Highway – D. Gaesser, Chair – water district progressing well

Buildings, & Grounds – B. Joseph, Chair – written report submitted

Planning, Zoning & Agriculture - D. Schuth, Chair – Planning Board has submitted the draft of the proposed Wind Energy Law to the Town Board; joint meeting between the Planning, Zoning, and Town Boards on June 26<sup>th</sup>, to discuss Wind Energy Law; two Public Hearings will be necessary due to significant changes

Community Relations – D. Schuth, Chair – Memorial Day services went well; Garden Club has barrels of plants around town; plant exchange successful; upcoming gazebo concert – June 20<sup>th</sup> ; Scout Brian Patt has placed the first welcome sign for the Town of Kendall

Human Resources and Ethics – L. Szozda, Chair – no report

Finance, Taxes & Special Districts – J. Gillman, Chair – audit went well, awaiting results

Information Services – B. Joseph, Chair – website is being updated constantly; has become a site for community fundraisers, also.

Employee Benefits – L. Szozda, Chair – June is the month of open enrollment for Preferred Care

Culture & Recreation –D. Gaesser, Chair – sports in full swing; on budget

Orleans County Representative – K. Rush – sales tax revenue up, due to increased fuel costs

#### Community Committees

Cemetery Committee – C. Patt, Chair – no input

Bicentennial Committee – J. Gillman, Board Representative – no input

Community Park Committee – no input

#### Boards

Planning Board – Paul Gray, Chair – Wind Energy Document has been turned over to the Town Board, and is now its responsibility to review, etc.

Zoning Board - K. Banker, Chair – no report

#### Department Heads

Assessor – G. Massey - no report

Code Enforcement – L. Gursslin - written report submitted

Highway - W. Kruger – written report submitted; Water District 6 progressing well, appears to be on budget

Historian - J. Knapp – no report

Recreation – B. Flow – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justice - R. Ernenwein & C. Lape – Councilman Joseph has met with the judges; corrections to comply according to the audit are nearly done, and issues raised by the court security audit will be addressed

***PUBLIC PARTICIPATION***

Allen Lofthouse, Center Road – asked about Voucher 1042 Kendall School July Health Insurance – as to why it is separate, and could not be handled more economically through Medicare.

After seeking Attorney Leone’s advice, Supervisor Gillman refrained from addressing this question, because a specific answer could be an invasion of personal privacy, but offered to answer Mr. Lofthouse’s question more privately.

Joyce Henry – complimented the changes to the website

***PAYMENT OF CLAIMS***

Councilman Gaesser moved the claims be paid, as presented, seconded by Councilman Schuth. Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

General Fund	Abstract 006	\$ 21,497.65	Vouchers 996-1011,1013-1046, 1052,1081,1082, 1087,1088
Highway Fund	Abstract 006	\$ 30,950.01	Vouchers 1001,1047-1080 1085,1086,1087
Library	Abstract 006	\$ 462.56	Voucher 1012
Water District 2	Abstract 006	\$ 11,050.00	Voucher 1083
Water District 6	Abstract 006	<u>\$ 126.49</u>	Voucher 1022
		\$ 64,086.71	

***RESOLUTIONS***

Councilman Gaesser moved the following, seconded by Councilman Schuth:

**RESOLUTION 99-608 TRANSFER FUNDS TO CELEBRATIONS ACCOUNT**

Whereas the Town of Kendall provides flags for the gravesites of veterans and wreaths to honor and commemorate Memorial Day,

Be it hereby resolved to transfer \$380.23 from account A1990.4 Contingency to account A7550.4 Celebrations Contractual.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Gaesser moved the following, seconded by Councilman Schuth:

**RESOLUTION 100-68 TRANSFER FUNDS TO ASSESSMENT CONTRACTUAL ACCOUNT**

Be it hereby resolved to transfer \$ 900.00 from account A1990.4 Contingency to account A1355.4 Assessment Contractual.

Discussion: Councilman Gaesser explained that the BAR was nearly \$700, purchase of Law Manuals was necessary, NYS Assessor Association dues, and the increase in the mileage expenses depleted the account.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph moved the following, seconded by Councilman Schuth:

**RESOLUTION 101-608 AUTHORIZING BUDGET TRANSFER FROM ASSESMENT PERSONAL SERVICES EXTRA HELP TO BUILDINGS EQUIPMENT EXPENSE**

Given that the Assessor requires the use of a computer and that the older computer has failed and was in need of replacement, and the current Assessor did agree to this budget transfer to purchase the new computer system, therefore...

It is hereby resolved to authorize to provide a budget transfer in the amount of \$953.13 from the Assessment Personal Service, Extra Help Account A1355.12 to the Buildings Equipment Account A1620.2

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Schuth moved the following, seconded by Councilwoman Szozda:

**RESOLUTION 102-608 Resolution Introducing Local Law # 1 of 2008**

Whereas it has been deemed necessary to provide for Amendment to the Town of Kendall Zoning Ordinance Regulating Wind Energy Conversion Systems to both authorize and control their employment and the purposes for same, and...

Whereas the Kendall Town Planning Board has researched, evaluated, created and provided a recommendation in the form of a draft document entitled

**Amendment to the Town of Kendall Zoning Ordinance Regulating Wind Energy Conversion Systems** for a Local Law which addresses the requirements for zoning controls and the interests of the residents of the Town of Kendall as outlined within, now therefore...

These draft regulations, as attached, are hereby introduced for consideration by the Kendall Town Board and to allow for public input. A Public Hearing is to be set for August 14 at 7:30 PM. The Town Clerk is to make the text of this recommendation and additions to Local Law available at the Town Offices for public inspection.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

After input from Attorney Leone,

Councilman Schuth moved the following, seconded by Councilwoman Szozda:

**RESOLUTION 103-608 SEQR FOR ESTABLISHING LOCAL LAW #1 OF 2008 AMENDMENT TO THE TOWN OF KENDALL ZONING ORDINANCE REGULATING WIND ENERGY CONVERSION SYSTEMS**

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 2008, which will govern the Amendment to the Town of Kendall Zoning Ordinance Regulating Wind Energy Conversion Systems.

Be it further resolved that this SEQR EAF short form 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 Gillman called for a vote, which resulted in all ayes. Motion carried.

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Councilman Gaesser moved the following, seconded by Councilman Schuth:

**RESOLUTION 104-608 EAGLE CREEK MARINA FIREWORKS DISPLAY PERMIT**

Whereas the Eagle Creek Marina has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk and Town Board,

Be it resolved that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Public Display of Fireworks Permit pursuant to 405.00(2) of the Penal Law of the State of New York, to the Eagle Creek Marina for Saturday, July 5 at 9:30 pm.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Schuth moved the following, seconded by Councilwoman Szozda:

**RESOLUTION 105-608 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT**

Whereas the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk and Town Board,

Be it resolved that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Public Display of Fireworks Permit pursuant to 405.00(2) of the Penal Law of the State of New York, to the Kendall Fire Department for Saturday, July 12 at 10:00 pm.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Schuth moved the following, seconded by Councilman Gaesser:

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**RESOLUTION 106-608 WAIVER OF OPEN CONTAINER LAW**

Be it resolved that the Town of Kendall Open Container Ordinance be waived during the duration of the Kendall Firemen’s Carnival in 2008 as follows:

Thursday	July 10	6:00 p.m. to midnight
Friday	July 11	5:00 p.m. to 2:00 a.m.
Saturday	July 12	12:00 noon to 2:00 a.m.

And, further that this waiver shall cover an area ¼ mile South and East of the intersection of Kenmor and Kendall Roads.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.



Councilwoman Szozda moved the following, seconded by Councilman Schuth:

**RESOLUTION 107-608 FAIR HOUSING/ANTI-DISPLACEMENT PLAN**

WHEREAS, the Town of Kendall, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

NOW THEREFORE BE IT RESOLVED that pursuant to the Town of Kendall being granted CDBG funds by the State; the Town of Kendall, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Town.

BE IT FURTHER RESOLVED that the Town Board appoints Daniel Gaesser to serve as the Fair Housing Officer for the Town of Kendall.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph moved the following, seconded by Councilwoman Szozda:

**RESOLUTION 108-608 DISPOSAL AND DONATION OF OUT-DATED COMPUTER (AND RELATED) EQUIPMENT**



Whereas the Town owns out-of-date computer equipment that is no longer sufficient to use for Town business, and

Whereas the Town desires to donate this equipment to the Kendall Fire Department, a nonprofit organization,

It is resolved that the Town Board of the Town of Kendall deems the equipment listed below as out dated and surplus:

Hewlett Packard C2037A Laser Jet 4 Plus. Serial # USFB209800

Cannon Bubble Jet Printer BJC-240L Serial #80720

Smart Disk Reader FDUSB-TM2NYSYS Pentium 4.266 GHZ Model 34503 with a monitor, Serial # W2QD029078299U, keyboard and mouse. Needs a hard drive

NYSYS-Old Town Clerk's Pentium 3 866EB Serial #34900B

Soyata, unknown age

IBM think pad, 2628CIU, Serial #78NHB4210/00 with case cord and battery

It is further resolved to donate this equipment to the Kendall Fire Department with the stipulation that the Kendall Fire Department sells this out-of-date equipment at their Auction fund-raising event on July 10, 2008

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph moved the following, seconded by Councilman Gaesser:

**RESOLUTION 109-608 TO AUTHORIZE THE SUPERVISOR TO ENTER INTO A ONE YEAR CONTRACT WITH THE WACKENHUT CORPORATION TO PROVIDE A COURT OFFICER.**

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Whereas the Town Court has an opening for a Court Officer, and...

Whereas the Town has a duty and obligation to provide security for the court officers, and citizens, and...

With the recommendation of both Town Justices, be it resolved that the Town Board of Kendall authorize the Supervisor to enter into a one (1) year contract with the Wackenhut Corporation for the purpose of providing a Court Officer.

Discussion: Councilman Gaesser stated that this will be \$100/month.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Schuth moved the following, seconded by Councilwoman Szozda:

**RESOLUTION 110-608**

It is resolved that the Kendall Town Board approve, pending written agreement between the property owners and the Town Board, the placement of Welcome Signs on the properties currently owned by Bob and Jane Hart of Kendall Road, and Butch and Cindy Christ of Petersmith Road. The signs are to be designed as previously approved, and placed appropriately for the property conditions.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

**NEW BUSINESS**

Councilman Gaesser stated that he has set up an amortization schedule for the Marina project repayment, principal and interest, set to begin July 1<sup>st</sup>.

Extension of Municipal Snow and Ice Agreement with NYSDOT

The July regular Town Board Meeting will be moved to Tuesday, July 8 at 7:00 pm. Public notification will be prepared and published by the Clerk.

With there being no further business coming before the Board, Councilman Gaesser moved for adjournment, seconded by Councilman Schuth. All in favor. Meeting adjourned at 9:11 pm.



Respectfully Submitted,

Amy K. Richardson

Kendall Town Clerk



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