

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, June 19, 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 - excused  
Councilman Joseph - present  
Councilman Schuth - present  
Councilwoman Szozda - present  
Supervisor Gaesser – present

Also present, Attorney Sansone, Clerk Richardson, Highway Superintendent Kruger, CEO Paul Hennekey, Planning Board members Gray, Henry and Newell, Al and Bev Lofthouse, Mary Ellen Seaman, Ty and Melanie Whitehair, Rg Bell

**SUPERVISOR'S REMARKS**

The three most recent Bicentennial events – a cruise-in, a family outside movie night, and the Civil War living history demonstration – were all well-done, well-attended, and enjoyed by many.

Much of the work this month was spent preparing the local law being introduced, regarding a waterfront development plan. It will be on the County Planning Board agenda, to gather its input. A Public Hearing is scheduled for July 10<sup>th</sup> to receive public input. Any changes made based on that input will be incorporated into a final version, which will be ready to put into place at the July 17, 2012 meeting. Copies of the current version are available from the Town Clerk and on-line.

Councilman Joseph moved to accept the minutes of the Town Board Meeting May 15, 2012, as presented. Motion seconded by Councilman Schuth. All ayes.

**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

Energy grant work is being completed.

The Orleans County ARC will be performing a thorough cleaning of the building.

The Town Hall roof has been repaired. A tree needs trimming to avoid roof damage.

A collection site for electronics will be set up at the Highway Department by SUNKING (a computer recycling vendor).

Highway –Gaesser, Chair

The used truck is in, and being prepared for use.

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture -Schuth, Chair

Community Relations –Schuth, Chair

Planning Board focus has been the local law being introduced.

Zoning Board approved a variance.

The Bicentennial events have been excellent.  
Music Man musical is July 27<sup>th</sup> and 28<sup>th</sup> .

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

Finance, Taxes & Special Districts –Gaesser, Chair  
No report

Orleans County Representative – Ken Rush – not present

#### Boards

Planning Board – P. Gray, Chair  
Busy with the waterfront planned development district.  
The Public Hearing for an application for a special use permit and a one-lot subdivision will be changed to June 27<sup>th</sup>, due to an election being scheduled for the 26<sup>th</sup>.  
The Planning Board is in favor of the use of pictometry as an invaluable tool for its use.

Zoning Board – K. Banker, Chair – no report

#### Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey  
Property maintenance issues are being reported. Some are serious enough to affect safety and health.  
Code Enforcement supports the use of pictometry.  
The fireworks permit application from KFD has been reviewed. All is in order.

#### Highway - W. Kruger

Tree and brush work is completed.  
Morton Cemetery has marked damaged headstones, and is hoping to receive money from available State funds for repair. The Highway Department has made progress in the grounds upkeep.  
Electronic equipment being dumped along the roadside is becoming a problem.  
The truck recently purchased will be ready before Fall.  
The Kendall Road-Kenmor Road drainage issue will be addressed this week.  
Sealing on Sand Road is done.  
Snow and Ice Update to Plan is due to NYS.  
Culvert work continues.  
Sidewalk on the south side of Kenmor Road will begin after the carnival.  
Donations to the Fireman's auction at the carnival are being accepted.

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**

The Office of Real Property letter regarding pictometry.

## **PUBLIC COMMENT**

No one wished to speak.

## **RESOLUTIONS**

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

### **RESOLUTION 61-0612 WAIVER OF OPEN CONTAINER LAW**

Be it RESOLVED that the Town of Kendall Open Container Ordinance be waived during the Kendall Firemen's Carnival in 2012 as follows:

Thursday, July 12 from 6:00 p.m. to 12:00 midnight

Friday, July 13 from 5:00 p.m. to 2:00 a.m.

Saturday, July 14 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover a square in the area 1/4 mile South and 1/4 mile East commencing at the intersection of KenMor Road and Kendall Roads, and

Further, such waiver is in effect only on the specified dates and time set for herein and only in the geographical area described herein.

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

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

### **RESOLUTION 62-0612 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,

WHEREAS, said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Town Board to approve a conditional permit, subject to receiving a list naming the pyrotechnician in charge, the authorized assistants, and copies of all necessary valid certificates of those listed, so therefore...

Be it RESOLVED that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York and the New York State Fire Code Section 3308.1, to the Kendall Fire Department for a fireworks display commencing at 10:00 p.m. on Saturday, July 14, 2012.

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

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

**RESOLUTION 63-0612 INTRODUCING LOCAL LAW #1 OF 2012:**

**ESTABLISHMENT OF WATERFRONT PLANNED DEVELOPMENT DISTRICT**

Be it RESOLVED, that the Kendall Town Board introduces Local Law #1 of 2012, entitled Establishment of Waterfront Planned Development District, 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 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; and

Be it further RESOLVED, that this document is still in draft format, pending further recommendations of Attorney Spitzer, the Town of Kendall Planning Board, Orleans County Planning Board, the Town Board and public input.

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

- Councilman Pritchard - not present
- Councilman Joseph - aye
- Councilman Schuth - aye
- Councilwoman Szozda - aye
- Supervisor Gaesser – aye

Supervisor Gaesser declared the motion carried.

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

**RESOLUTION 64-0612 SEQR FOR ESTABLISHING LOCAL LAW #1 OF 2012 - ESTABLISHMENT OF WATERFRONT PLANNED DEVELOPMENT DISTRICT**

Be it 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 2012, which will consider adoption of establishment of Waterfront Planned Development District

Be it further RESOLVED that the Town Board has determined that the proposed Local Law is a "Type 1 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 Type 1 action, and

Be it further RESOLVED that Part 1 of this SEQR action 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 Schuth made the following motion, seconded by Councilwoman Szozda:

**RESOLUTION 65-0612 PUBLIC HEARING SCHEDULED**

Be it RESOLVED, that the Town Board of the Town of Kendall will hold a public hearing on July 10, 2012 at 7:30 p.m. at the Kendall Town Hall at 1873 Kendall Road, Kendall, New York to consider Local Law 1 of 2012, ESTABLISHMENT OF WATERFRONT PLANNED DEVELOPMENT DISTRICT, 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, at which time all persons wishing to be heard in favor of or in opposition thereto will be heard.

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

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

**RESOLUTION 66-0612 BUDGET ADJUSTMENT FOR JUSTICE GRANT**

WHEREAS RESOLUTION 73-1011 authorized the Kendall Justice Department to apply for a Justice Court Assistance Program Grant, to be used for security upgrades and office furniture, and

WHEREAS, Six thousand three hundred and fifty dollars (\$6350.00) was awarded through said grant, and such grant money has been received by the Town of Kendall,

Now, therefore, be it RESOLVED, that the following budget adjustments are necessary:

Increase Revenue A3089 State Aid Member Item from \$ 0 to \$ 6, 350.00;

Increase Appropriations A1620.2 Buildings Equipment from \$ 1,500.00 to \$ 5,350.00, and;

Increase Appropriations A1110.40 Town Justice Contractual from \$ 3,500.00 to \$ 6,000.00.

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

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

**RESOLUTION 67-0612 PICTOMETRY**

WHEREAS, the last Orleans County flyover was conducted more than 7 years ago, and many surface features and structures have changed, and

WHEREAS, it is imperative that this reference be current for County and municipal coordination of critical services including EMS, planning, property assessment, and security, and

WHEREAS, the Orleans County Legislature has negotiated and reviewed a contract for this activity by Pictometry, and is in support of conducting a series of three flyovers to be completed over a six year time-frame,

Therefore, be it RESOLVED that the Town of Kendall supports this effort, and commits financial support of \$1,517 per year, for three years, beginning in 2013.

Also, the Town Clerk is directed to forward a certified copy of this resolution to the Orleans County Legislature.

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

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

**RESOLUTION 68-0612 SPONSORSHIP AND REGULATION OF 5K EVENT FOR BICENTENNIAL**

WHEREAS, in celebration of the Kendall Bicentennial, a 5K race is being organized through the Town of Kendall, and,

WHEREAS the route of this race will include a section of New York State Highway Route 18, so

Therefore, be it RESOLVED that the Town of Kendall will sponsor and regulate this event under the provisions of NYS Vehicle and Traffic Law Section 1640, in coordination with the local NYSDOT Office, and arrange for control of traffic along the route.

Discussion: Attorney Sansone has approved the waiver; co-ordination is necessary with the parade plans; safety and liability issues through the DOT and County Sheriff Department. Councilman Joseph will lead this.

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

Councilman Joseph made motion to pay the bills, as presented, seconded by Councilman Schuth; all ayes:

**PAYMENT OF CLAIMS**

General Fund	Abstract 6	\$26,334.90	Vouchers 327-332,335-343,345-347, 349- 364,366-384,406,420,421
Highway Fund	Abstract 6	\$56,105.66	Vouchers 326,328,338,385-405,407-419
Light District One	Abstract 6	\$394.89	Voucher 366
Light District Two	Abstract 6	\$235.73	Voucher 366
Light District Three	Abstract 6	\$128.18	Voucher 366
Water District Three	Abstract 6	\$6,672.50	Voucher 333
Water District Four	Abstract 6	\$24,735.00	Voucher 333
Water District 6	Abstract 6	<u>\$54.61</u>	Vouchers 365,382
		\$114,661.47	

**OLD BUSINESS**

Bank Change – HSBC switch to First Niagara -not as smooth as promised, but improving

Energy Grant for Highway Building – quotes are being collected, should be done on time and on budget

Building Permit Fee Schedule – CEO Hennekey and Clerk Richardson will complete this by July meeting

Codification – everything has been submitted

Bicentennial Updates – July 27 and 28 – musical; Supervisor Gaesser will work with Young Explosives to arrange fireworks for August 18<sup>th</sup> celebration

With no further business being brought forward, Councilman Schuth motioned for adjournment, seconded by Councilman Joseph; all ayes. Supervisor Gaesser adjourned the meeting at 8:25 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk

