

TOWN OF KENDALL
TOWN BOARD MEETING
Tuesday, July 17, 2012, 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	excused
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present, Clerk Richardson, Attorney Sansone, Attorney Malcomb, Highway Superintendent Kruger, Planning Board Chair Gray, Orleans County Legislator Rush, Joyce Henry, Dave Wegman, Ty and Melanie Whitehair

SUPERVISOR'S REMARKS

The format for this agenda has been adjusted, due to its length, and to accommodate Attorney Malcomb, special legal counsel, so that he does not need to remain for the entire meeting, and to allow public input while he is here.

Four changes were made to the draft local law following the public hearing – “mixed use” was more clearly defined, “landowners” was changed to “landowner”, emergency services impact was added to the list of issues to review, and the word “may” was changed to “shall” , in reference to what the Planning Board considers.

Executive session will be called to discuss confidential personnel matters and potential litigation.

After reconvening, the remainder of the agenda will be addressed, with time for further public input, if possible.

ACCEPTANCE OF MINUTES

Councilman Schuth made a motion to accept the following minutes, as presented; seconded by Councilwoman Szozda; all ayes:

Town Board Meeting – June 19, 2012

PUBLIC REVIEW OF DETERMINATION OF NON-SIGNIFICANCE FOR PART 2 OF THE ENVIRONMENTAL ASSESSMENT FORM FOR THE TYPE 1 SEQR ACTION FOR LOCAL LAW #1 OF 2012: AUTHORIZING THE CREATION OF WATERFRONT PLANNED DEVELOPMENT DISTRICTS IN THE TOWN OF KENDALL

Attorney Malcomb explained the progression of steps to this point of Local Law #1 of 2012. SEQR process and determination was discussed. The completed Part Two of the Full Environmental Assessment Form, and the Negative Declaration were reviewed in detail.

No Board member had questions.

PUBLIC INPUT ON NEGATIVE DECLARATION, APPLICATION FEE, AND CHANGES MADE TO LOCAL LAW #1 OF 2012 SINCE THE PUBLIC HEARING HELD JULY 10, 2012

No one wished to be heard.

RESOLUTIONS

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

RESOLUTION 69-0712 Accepting Part Two of the Environmental Assessment

Be it resolved to accept Part 2 of the Environmental Assessment Review Form, as presented, and to check Box A on page 1 that the project (law, in this case) will not result in any large or important impacts, and that a negative declaration be prepared.

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 70-0712 Resolution Issuing Negative Declaration for Waterfront Planned Development District Law of the Town of Kendall

WHEREAS, the Town Board has considered adopting a Local Law authorizing the creation of Waterfront Planned Development Districts in the Town of Kendall; and

WHEREAS, the proposed action has been designated a “Type I” action pursuant to the State Environmental Quality Review Act (“SEQRA”); and,

WHEREAS, the Town Board has duly considered the proposed Local Law, the Full Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, the administrative record, the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Kendall that:

1. The proposed Local Law will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment.
2. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.
3. This resolution is effective immediately.

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 71-0712 Resolution of the Town Board of the Town of Kendall Adopting Local Law No. 1 of 2012

WHEREAS, the Town Board of the Town of Kendall has considered and evaluated a proposed Local Law authorizing the creation of Waterfront Planned Development Districts in the Town of Kendall; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has performed the required environmental review and has issued a Negative Declaration for the proposed Local Law; and

WHEREAS, the Town Planning Board reviewed and commented on the proposed Local Law, and the Planning Board’s comments were incorporated into the proposed Local Law; and

WHEREAS, the Town Board referred the proposed local law to the Orleans County Planning Board, in accordance with the General Municipal Law; and

WHEREAS, the Orleans County Planning Board recommended approval of the proposed Local Law; and

WHEREAS, the Town Board called for a public hearing on the proposed Local Law, which was properly noticed to the public; and

WHEREAS, in accordance with its public notice, the Town Board conducted the public hearing July 10, 2012, where all interested parties were allowed to address the proposed Local Law;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Kendall that:

1. The attached Local Law No. 1 of 2012 is adopted in its entirety.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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.

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

**RESOLUTION 72-0712 ESTABLISHING NON-REFUNDABLE APPLICATION FEE FOR
WATERFRONT PLANNED DEVELOPMENT DISTRICTS**

WHEREAS, Local Law #1 of 2012 subsection 8 Fees (a) states that a non-refundable fee is to be determined by the Town Board to be paid upon each application,

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Kendall to establish a non-refundable application fee of \$500.00 for waterfront planned development districts.

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 73-0712 EXECUTIVE SESSION FOR CONFIDENTIAL PERSONNEL MATTERS
AND POTENTIAL LITIGATION**

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried. Executive session called at 8:15 p.m. Attorney Sansone and the Board met.

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

RESOLUTION 74-0712 TO MOVE OUT OF EXECUTIVE SESSION

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried. Moved out of executive session at 8:45 p.m.

NECESSARY COMMITTEE, BOARD, AND DEPARTMENT REPORTS

Standing Committees

Free Music Man production tickets are available at the Town Clerk's and High School offices.

Orleans County Representative – Ken Rush

The county auction sold all but three lots.

Pictometry information is available from the County.

Boards

Planning Board – P. Gray, Chair

Has had a public hearing for a subdivision, which was granted, a home business application is being considered, a new home build application has been received.

Department Heads

Highway - W. Kruger – carnival went smoothly, the power company has finished its trimming. Wood chips are available to the public. Materials for the grant are arriving. Roadwork by the County is being completed. Drainage materials are cost prohibitive, so repairs were made to buy time. There may be funds available through the state for special projects. Sidewalk work. The Snow and Ice Agreement should be addressed in August. Rt. 237 at Creek Road – sink hole may be repaired by the State, so that road may be shut down for a considerable time.

Code Enforcement – P. Hennekey – the interview with Dan Strong for the position of Deputy CEO went well. He is knowledgeable and will be an asset to the Town.

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

PUBLIC COMMENT ON THE REMAINDER OF THE AGENDA

No one wished to be heard.

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

RESOLUTION 75-0712 ESTABLISHING THE UPDATED PERMIT FEE SCHEDULE

Be it RESOLVED to accept the following fee schedule for the Town of Kendall, effective immediately:

BUILDING PERMIT FEE SCHEDULE

NEW CONSTRUCTION	\$0.20 per square foot
ADDITIONS	\$0.20 per square foot w/ \$20.00 minimum
RE-ROOF (tear-off only)	\$20.00
PORCHES, GAZEBOS, DECKS (similar items)	\$20.00
STORAGE STRUCTURES (carports, sheds, etc. >140 sq ft)	\$20.00
AGRICULTURAL (bins, barns, storage structures, etc.)	\$50.00
MINOR ALTERATIONS	\$20.00
MAJOR ALTERATIONS	\$30.00
DEMOLITION	\$20.00
ALTERNATIVE ENERGY SOURCE (wood, pellet, corn, solar, geothermal)	\$20.00
GENERATOR	\$20.00
GREENHOUSE	\$20.00
SIGN/FENCE	\$20.00
SWIMMING POOLS/HOT TUBS-ABOVE GROUND	\$30.00
SWIMMING POOLS/HOT TUBS-INGROUND	\$40.00
BOAT LAUNCH, DOCK,	\$40.00
CONVERSION OF USE	\$0.20 per square foot
BUILDING PERMIT RENEWAL	\$20.00
BUSINESS OPERATING PERMIT	\$50.00
SPECIAL USE APPLICATION	\$45.00
SPECIAL USE RENEWAL	\$30.00
ZONING VARIANCE APPLICATION	\$30.00
SUBDIVISION APPLICATION	\$40.00

STORAGE TANKS	\$20.00
COASTAL EROSION MANAGEMENT PERMIT APPLICATION	\$40.00
BREAKWALL/REVTMENT (EROSION ABATEMENT)	\$40.00
WIND ENERGY CONVERSION SYSTEM	\$250.00
CELL TOWER APPLICATION	\$750.00
CELL TOWER ALTERATION	\$100.00
TV, RADIO, METEOROLOGICAL TOWER	\$500.00
WPDD APPLICATION FEE	\$500.00
FAILURE TO OBTAIN PERMIT	DOUBLE REGULAR FEE

NOTES:

Special legal and/or engineering charges required and incurred by the Town as a result of the permit application process and the determination of its final approval shall be reimbursed at cost by the permit applicant before the permit is issued.

No permit is needed for normal maintenance and repair work WHEN LIKE MATERIALS ARE USED, AND THE STRUCTURAL MEMBERS OR PLUMBING OR ELECTRIC ARE NOT AFFECTED.

**TO REACH THE CODE ENFORCEMENT OFFICER PLEASE CALL (585)659-2341 OR
E-MAIL TO: codee@townofkendall.com**

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

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

RESOLUTION 76-0712 APPROVING THE EVENTS OF THE BICENTENNIAL HOME GROWN DAYS- AUGUST 18-19, 2012.

WHEREAS, several events are planned for Kendall's Bicentennial celebrations on August 18-19, 2012, including a steam engine demonstration, a 5k run, a parade, antique tractor displays, a street dance, fireworks, and food offered by several community civic organization,

Now, therefore, be it RESOLVED that the Kendall Town Board approves of these activities based on these various organizations and individuals having all necessary permits, certifications, and insurance for said activities (for example, a pressure vessel certification for the steam engine and health department permits for food service).

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

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

RESOLUTION 77-0712 AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH YOUNG EXPLOSIVES FOR BICENTENNIAL FIREWORKS DISPLAY ON AUGUST 18, 2012, NOT TO EXCEED \$4000.00

Whereas, the Supervisor has received a proposal from Young Explosives to provide and execute a public fireworks display on August 18, 2012,

Now, therefore be it RESOLVED to authorize the Supervisor to enter into an agreement with Young Explosives to provide and execute said public fireworks display on August 18, 2012, with the agreement subject to approval by the Attorney for the Town, and,

Be it further RESOLVED, that the cost of said services by Young Explosives is not to exceed \$4000.00.

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

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

RESOLUTION 78-0712 FIREWORKS DISPLAY PERMIT

WHEREAS, the Kendall Town Board 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 Town of Kendall for a fireworks display commencing at 10:00 p.m. on Saturday, August 18, 2012.

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

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

RESOLUTION 79-0712 WAIVER OF OPEN CONTAINER LAW

Be it RESOLVED that the Town of Kendall Open Container Ordinance be waived during the Bicentennial Home Grown Days on Saturday, August 18, 2012 from 11:00 a.m. to 12:00 a.m. (midnight).

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 Pritchard made the following motion, seconded by Councilman Schuth:

RESOLUTION 80-0712 AUTHORIZING SUPERVISOR TO ENTER INTO A VIDEOGRAPHY AGREEMENT WITH DARREN AND JESSICA YOUNG OF HAMLIN, NY

**FOR DARREN AND JESSICA YOUNG TO VIDEOTAPE THE KENDALL
BICENTENNIAL MUSICAL, "THE MUSIC MAN"**

Be it RESOLVED that the Supervisor is authorized to enter into a videography agreement with Darren and Jessica Young of Hamlin, NY for Darren and Jessica Young to videotape the Kendall bicentennial musical, "The Music Man", subject to legal review by the Attorney for the Town, and,

Further, the Supervisor is authorized to pre-pay Darren and Jessica Young \$450.00 for these videography services.

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 81-0712 AUTHORIZING THE SUPERVISOR TO PREPAY COSTUME EXPENSES
FOR "THE MUSIC MAN"**

Be it RESOLVED to authorizing the Supervisor to prepay costume expenses for "The Music Man" in the amount of \$215.96, to ARLENE'S COSTUMES.

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

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

RESOLUTION 82-0712 APPOINTING ... INTERIM DEPUTY CODE ENFORCEMENT OFFICER

Whereas the position of Deputy Code Enforcement Officer has been vacant since 01-01-2012, and whereas the Town Board has advertised this position, received and reviewed applications,

Be it RESOLVED to appoint Daniel Strong, 1150 Sawyer Road, Kent, New York, as Interim Deputy Code Enforcement Officer, at a salary of \$600.00 per month, effective August 1, 2012.

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

PAYMENT OF CLAIMS

Councilman Pritchard moved to pay the bills, with one correction. The following is corrected. Motion seconded by Councilwoman Szozda; all ayes:

General Fund	Abstract 7	\$21,830.40	Vouchers 422-428,430-470, 472-482,484,485,520
Highway Fund	Abstract 7	\$18,507.98	Vouchers 424,486-520
Light District One	Abstract 7	\$370.99	Voucher 425
Light District Two	Abstract 7	\$221.95	Voucher 425
Light District Three	Abstract 7	\$119.46	Voucher 425
Water District Two	Abstract 7	\$11,375.00	Voucher 429
Water District 6	Abstract 7	<u>\$1,571.18</u>	Vouchers 430,471,483
		\$53,996.96	

OLD BUSINESS

Energy Grant for Highway Building – paperwork will be completed next week

Codification – all changes accepted; document will be presented soon. New law will be forwarded by Clerk Richardson.

There being no further business coming before the Board, Councilman Pritchard motioned for adjournment, seconded by Councilman Schuth; all ayes. Supervisor Gaesser adjourned the meeting at 9:19 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk