

**KENDALL TOWN BOARD
PUBLIC BUDGET HEARING
REGULAR TOWN BOARD MEETING**

Thursday, November 8, 2007 7:30 P.M.

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

PUBLIC PRESENT: Allen Lofthouse, Bev Lofthouse, Bob Nelson, Gay Smith, Jack Gillman, Lisa Stenshorn, Scott Hardenbrook, Blaine Young, Wendy Young, Trudy Slocum, Bob Slocum, Dot Butler, Harry Butler, John Barrett, James Smith, Ed Smith, Mary Seaman, Steve Seaman, Kathy Scroger, JoAnn Herman, Chris DiNatale, Nadine Hanlon, Mike Hanlon, Crystal Frietag, Tom Rivers, Ken Rush, Brendan Doherty, Aaron Kirby, Gary Smith, Kevin Banker, Nancy Walker, Steve Walker, Darlene Lindsay, Clark Lindsay, Barb Flow, Vince Flow, Donald Beers, Marianne Wilson, Jeff Vick, Lynn Szozda, Cathy Renko, Pat Kohlmeier, John Kohlmeier, Sheryl Vick, Ellie Nelson, David Maslyn, John Becker, Gary Kludt, Douglas Heath, David Robinson

CALL TO ORDER OF PUBLIC HEARING

Supervisor Vick welcomed the public, led the Pledge of Allegiance, and opened the Public Budget Hearing at 7:30 pm.

ROLL CALL

Councilman Gaesser	present
Councilman Pritchard	present
Councilman Schuth	present
Councilman Scroger	present
Supervisor Vick	present

SUPERVISOR'S REMARKS

- Supervisor Vick pointed out that public participation will be allowed, to address any issues
- The budget will be finalized at this meeting. There will be a recess called for an executive session, after which the budget will be finalized

PUBLIC HEARING – 2008 Budget

Supervisor Vick asked anyone wishing to speak to do so.

Nadine Hanlon, Center Road – asked if revenue account A2611, assigned to Bicentennial Donations, was correctly numbered. That number, according to a State Comptroller pamphlet, is assigned to dog fines and forfeitures. Councilman Schuth replied that the Comptroller's office provided the number. Supervisor Vick explained that the revenues are going into a reserve fund, created under A888, to collect funds.

Mrs. Hanlon also questioned Revenue Account A2555 Building Permits. The building permit fees were recently increased by up to 50 %. In the revenue section, that line has been increased by only \$500. Should that number not be higher? Supervisor Vick responded that Mrs. Hanlon's point is good, but with the current economy, it is prudent to be conservative in forecasting revenue. Those monies will still flow to the fund balance, and be available for use. Mrs. Hanlon wondered what the Conservation line is. Supervisor Vick responded that if a conservation issue should arise, there should be some funds available to charge against. If not utilized, it will fall to fund balance.

Nancy Walker, Creek Road – Questioned the revenue line being zero for the Hunt Trust Fund 2756. Supervisor Vick responded that the library now has its own fund listed; a CD has been maintained at or above the \$100,000 level; the trust funds are sheltered and cannot flow into other funds and that amount cannot be reduced without Town Board action. Councilman Pritchard interjected that the account number line listed in the general fund is no longer used, but simply has not been dropped.

Highway Superintendent Warren Kruger, Smith Drive – Recommended that DA2401 be raised from \$5,000 to \$7,500. Supervisor Vick responded that revenue lines should be projected conservatively. Mr. Kruger would like a line added for medical insurance revenue, to reflect the payments received from employees for their insurance. Supervisor Vick explained that "pass through" accounts are accounted for by debiting the expense lines as payments

are received. Mr. Kruger recommended that to minimize the use of fund balance, line DA 5110.4 be reduced by \$1000. Supervisor Vick stated that fund balance decisions for 2008 will be left for the incoming Town Board.

Vince Flow, Kendall Road – asked why A1355.12 under Assessment has increased. Supervisor Vick responded that it is to fund a succession plan for assessor; also that the Board intends to reduce that amount by \$2500, to flow to fund balance, and leave the decision to the new Board.

Crystal Frietag, Kendall Road – questioned the increase in line A1420.4 Law-Contractual. Supervisor Vick responded that the original amount budgeted for 2007 was \$5000. It was increased due to the legal expenses incurred from the clean-up of seven properties. In order to continue that program, the budget should reflect realistic attorney fees.

Supervisor Vick reiterated that the budget for 2008 will be finalized at this meeting, after a recess to executive session. The spending plan was set on the current Board's intent, not the incoming Board's. The Highway Machinery and Equipment Reserve Fund will have an additional \$15,500 added, to provide the incoming administration with over \$40,000 in that fund, to be used toward equipment.

Highway Superintendent Kruger said that the end of year fund balance could go into the machinery reserve fund, and that the net from incoming revenues could go to that fund. Supervisor Vick stated that in January 2006, the Board asked Mr. Kruger to prepare an equipment replacement plan, which has never been submitted. Mr. Kruger stated that a comfortable level of funding in the machinery reserve fund would be \$40,000.

With no further input forthcoming from the public, Supervisor Vick declared the Public Hearing closed at 8:10 p.m.

CALL TO ORDER OF REGULAR TOWN BOARD MEETING

Supervisor Vick called the meeting to order at 8:11 p.m.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

- Public Safety/Emergency Services & Occupational Safety - C. Scroger, Chair – no report
- Highway – D. Gaesser, Chair – met with Warren regarding budget, and specifications for new truck
- Buildings, & Grounds – W. Vick, Chair – no report
- Planning, Zoning & Agriculture - D. Schuth, Chair – written reports submitted
- Community Relations – D. Schuth, Chair – library and museum grants are not currently feasible; Boy Scout food drive currently underway
- Human Resources and Ethics - C. Scroger, Chair – no report
- Finance, Taxes & Special Districts - W. Vick, Chair – Lighting Districts are tough to budget due to rising and unstable energy costs
- Information Services - D. Pritchard, Chair –Supervisor's computer was repaired with no loss of data; Town Clerk's computer needs repair; as many of the Town computers as possible will be audited next Saturday; there have been eight power failures since the installation of the Town Hall generator, with no loss of usage;
- Employee Benefits - W. Vick, Chair – assuming a 10 % increase in costs for budget
- Culture & Recreation – D. Pritchard, Chair – no report
- Orleans County Representative – K. Rush – The new Orleans County Nursing Home is nearly full. County Budget preparation is underway – revenue shortfalls make the process difficult.

Boards

- Planning Board - R. Nelson, Chair – written report submitted ; the Planning Board would like to close the Wind Energy Law by year end
- Zoning Board - K. Banker – written report submitted; Chairman Banker thanked Scott Hardenbrook for his

help and guidance; there will be a vacancy on the Zoning Board in January; zoning members have completed the required training; revising of zoning ordinance book is a goal for 2008.

Department Heads

- Assessor – S. Seaman – written report submitted; uncompleted building permits are being addressed
- Code Enforcement - S. Hardenbrook – written report submitted
- Highway - W. Kruger – written report submitted
- Historian - J. Knapp – Mrs. Knapp was hoping to organize a holiday decorations contest, but cannot, due to restrictions in the law.
- Recreation - Barb Flow – written report submitted
- Town Clerk – A. Richardson – no report
- Town Justice - R. Ernenwein & C. Lape – no report

Supervisor Vick thanked Chairman Nelson, Chairman Banker, and Officer Hardenbrook for their efforts and accomplishments this year.

CORRESPONDENCE

-A letter from John Sansone was read, regarding the Gary Sigler property on Countyline Road. Legal proceedings have begun to get this property cleaned up.

-A letter from Troy and Banks, offering to review all our utility bills for overcharges. Fifty percent of the return is the charge for their service; may be worth doing.

-A letter from Gray CPA (auditor) – the current board does have the authority to commit the 2008 Board to an audit; will be addressed at December's Meeting

-the contract with LaBella Associates concerning Justice Court and Town Hall renovations

PUBLIC PARTICIPATION

Lisa Stenshorn, Kendall Road – asked if the Deputy Code Enforcement Officer has received his salary. Supervisor Vick replied, “No”.

David Maslyn, Sr., Kendall Road – registered a complaint that there are potentially serious drainage issues along his road. Supervisor Vick stated that his is a State highway, not a Town road. After further discussion, Supervisor Vick suggested that Mr. Maslyn see the incoming supervisor, Mr. Gillman, about this.

Lisa Stenshorn, Kendall Road – asked if the town has a Deputy Code Enforcement Officer. Supervisor Vick replied, “Yes.” Mrs. Stenshorn asked if he was getting paid; Supervisor Vick replied, “Yes, biennially.” Mrs. Stenshorn asked if the Deputy Code Enforcement Officer has been appointed, by Resolution. Supervisor Vick responded, “no.”

Nadine Hanlon, Center Road – asked if the “incomplete building permit work” referred to by the Assessor in his report was the responsibility or fault of the CEO? Supervisor Vick said no, it was assessment work.

Kevin Banker, Lakeshore Road – asked if, considering the low pay for Town Supervisor, the substantial time spent by the Supervisor was a “gift” to the Town. Supervisor Vick said yes, and thanked Mr. Banker.

Clark Lindsay, Lakeland Beach Road – requested a Marina project update. Supervisor Vick answered that no real progress is apparent. The Town has performed all its responsibilities, and more. The extensions were obtained by action of the Town Board. The Marina has been in breach of contract and default. This issue will be addressed later in the meeting.

Councilman Scroger commended Supervisor Vick for the successful effort for Water District #6.

PAYMENT OF CLAIMS

Supervisor Vick pointed out, and warned the Board, that the Highway Fund is overdrawn. The Board needs an adjustment to the budget prior to approving these claims. There has been no written request for funds transfer submitted by the Highway Superintendent. A transfer is necessary. Councilman Pritchard asked from where the funds can be transferred. Mr. Kruger replied that they could be transferred from the Highway Fund Balance. Councilman Pritchard asked how much is needed. Mr. Kruger replied \$10,000.

The following resolution was moved by Councilman Gaesser:

Resolution 122-1107 Transfer Highway Funds

Whereas additional funds are required to meet expenses, the following budget adjustment is authorized:

Transfer the sum of \$10,000 from account DA909 – Highway Fund Balance – Unreserved to Account DA5130.4 Machinery – Contractual

The motion was seconded by Councilman Pritchard. Supervisor Vick called for a roll call vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

PAYMENT OF CLAIMS

General Fund	Abstract 011	\$ 16,357.59	Vouchers 470-472,474-477,479-502
Highway Fund	Abstract 011	\$ 54,328.11	Vouchers 480,488,503-525
Library	Abstract 011	\$ 332.38	Voucher 473
Street Lighting #1	Abstract 011	\$ 420.93	Voucher 486
Street Lighting #2	Abstract 011	\$ 246.42	Voucher 486
Street Lighting–Gen.	Abstract 011	\$ 136.95	Voucher 486
Water District #3	Abstract 011	\$ 6,000.00	Voucher 469
Water District #4	Abstract 011	\$ <u>14,000.00</u>	Voucher 478
		\$ 91,822.38	

A motion to approve the payment of claims as amended was made by Councilman Scroger, seconded by Councilman Gaesser. The vote resulted in all ayes, motion carried.

RESOLUTIONS

Councilman Pritchard moved the following motion be adopted:

Resolution 121-1107 Water District No. 6 Lead Agency Resolution

**TOWN OF KENDALL
WATER DISTRICT NO.6
LEAD AGENCY RESOLUTION**

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Kendall hereby announces its intent to serve as lead agency to conduct an environmental review of a project to construct a series of public water supply improvements to serve the Town of Kendall Water District No. 6. The project involves the installation of approximately 12,140 feet of 8-inch watermain within the rights-of-way of Petersmith Road and NYS Route 18 (Roosevelt Highway). The proposed project would

provide public water to residents of this area who are currently dependent on individual wells that produce an inadequate supply of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located in Orleans County Agricultural District No. 1, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that the Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project.

The motion was seconded by Councilman Gaesser. Supervisor Vick called for a roll call vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

UNFINISHED BUSINESS

Cemetery Trust – still awaiting Orleans County Judge Punch’s ruling regarding the freeing of Trust monies into an expendable account, to utilize for cemetery expenses.

Court Order – Code Enforcement – Attorney Sansone stated that Mr. Lemcke did not appear on October 29, 2007, before Judge Punch; the Town of Kendall’s application was granted, and a signed Order is forthcoming. At that point, the Town can go in to complete a clean-up. Mr. Ed Smith asked how the private property is removed. Supervisor Vick answered that the intent is to allow scrappers with the equipment and ability to remove debris, and clean-up the area, taking as their compensation any profit derived from the scrap proceeds. Anything that is removed from the site must leave the boundaries of the town of Kendall. The attorney fees and the expenses for advertising will be placed on the property’s tax bill. Mr. Flow, Norway Road, asked if there is anyone under agreement to do this. Supervisor Vick responded no. It will not be put up for bid; point is to get property cleaned up. The Town prefers to keep the business within the Town; the scrapper must have insurance, the capability, the means, and a plan to accomplish the clean-up. Because there is no expense to the Town, a bidding process is not necessary.

Sigler property – Attorney Sansone has been contacted by an insurance adjuster, who is still investigating the cause and circumstances of the fire. Attorney Sansone has requested a letter from the insurance company stating that their investigation is complete. Proper service and procedure have been followed toward enforcement of the clean-up.

Wind Energy – Supervisor Vick states that it is the intention of the Town Board to follow through on the Wind Energy Local Law. Planning Board Chairman Nelson will have the draft of the Local Law turned in for Town Board Review in December. It will require legal scrutiny, and two public hearings.

NEW BUSINESS

Marina Project – change to basis for drawdown

Supervisor Vick is in receipt of correspondence from Small Cities Funding, in which they asked the Town of Kendall to consider dollar for dollar funding to the Marina operator. The contract has been followed by the Town. All involved attorneys have said to follow the agreement to the letter. The marina operator has had all his money as quickly as possible following his submissions. The marina operator has been in default, has been in breach of contract, and the progress at the marina is very slow at this point. With these things in mind, the Town Board must discuss how to move forward. Attorney Sansone opined that if there is a default in the contract between the Town of Kendall and the State, the State could sue for breach of contract. Attorney Sansone does feel, however, the Town of

Kendall would be reasonably protected by the State's wording in this letter. His advice to the Board is to change the protocol, to a dollar for dollar basis. A discussion between members of the Board took place, and it was determined that Attorney Sansone will formulate and submit a resolution to the Town Board for consideration at the December meeting.

RECESS – EXECUTIVE SESSION

A motion was made by Councilman Scroger to recess for an executive session, to discuss possible litigation; seconded by Councilman Gaesser. Vote resulted in all Ayes. Meeting was recessed at 10:25 p.m.

RECONVENE

Councilman Scroger moved to reconvene the meeting, seconded by Councilman Schuth. All Ayes. Supervisor Vick called the meeting back to order at 10:53 p.m., to finalize the budget.

Supervisor Vick moved the following resolution be adopted:

Resolution 123-1107 ADOPTION OF 2008 TOWN OF KENDALL BUDGET

Be it hereby resolved that the Preliminary Town of Kendall Budget, with the following changes, be adopted as the 2008 Town of Kendall Budget:

GENERAL

APPROPRIATIONS

Decrease A1220.11	Supervisor Personal Services to	\$ 8,400
Decrease A1340.1	Budget Personal Services to	\$ 1,600
Decrease A1355.12	Assessment Personal Services Extra Help to	\$ 2,000
Decrease A1420.4	Law Contractual Expense to	\$12,000
Decrease A1440.4	Engineer Contractual Expense to	\$ 6,200
Decrease A1450.4	Elections Contractual Expense to	\$ 3,000
Decrease A1620.41	Security Contractual Expense to	\$ 1,000
Decrease A1620.43	Contractual Property Administration to	\$ 500
Decrease A1910.4	Special Items – Unallocated Insurance to	\$19,000
Decrease A1950.4	Special Items – Taxes on Property to	\$ 1,400
Decrease A3620.10	Code Inspection – Personal Services to	\$12,250
Decrease A3620.40	Contractual Expense – Contractual to	\$ 2,000
Decrease A5010.1	Superintendent of Highways Pers. Serv. to	\$46,800
Decrease A5010.4	Superintendent of Highways – Contractual to	\$ 1,500
Decrease A6460.4	Economic Assistance and Opportunity – Cont. to	\$ 0
Decrease A6989.4	Economic Development – Contractual Expense to	\$ 0
Decrease A8030.4	Research- Contractual Expense to	\$ 2,000

REVENUES

Increase A1170	Non-Property Tax Items – Franchises to	\$16,000
Increase A2401	Use of Money and Property – Int. and Earnings to	\$12,000
Increase A2555	Building and Alter Permits to	\$ 5,000
Increase A2610	Fines and Forfeitures to	\$14,000

HIGHWAY

APPROPRIATIONS

Decrease DA5110.4	Transportation Contractual to	\$81,175
Decrease DA5222.2	Transportation Equipment/Capital Outlay to	\$96,971
Decrease DA5130.4	Machinery Contractual to	\$47,100
Decrease DA5142.1	Snow Removal Personal Services to	\$69,670
Decrease DA9060.8	Employee Benefits Hos/Med Ins. To	\$ 9,920

Such motion was seconded by Councilman Gaesser. Supervisor Vick called for a roll call vote, which was done, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	No
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the motion carried; the budget for 2008 passed, and was duly adopted.

A copy of the finalized budget will be filed with these minutes.

ADJOURNMENT

With there being no further business, a motion for adjournment was made by Councilman Scroger, seconded by Councilman Schuth. All Ayes; meeting adjourned at 11:09 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk