

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Thursday, December 10, 2009 7:30 P.M.

Supervisor Gillman called the meeting to order at 7:33 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR'S REMARKS**

Supervisor Gillman thanked observers for attending, despite the poor weather, and explained that tonight's meeting would start with a reception honoring Mr. Walt Steffen and Mr. Ray Ernenwein, each for his forty one years of service to the Town of Kendall.

Councilman Gaesser made the following motion:

**RESOLUTION 102-1209 ACKNOWLEDGING RAYMOND ERNENWEIN'S SERVICE TO THE TOWN OF KENDALL**

Whereas Raymond Ernenwein helped to establish the Kendall Planning Board beginning with its inception on October 10, 1968 and...

Whereas Raymond Ernenwein served as a member of the Town of Kendall Planning Board for twenty five years, with ten years as chairman, and was instrumental in establishing the first set of Zoning Regulations and subsequent improvements, including the addition of subdivision regulations, and...

Whereas Raymond Ernenwein was elected to Town Justice in 1994 and with the support of the voting public has held this position for 16 years, during which Justice Ernenwein has enjoyed conducting marriage ceremonies and has treated visitors to the court with respect and fairness, and whereas Justice Ernenwein has been instrumental in working with Code Enforcement to enforce zoning regulations with respect to unsightly properties to bring them into compliance and improve the appearance of the town...

Therefore, the Town Board of the Town of Kendall does hereby acknowledge and thank Justice Ernenwein for 41 years of service to the taxpayers and community at large of the Town of Kendall for the fine work and care by which he approached and carried out his duties and further...

The Kendall Town Board does hereby congratulate Justice Ernenwein upon his retirement, commend him for a job well done, and extend our best wishes for his future endeavors.

This resolution is to be certified by the Kendall Town Clerk and provided to Justice Ernenwein in framed format as a memento of his service.

This motion was seconded by Councilman Joseph. A vote resulted in all ayes; motion carried.

Mr. Ernenwein came forward to receive this framed resolution.

Councilman Schuth made the following motion:

**RESOLUTION 103-1209 ACKNOWLEDGING WALTER STEFFEN'S SERVICE TO THE TOWN OF KENDALL**

Whereas Walter Steffen helped to establish the Kendall Planning Board beginning with its inception on October 10, 1968 and...

Whereas Walter has been a staple on the Planning Board, serving for 41 consecutive years working to establish and improve the Zoning Regulations which have helped to shape the Town of Kendall, including all updates since 1968, and has helped to preserve the farming focus as the town has evolved, and...

Whereas Walter serves as Greenwood Cemetery Custodian since January 6, 2000 performing maintenance and oversight to keep the cemetery a proper tribute to those buried and their loved ones who enjoy the serenity of the grounds...

Therefore, the Town Board of the Town of Kendall does hereby acknowledge and thank Walter Steffen for these forty one years of service to the taxpayers and community at large for the fine work and care by which he approached and carried out his duties and further...

The Kendall Town Board does hereby congratulate Walter Steffen upon his retirement from the Planning Board, commend him for a job well done, and extend our best wishes for his future endeavors.

This resolution is to be certified by the Kendall Town Clerk and provided to Walter Steffen in framed format as a memento of his service.

This motion was seconded by Councilman Joseph. A vote resulted in all ayes; motion carried.

Mr. Steffen came forward to receive this framed resolution.

Supervisor Gillman declared a recess at 7:41 p.m. to hold a reception for the two honorees.  
Supervisor Gillman reconvened the meeting at 8:15 p.m.

## REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

### Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair - awaiting state approval of the courtroom updates; alert system in restrooms progressing

Buildings, & Grounds –Joseph, Chair - window replacement done; hand sanitizers installed; locks being fixed; written report submitted

Information Services –Joseph, Chair - waterfront revitalization program being put into electronic format, and updated; written report submitted

Highway –Gaesser, Chair - new truck being completed; salt barn is restocked

Culture & Recreation –Gaesser, Chair - basketball season has started; new 40-inch TV

Planning, Zoning & Agriculture -Schuth, Chair - General Code codification initial summary of findings has been received, and needs review; planning and zoning candidates will be considered to fill vacancies

Community Relations –Schuth, Chair - many holiday events planned

Human Resources and Ethics –Szoza, Chair - newsletter has been published

Employee Benefits – new medical benefits cards should be arriving

Finance, Taxes & Special Districts – no report

Orleans County Representative – Ken Rush, Gary Kent - not present

### Boards

Planning Board – Gray, Chair - junk law regulations need updating and major expansion

Zoning Board - Rowles, Chair - no report

### Department Heads

Assessor – G. Massey - no report

Code Enforcement – L. Gursslin - number of permits issued is similar to 2008 levels; legitimate property maintenance issues are taking precedence now; inspections of public meeting buildings are in process; Steffen property issue is close to resolution

Highway - W. Kruger - no report

Historian – J. Knapp - no report

Recreation – B. Flow – written report submitted; thanks to Councilman Gaesser for the purchase of the new TV; cellar needs cleaning

Town Clerk – A. Richardson – financial report submitted

Town Justice - R. Ernenwein & C. Lape – reports submitted

## PUBLIC PARTICIPATION

Bob Hart, Chairman of the Bicentennial Committee, gave a history of this committee. Mr. Hart was under the impression that committee meeting notes had been forwarded to the Town Clerk. Mr. Hart has expended personal funds to purchase items for fundraising purposes. A community concert is being held to benefit the bicentennial celebration, and advertising is desired. This will be expensive. The bicentennial fund has money which Mr. Hart would like to access for fundraising purposes, if legal.

Otherwise, Mr. and Mrs. Hart will no longer be willing to co-chair the bicentennial committee. In answering a question from another observer, Mrs. Hart gave an overview of the tentative plans for activities to fundraise.

## RESOLUTIONS

Councilman Schuth made the following motion:

### **RESOLUTION 104-1209 LOCAL LAW 1 OF 2009 – MORATORIUM ON DEVELOPMENT WITHIN H, WD AND WR ZONES**

Whereas it has come to the attention that the Town of Kendall Zoning Regulations are lacking detail and causing much consternation among residents and various town officials and

Whereas, the Town Board conducted a public hearing to consider adoption of proposed local Law No.1 of the Year 2009 on the 8<sup>th</sup> day of October, 2009 at 7:30 p.m. in the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14476, at which time all persons wishing to be heard in favor or in opposition thereto were be heard; and,

Whereas, this proposed Local Law No.1 was referred to the Orleans County Department of Planning and Development, as otherwise required by law. Comments from their review have been considered and appropriate revisions have been made to include their comments into the moratorium. In addition, this proposed Local Law was reviewed by the attorney for the Town, Michael Leone and comments were considered resulting in minor text changes.

Be it RESOLVED, that Local Law No. 1 of the Year 2009 of the Town of Kendall, Orleans County, New York, being a local law entitled "The Town of Kendall Moratorium on accessory structures in access of 900 square feet in the Hamlet, Waterfront Residential and Waterfront Development Zones Law", be adopted.

Further that the Planning board is directed to review the existing regulations and recommend improvements to better define and detail property regulations in Waterfront Residential and Waterfront Development and Hamlet.

This motion was seconded by Councilman Gaesser.

Discussion: Councilman Schuth pointed out that this final revision provides for due process possibility for affected property owners to appeal and seek exception from this moratorium.

A vote resulted in all ayes, and Supervisor Gillman declared the motion carried.

Councilman Gaesser moved that the following be adopted:

### **RESOLUTION 105-1209 ADJUSTMENT TO THE 2009 BUDGET (HIGHWAY)**

It is hereby resolved to make the following budget adjustments

1. Increase Highway Revenue Account DA 2301 County Snow Removal five hundred dollars (\$500.00)

2. Increase Highway Revenue Account DA 2302 Snow Removal Service Other Government sixty one thousand three hundred dollars (\$61,300.00)
3. Increase Highway Account DA 5142.4 Snow and Ice Contractual thirty-six thousand four hundred dollars ( \$36,400.00)
4. Increase Highway Account DA 5142.1 Snow and Ice Labor eighteen thousand dollars ( \$18,000.00 )
5. Increase Highway Account DA 5130.4 Machinery Contractual five hundred dollars (\$500.00)
6. Increase Highway Account DA 5130.1 Machinery Labor six thousand eight hundred sixty seven dollars and six cents. (\$6,867.06)

The motion was seconded by Councilman Schuth. Supervisor Gillman called for a vote, which resulted in all ayes; motion carried.

Councilman Joseph moved that the following be adopted:

**RESOLUTION 106-1209 ADJUSTMENT TO THE 2009 BUDGET (HIGHWAY)**

It is hereby resolved to make the following budget adjustments

1. Increase Highway DA 599 Appropriated Fund Balance one thousand eight hundred seventy three dollars and sixty six cents ( \$1,873.66)
2. Increase Highway DA 5130.2 Machinery Equipment one thousand eight hundred seventy three dollars and sixty six cents ( \$1,873.66)

The motion was seconded by Councilman Gaesser. Supervisor Gillman called for a vote, which resulted in all ayes; motion carried.

Councilman Schuth moved that the following be adopted:

**RESOLUTION 107-1209 CORRECTED COVER SHEET FOR THE 2010 ADOPTED BUDGET**

It is hereby resolved to accept the corrected cover sheet. (see attached)

The motion was seconded by Councilman Joseph. Supervisor Gillman called for a vote, which resulted in all ayes; motion carried.

Councilman Schuth moved to pay the claims, as presented, seconded by Councilwoman Szozda; all ayes:

***PAYMENT OF CLAIMS***

General Fund	Abstract 12	\$ 20,509.92	Vouchers 809-814,816-834,875,876
Highway Fund	Abstract 12	\$ 90,731.62	Vouchers 814,835-874,876,877
Street Lighting 1	Abstract 12	\$ 434.51	Voucher 817
Street Lighting 2	Abstract 12	\$ 255.92	Voucher 817
Street Lighting 3	Abstract 12	\$ 142.75	Voucher 817
Water District 2	Abstract 12	\$ 4,725.00	Voucher 815
Water District 6	Abstract 12	\$ <u>24.24</u>	Voucher 818
		\$116,823.96	

***OLD BUSINESS***

Hamlin-Kendall Water District - no letter from Mr. Roach has been received; Supervisor-elect Gaesser met the Supervisor-elect for the Town of Hamlin. They plan to address this issue in January.

Water District 6 – close-out, conversion of BAN - Supervisor Gillman said he will need to spend some time with Supervisor-Elect Gaesser to discuss this

Transit Road water petition status - Supervisor Gillman is to send letters with information to the residents on each of the three petitions to the town for public water. Discussions with the town engineer are necessary to determine the most viable possible water district.

Councilman Gaesser announced that the 2010 Organizational Meeting is scheduled for Tuesday, January 5<sup>th</sup>, at 7:00 p.m. Notice of this meeting will be published.

Councilman Joseph stated that the new mileage reimbursement rate for 2010 will be \$ 0.50 per mile, effective January 1st.

Supervisor Gillman announced the Special Town Board Meeting December 28, 2009 at 6:30 p.m., to pay year-end bills. Notice of this meeting will be published.

Councilman Gaesser motioned for adjournment, seconded by Councilwoman Szozda; all ayes; meeting adjourned at 9:23 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk