

**KENDALL TOWN BOARD – REGULAR MEETING – August 10, 2006 7:30 PM**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

**PUBLIC PRESENT:** Walter Steffen, Planning Board member; Kenneth Rush, Orleans County Legislator; Bob Nelson Sr., Planning Board member; Allen and Bev Lofthouse

**CALL TO ORDER**

Meeting was called to order by Supervisor Vick at 7:30 PM and the Pledge of Allegiance was led.

**ROLL CALL**

Christine DiNatale, Councilwoman	Present
Donald Pritchard, Councilman	Present
David Schuth, Councilman	Present
Charles Scroger, Councilman	Present
William Vick, Supervisor	Present
Douglas Heath, Attorney	Present

**Department Heads Present:** Warren Kruger, Highway Superintendent;

**APPROVAL OF MINUTES**

**Kendall Town Board – July 13, 2006**

Councilman Schuth moved that the Kendall Town Board meeting minutes of July 13, 2006 be altered as requested by Councilman Pritchard and approved, with alterations, as presented by the clerk, seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the motion to accept the minutes as presented is carried.

**SUPERVISORS REMARKS**

Supervisor Vick briefly reported about the Eagle Creek Marina and the transition with the Monroe County Water Authority, which appears to be going fine.

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

**Public Safety Committee: C. Scroger, Chair**

Scroger reported that quote has been provided to change the two exterior locks. Resolution to be presented this evening to move forward with this change.

**Occupational Safety – D. Pritchard, Chair**

Reported that no activity has occurred.

**Highway – C. Scroger, Chair**

Drainage – paperwork has been done with Jones and Akers and Highway Department will begin drainage work when they have the opportunity. Ken Mor Road drainage – Mr. Allen still trying to follow up with neighbors and Highway Superintendent Kruger spoke with Maziarz's office regarding grant possibilities, still pending in committee, per Senator Maziarz.

**Buildings, Grounds, & Cemeteries – C. DiNatale, Chair**

Veterans Markers – Supervisor Vick asked to make contact with higher authorities.

**Planning, Zoning, & Agriculture – D. Schuth, Chair**

Will discuss proposed Water District #7 on Monday Night. Working on many items at this time including Wind Energy and Dog Control items.

**Community Relations & Recreation – C. DiNatale, Chair**

Twelve banners and brackets have been ordered. Discussion on placement occurred – Roosevelt Highway and Ken Mor roads to be considered. Would like to have input from Kendall Ladies Auxiliary as to placement and Chris will send Thank you for their donation.

**Finance, Taxes & Special Districts – W. Vick, Chair**

Water District #5 closing – 2003 completed Audit by Gray Accounting has been submitted to Rural Development but have not received response. Both Supervisors need to execute agreements so Gray Accounting can do a compilation of Water District #5 expenses to get a hold of project expenses so can have an accurate ratio and benefit costs apportioned for each Town. Installation of Municipal software is in progress. New bookkeeper is loading records for General and Highway expenses. Hope to have all abstracts loaded by August 24<sup>th</sup> so can meet with Williamson Law Book to train on next process.

**Information Services – D. Schuth, Chair**

Have not met this month, items are progressing.

**Eagle Creek Marina – D. Pritchard, Chair**

Extensive discussion regarding Mr Freemesser's shortfall in funds for construction due to the use of funds to pay off first mortgage on the Marina leaving a shortage of \$381 thousand for construction. Town Board asking for Mr. Freemesser to arrange for a letter of credit for these monies to be at the disposal of the Town Board. Protocol extensively discussed to take down the Small cities funds by the end of September expiration date. Town of Kendall will prepare correspondence to GOSC covering concerns and advise

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GOSC that the Town Board has been approached by Eagle Creek Marina to request protocol changes in reducing the grant funds. Letter will be established under the guidance of Woods Oviatt, Gillman, Town Attorney for this project, for proper wording.

Donn stated all items have been submitted for draw #8. Details received and Donn to review. Includes materials delivered but not yet installed. Donn advised upon reviewing the loan agreement between Town of Kendall and Eagle Creek Marina, materials do not need to be installed to be requested in a draw. As stated in GOSC agreements, Eagle Creek Marina has 3 years from April 1, 2005 to complete project and 1 year from October 1, 2005 closing to expend GOSC grant. Donn advised the board that as of October 1, 2006, Town of Kendall will collect first interest payment and the following month, Eagle Creek Marina will begin making monthly payments to the Town of Kendall. Public comment was welcomed for any questions...none made.

Planning Board Member Walter Steffen asked if all the neighbors have been satisfied by Mr. Freemesser. Supervisor Vick stated he has encouraged Mr. Freemesser to resolve any neighborly issues and that seems to have occurred.

At this time awaiting SPDES permits which are in progress.

**Planning Board – T. Cole, Chair**

Working on many issues at this time, in particular Wind Energy and Dog Control.

**Department Heads**

**Assessor – K. DeRoller**

Currently attending school for certification

**Code Enforcement – S. Hardenbrook**

New deputy will be appointed this evening by resolution as a result of Deputy CEO I – Christine Syracuse's resignation. Scott officially retired today from the Orleans County Health Department. Waivers to get into 1846 Kendall Road discussed.

**Highway – W. Kruger**

Written report submitted – Discussion occurred about MCWA disconnecting water source to wash town trucks. Supervisor Vick asked

Highway Superintendent Kruger to submit his concerns in writing. Kruger also advised the board that the Water Authority now has a utility in Town therefore should provide us insurance information.

**Town Clerk – N. Hanlon**

Written report submitted – Hunting Licenses go on sale on August 14<sup>th</sup>. Plan on attending Open Meeting Law session hosted by League of Women Voters of Orleans County and encouraged the board to attend. Will submit names by August 22<sup>nd</sup> if plan to attend. Reviewed attendance to Code Publishing for seminar on Document Management. Blood Drive results briefly reviewed.

**Orleans County Legislator – K. Rush**

Approved bids on Nursing Home construction and moving soil has occurred, moving piles to Emergency Management facilities. Open House occurring on new Dog Pound this week. Announced Wooden Boat festival at the County Marine Park.

**CORRESPONDENCE**

- Kendall Planning Board
  - Meeting Minutes of June 27, 2006
  - Meeting Minutes of July 11, 2006
- Kendall Zoning Board of Appeals
  - Meeting and Public Hearing Minutes of May 16, 2006
  - Meeting and Public Hearing Minutes of June 20, 2006
- Scott Hardenbrook – Code Enforcement Report - July 27, 2006 and August 10, 2006
- Nadine Hanlon – Town Clerk Report
- Warren Kruger – Highway Superintendent Report
- William Vick – Financial Reports

**PUBLIC PARTICIPATION**

None

**PAYMENT OF CLAIMS**

General Fund	Abstract 8	\$ 53,369.04	Vouchers 262-319
Highway Fund	Abstract 8	\$ 42,891.58	Vouchers 189-216
Agency Fund	Abstract 8	\$ 41,751.20	Vouchers 13-45
Capital Projects	Abstract 4	\$ 120.75	Voucher 7

Councilman Schuth moved that the Payment of Claims be approved for payment, seconded by Councilman Scroger, and the vote resulted as follows:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor declared that the motion to pay bills is carried.

**KENDALL TOWN BOARD – REGULAR MEETING – August 10, 2006 7:30 PM**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

*RESOLUTIONS: (117-806 through 124-806)*

**RESOLUTION #117-806 – INCREASING APPROPRIATIONS TO ACCOUNT A1420.4 ATTORNEY CONTRACTUAL EXPENSE**

Councilman Pritchard moved that the following resolution be adopted:

Whereas actions by James Freemesser, impacting the GOSC Project at the Eagle Creek Marina, have caused legal restraints to be placed upon the use of Engineering Specifications and Drawings for that Project and...

Whereas the Town of Kendall has been put on notice that such existing restraints have been put in place and...

Whereas this has required additional legal counsel from Heath and Martin, and Woods, Oviatt, Gilman, attorneys for the Town of Kendall,

Now, therefore be it resolved to increase the appropriations for account A1420.40 Attorney Contractual Expenses by an additional \$2715.00, to a total of \$6715.00, to cover the costs of this counsel.

Further, it is to be noted that Jim Freemesser/Eagle Creek Marina has been invoiced for the amount of \$2715.00 and has paid this same revenue over to the town of Kendall, reimbursing the Town of Kendall for this expenditure.

Such motion was seconded by Councilman Scroger, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #118-806 – PROVIDING FOR LIBRARY FUNDING & INTERFUND TRANSFER ACCOUNT DESIGNATIONS**

Councilman Scroger moved that the following resolution be adopted:

Whereas it is necessary to provide for detailed accounting and reporting of the expenditures of monies derived from the Joseph Hunt Library Trust Fund and whereas it is necessary that Interfund Transfers of funds be provided in sufficient amounts, as revenues, to adjust the budget in order to meet approved appropriations for the year 2006 expenditures.....

now, therefore be it resolved to:

1. Modify budget revenue Interfund Transfer accounts as follows:
  - Change A5031 Library Trust to A5031.2 Library Trust.
  - Change A5031 Retirement Trust to A5031.1 Retirement Trust
  - Change A 5031 Cemetery Trust to A5031.3 Cemetery Trust.
2. Increase the amount provided in revenue account A5031.2 Library Trust to \$2700.00 by authorizing transfer of funds in the amount of \$1840.00 from TE201 Time Deposits in the Money Market Account designated as Library Funds to account A5031.2 Library Trust.
3. Modify budget appropriation accounts as follows:
  - Change the designation of Account A7410.4 Library Contractual Expense to A7410.41 Library Contractual Expense - Librarian.
  - Create Account A7410.42 Kendall Library Contractual Expense.
  - Create Account A7410.43 Holley Library Contractual Expense.
  - The sum of \$ 860.00 originally budgeted as an appropriation in Account A7410.4 is authorized to be transferred to Account A7410.41 and further... the sum of \$40.00 is authorized to be transferred from revenue Account A5031.2 Library Trust to Account A7410.41 bringing the total in Account A7410.41 Contractual Expense Librarian to \$900.00.
  - The sum of \$1200.00 is authorized to be transferred from revenue Account A5031.2 Library Trust to appropriation Account A7410.42 Kendall Library Contractual Expense.
  - The sum of \$600.00 is authorized to be transferred from revenue Account A5031.2 Library Trust to appropriation Account A7410.43 Holley Library Contractual Expense.

Further, it is understood that corrections to previous accounting for expenditures during the year 2006 for Library Contractual Expense purchases must be made such that the expenditures are properly assigned to the appropriate, newly created accounts and that abstracts are modified to show the change.

Such motion was seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #119-806 – ACCEPTING RESIGNATION OF FRAN SWEENEY, BOOKKEEPER**

Councilman Scroger moved that the following resolution be adopted:

Whereas Fran Sweeney, under the advice of her physicians, has tendered her resignation as the Supervisors Bookkeeper by letter dated July 17, 2006 and...

**KENDALL TOWN BOARD – REGULAR MEETING – August 10, 2006 7:30 PM**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

whereas Fran Sweeney recognizes the necessity and value of proper transition of the important duties of this responsibility and has agreed to continue to provide for bookkeeping services to maintain accounting of payments and revenues, check preparation, bank reconciliations and necessary reports until such time as is reasonable to assure the successful transfer of data to the new fund accounting system and assumption of the bookkeeping duties in their entirety by the new bookkeeper...

now, therefore it is hereby resolved to accept Fran Sweeney's resignation with regret and with appreciation for her efforts and service having often been required to provide same under difficult circumstances.

Such motion was seconded by Councilman Schuth, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #120-806 – LYNNE M. JOHNSON, SUPERVISOR'S BOOKKEEPER**

Councilman Pritchard moved that the following resolution be adopted:

Whereas the opening for Supervisor's Bookkeeper exists due to notification as of July 17, 2006 that the current bookkeeper must vacate the position and...

whereas the supervisor is currently providing for a fund accounting software and system change requiring that all current year accounting entries from January 1, 2006 forward be loaded to the new system which encompasses significant work to be done concurrently with maintaining the current bookkeeping and financial requirements to operate the Town of Kendall and...

whereas the new bookkeeper's knowledge of the current system must be attained as well as providing for the loading of all information required to begin and maintain the new bookkeeping system....

now, therefore, be it resolved that the current bookkeeper, Fran Sweeney, will continue at her current rate of compensation throughout the month of August to maintain bookkeeping and financial requirements and...

be it further resolved that Lynne M. Johnson of 12118 East Yates Center Road, Lyndonville, New York 14098 be appointed as the Supervisor's Bookkeeper as of August 1, 2006. and...

be it further resolved that the salary will be set at the rate of \$14,000.00 per annum for the Supervisor's Bookkeeper and that Supervisor Vick is authorized to make the appropriate changes by further resolution to accommodate the necessary changes in budget and appropriation to provide for these changes in compensation.

It is further understood that in addition to the current responsibilities the Supervisor's Bookkeeper will be expected to assume all responsibilities, as of January 1, 2007, for payroll including collection of data as required to meet and make payroll payments, withholdings, retirement system requirements, and all related reports and filings made necessary by the payroll function. Similarly it is expected that the Supervisors Bookkeeper will be expected to provide, additionally, for the required New York State Comptrollers Annual Report as an annual duty including that required for the year 2006.

It is further understood that the Supervisor's Bookkeeper will maintain, additionally a second operating system, from a secondary location, from which the bookkeeping function can also be provided as well as providing for the absolute necessity of backup and duplication of the financial record.

Such motion was seconded by Councilwoman DiNatale, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #121-806 – ACCEPTING RESIGNATION OF CHRISTINE BOYCE (SYRACUSA), DEPUTY CODE ENFORCEMENT OFFICER**

Councilman Scroger moved that the following resolution be adopted:

Whereas Christine Boyce (Syracusa) has tendered a letter of resignation as the Deputy Code Enforcement Officer dated July 21, 2006 and effective as of that date...

now, therefore, be it resolved that the Kendall Town Board does hereby accept the resignation of Christine Boyce (Syracusa).

**KENDALL TOWN BOARD – REGULAR MEETING – August 10, 2006 7:30 PM**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

Such motion was seconded by Councilman Schuth, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #122-806 – DOUGLAS SCARSONS, DEPUTY CODE ENFORCEMENT OFFICER**

Councilman Scroger moved that the following resolution be adopted:

Whereas Scott Hardenbrook has recommended to the board that Douglas Scarsons be appointed to fill the existing vacancy of Deputy Code Enforcement Officer and...

whereas Douglas Scarsons has presented himself to Supervisor Vick as a candidate for this position and has provided credentials which include:

1. Having earned an Associates Degree in Business Administration
2. 5 years employment as the first code enforcement for the Town and Village of Lima
3. 5 years as District Manager and Fire Inspector for the Ridge Culver Fire District
4. Is presently employed and serving as the Code Enforcement Officer for the Town of Clarkson, Monroe County, New York with responsibilities for Building, Fire and Zoning Code requirements.
5. A Basic Code Enforcement Training Certificate, Registration Number 0989-7484B dated June 2002.

and further that Scott Hardenbrook indicates that he personally recognizes that Douglas Scarsons meets the qualifications to serve as Deputy Code Enforcement Officer and that he has previous work experience which included Douglas Scarsons ...

now, therefore be it resolved that the Kendall Town Board does hereby appoint Douglas Scarsons as Deputy Code Enforcement Officer to be compensated at the budgeted rate of compensation including the remaining semi-annual stipend of \$250.00 for the remaining period up to and including December 31, 2006.

Discussion occurred about his effective date of his employment and remaining amount of the semi annual stipend he is entitled to.

Such motion was seconded by Councilman Pritchard, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Nay</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Nay</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #123-806 – REPLACE LOCKS & KEYS FOR EXTERIOR DOORS OF TOWN HALL**

Councilman Scroger moved that the following resolution be adopted:

Whereas no complete record exists showing who has been issued an exterior door key or a master key to the Town Hall,

And whereas it is essential that everyone having a need to access the building during non-business hours allowed to do so with a minimum of inconvenience.,

And whereas it is essential that anyone not having a need to access the building is prevented from gaining access to the building during non-business hours,

Now, therefore it is hereby resolved to accept the bid from Terry Cook, Locksmith, to replace the exterior door locks with locks not keyed to our master system and the he provide 12 keys for said locks at a set cost not to exceed \$350.00.

Such motion was seconded by Councilman Pritchard, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #124-806 – INTRODUCTION OF LOCAL LAW #2 OF 2006 – MORATORIUM ON WIND ENERGY**

Councilman Scroger moved that the following resolution be adopted:

“RESOLVED, that Local Law No. 2 of the Year 2006 of the Town of Kendall, Orleans County, New York, being a local law entitled "The Town of Kendall Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmissions Facilities Law", be and the same is hereby introduced and placed on the tables and the desks of the members of the TownBoardatleast seven (7) days prior to final adoption, exclusive of Sundays; and, be it

**KENDALL TOWN BOARD – REGULAR MEETING – August 10, 2006 7:30 PM**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No.2 of the Year 2006 on the 14<sup>th</sup> day of September, 2006 at 7:30 p.m. in the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Kendall and published in the Hamlin Herald, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and, be it

FURTHER RESOLVED, that LaBella Associates as Engineers for the Town of Kendall have issued an opinion that such action is a Type II action within the provisions of the State Environmental Quality Review Act (SEQR) and no further action is necessary by the Town with respect to this moratorium under SEQR; and, be it

FURTHER RESOLVED, that proposed Local Law No.2 shall be referred to the Orleans County Department of Planning and Development, as otherwise required by law, prior to its adoption.

Such motion was seconded by Councilwoman DiNatale, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which was done with the following results:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the foregoing resolution was duly adopted.

***OTHER ITEMS OF DISCUSSION:***

Dog Control Ordinance was distributed, reviewed and discussed including those Planning Board members present. Changes have been underlined and submitted by Councilwoman DiNatale for the Planning Board to consider. Planning Board to review changes and come back on September 14, 2006 meeting for Town Board to take action on.

Councilman Pritchard suggested that the Board consider a Building Use Policy. Councilman Pritchard volunteered to follow through with this and review at upcoming workshop.

Councilman Pritchard will be out of Town for September 14, 2006 meeting and asked to be excused.

Councilman Schuth asked if a "State of the Town Address" will be presented by this board to the public. Much discussion resulted. Most cost effective way to distribute would be public places including Town Clerk's Office. No action to be taken at this time.

***ADJOURNMENT***

With there being no further business Councilman Scroger moved for adjournment, seconded by Councilwoman DiNatale. Unanimously in favor for adjournment at 10:23 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC  
Kendall Town Clerk