

REGULAR MEETING, KENDALL TOWN BOARD – MARCH 10, 2005

The Supervisor called the meeting of March 10, 2005 to order at 7:28 PM and the Pledge of Allegiance was led.

PUBLIC PARTICIPATION:

Public Present: Colin Zimmerman, Mike Lester, Allen Lofthouse, Beverly Lofthouse, Lisa Skrypnik, Catherine DiBella

Colin Zimmerman – 164799 Roosevelt Highway

Was very upset that the Town of Kendall sold the Civil War Artillery Cannon from the Greenwood Cemetery. Some of his points included the resolution adopted in October 2004 indicated “refurbish” when the Town sold it. Questioned the Town Board’s intent in the resolution. Questioned the definition of refurbish. Colin indicated that dictionary definition for refurbish does not have anything to do with sell. Supervisor Becker stated their major concern was that the cannon be stolen once the public found out the value of it. Supervisor Becker stated that part of refurbishment was the installation of the replica barrel and cleaning the carriage. Colin felt they had no authority to sell based on the resolution adopted. If concerned about it stolen then why not insure it, or secure it and not sell it. Asked if the Town Board requested any help to secure the cannon. Questioned if the Town ever requested it to be insured. If money was a concern, then asked if any service agencies were asked to help maintain the cemetery. The Town was not concerned about the money, the funds from the sale of the cannon will be put in a Trust Fund for the Cemetery and interest from the Trust fund will help operate the Cemetery, stated Supervisor Becker. The Cemetery is self sustaining. Colin asked who the prominent people were that Supervisor Becker spoke with. Supervisor Becker did not provide names for fear of harassment towards those individuals. Did the Town Board research the museum?, asked Colin. Colin asked if any officials have gone to this museum? Supervisor Becker stated he researched it through other municipalities and looked at museum’s charter. Colin asked if looked into the background of the person whom purchased the cannon. Colin claims that the man who purchased it is a Civil War Artillery Broker. Colin was in contact with the Orleans Veterans Association, US Government in Washington, the United States Army Material Command, Joints of Veterans Council and this man is going all over the country buying up cannons and would have offered four times more than what was given to the Town of Kendall. Colin Zimmerman calls this desecration and quoted the Webster’s Dictionary definition.

Colin Zimmerman requested the board to make a resolution not to sell the Memorial Rock that he gifted the Town of Kendall in 1995 that he donated to the Town of Kendall. Supervisor Becker would not take this under consideration. Colin stated that this memorial is worth 10,000.00.

Mike Lester – Assistant Scout Leader for Troop 94

Feels that this should be undone. Highlights of the Memorial Day events is to see the cannon. Fake is a fraud and that is wrong. It is a true artillery piece and it should be left alone. Feels the sale is a terrible injustice. Don’t care if it fires or it just sits there people admire these artillery pieces. Not only did the Town of Kendall be duped but the residents have been duped in the Town of Kendall. E-bay would put 60 to 70 thousand dollar value on this which would get you a trust fund

Colin Zimmerman asked if any Council members have opinions on this. Councilwoman Robinson indicated research was done on e-bay and could only find canons that are real things that were around 3 to 4 thousand dollars. Per Mike and Colin those are canons, this sold canon was a true artillery piece, and there is a difference. Desecration comes back to mind. Councilwoman Robinson stated she felt we were doing a good thing.

Supervisor Becker stated that the money went into a Trust Fund. The Greenwood Cemetery is self sustaining. It was not sold for the money to operate the Cemetery.

Colin Zimmerman stated that museums never buy items; they want you to give it to them. Rochester and Buffalo Museums usually want items donated, same with the Smithsonian. Colin contacted the US Army Material Command of which has a file on this gentleman very thick. They have had agencies after him and there are no laws to stop this man from doing what he is doing. A Congressman in Rhode Island Colin has been trying to talk with and will try to put a bill through to stop this. People in Washington are working to cataloging all these cannons and equipment to try to preserve them. There are so many rules and regulations for these pieces to be sure they are not desecrated. Colin has done all this research in two days and feels that the Town Board did not do their research.

Moved into session at 7:48 PM

Members present: Supervisor Becker
Councilpersons DiNatale, Robinson, Weisenburg
Members excused: Councilperson Kludt
Others present: Highway Superintendent Kruger

Motion by Councilman Weisenburg, seconded by Councilwoman Robinson, to accept the minutes of the meeting of February 10, 2005 as presented by the Clerk.

Ayes: All
Nays: None

Motion by Councilwoman Robinson, seconded by Councilwoman DiNatale to accept **General** Claims (Abs#3) totaling \$61,204.98. Supervisor Becker is authorized to pay said claims. (Voucher 45 to 72)

Ayes: All
Nays: None

Motion by Councilman Weisenburg, seconded by Councilwoman DiNatale to accept **Highway** Claims (Abs#3) totaling \$29,900.20. Supervisor Becker is authorized to pay said claims. (Voucher 35 to 63)

Ayes: All
Nays: None

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Motion by Councilman Weisenburg, seconded by Councilwoman DiNatale to accept **Agency Claims (Abs#3)** totaling \$37,979.52. Supervisor Becker is authorized to pay said claims. (Voucher --)

Ayes: All
Nays: None

Motion by Councilwoman Robinson, seconded by Councilman Weisenburg to accept **Capital Project Claims (Abs#2)** totaling \$65,176.48. Supervisor Becker is authorized to pay said claims. (Voucher 1 to 2)

Ayes: All
Nays: None

CORRESPONDENCE:

FROM:

Quality Lawn Mowing – Steve Seaman
Kendall Justice Court
Kendall Assessor
Kendall Town Clerk
Supervisor Becker:
Time Warner Cable
Time Warner Cable

RE:

Lawn Mowing Proposal for 2005
2004 Court Report
Updated STAR Exemptions
2004 Annual Report

Informal Proposal on Franchise Agreement
Will not be showing Sports Package on Cable

End of the Year Report of the Supervisor received from accountant but needs to be reviewed. Town Board will receive copy upon review.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS:

Warren Kruger – Highway Superintendent

- Snow supplies have exceeded our annual snow fall.
- Generator Project near completion. Highway did piping for exhaust. Waiting for a part then complete. Need to locate an electrician to complete the work.
- Smaller Generator for the Town Hall may be to big. Need to talk with Jim Steadman. May need to purchase on for Town Hall.
- When weather breaks and water goes away will take care of fractured mailboxes, correct yards and any other work needed.
- CHIPS – no budget cuts to know of. Will maintain current levels of funding. No inflation numbers included.
- New Program – Inter-mogul funds. Application to be made through offices of our Assembly or Senate representative. Highway fund to be used for Civic projects.
- Working on a Drainage Proposal – Center section of Norway Road to Center Road. Preliminary data put together and upon completion would like to present to this Town Board. Help eliminate some chronic flooding issues in our hamlet. Want to try to plan ahead in case the Town pursues Sewer Services in the Hamlet area. May need Town Engineer services for proposal. Can apply for funds through Inter-mogul program.
- New Mini Excavator – List price was \$30,000. Purchased at auction for \$19,500.00 and bought bucket too. Has 347 hours on it which is equivalent to 5,000 miles.
- Purchased Post Driver for \$1,900.00. Will be putting sign posts in more safely now. No more pushing posts in with bucket.

Nadine Hanlon – Kendall Town Clerk

Recreation Commission and with the Town Board’s support for nomination of Joe Canale for the Eileen Heye Award. Would like the nomination from the Recreation Commission and Town Board. Award is given for a person who voluntarily works with youth. Deputy Lisa Stenshorn will be attending the NYSTCA Conference on Tuesday to attend some training seminars on Marriages, DEC and Minutes. Jeff Miller has come to look at Kitchen/Utility Room for renovation. Would like to meet with Buildings and Grounds Committee to share ideas. Would like network computer system housed in a locked cabinet in a central location and Kitchen location would work great. This would remove it from Assessor’s Office. Front storage room is now being used for storage. Will be getting a Vital Records Module installed on my computer. Project will be done to place all old Births, Deaths, and Marriages all the way back to first records. This will give us another back up method.

RESOLUTIONS:

RESOLUTION # 44 – CALVIN ZIMMERMAN – EAGLE SCOUT.

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

WHEREAS, Calvin Zimmerman is a resident of The Town of Kendall, Orleans County, New York and
WHEREAS, Calvin Zimmerman is a member of the Boy Scouts of America Troop 94 located in the Town of Kendall, and
WHEREAS, Calvin Zimmerman did through Hard Work, Dedication and Demonstrated Leadership to Troop 94 and his Community, attain the rank of Eagle Scout, an Award of the Highest Merit,
NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kendall, Orleans County, State of New York, does hereby recognize the efforts, dedication and leadership shown by Calvin Zimmerman in his attainment of the rank of Eagle Scout, and
FURTHER, on behalf of all of the residents of the Town of Kendall, does commend and congratulate Calvin Zimmerman on the attainment of the rank of Eagle Scout, and
FURTHER, does wish him well in all of his Future Endeavors.

Ayes: All
Nay: None

RESOLUTION #45 - KENNETH DEROLLER - ASSESSOR

MOVED BY Councilwoman DiNatale, seconded by Councilwoman Robinson

BE IT RESOLVED THAT Kenneth DeRoller be appointed Sole Assessor for the Town of Kendall.

Ayes: All

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Nays: None

Note: Ken DeRoller has met the minimum qualifications at this time to be Sole Assessor.

RESOLUTION # 46 – SMALL CITIES ECONOMIC DEVELOPMENT APPLICATION SUBMISSION

MOVED BY Councilman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Supervisor is authorized to execute and submit a Small Cities application for Economic Development assistance to support the proposed expansion of the Eagle Creek Marina, all understanding and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Ayes: All

Nays: None

RESOLUTION # 47 – 2004 TOWN JUSTICE COURT REPORT

MOVED BY Councilman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the 2004 Town Justice Court report for 2004 be accepted as presented by the Justices.

Ayes: All

Nays: None

RESOLUTION # 48 – TOWN CLERKS 2004 ANNUAL REPORT

MOVED BY Councilwoman DiNatale, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Town Clerk's 2004 Annual Report be accepted as presented .

Ayes: All

Nays: None

RESOLUTION # 49 – KEVIN BANKER – ZONING BOARD OF APPEALS

MOVED BY Councilman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT Kevin Banker be appointed to fill an un-expired term on the Zoning Board of Appeals, with such term to end December 31, 2006.

Ayes: All

Nays: None

RESOLUTION # 50 – JOE CANALE – NOMINATION FOR EILEEN HEYE AWARD

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT the Town Board, with the Kendall Recreation Commission, wishes to submit the nomination of Joe Canale to the Orleans County Youth Board for consideration for the Eileen Heye Award.

Ayes: All

Nays: None

GENERAL DISCUSSION:

Will schedule meeting to discuss Time Warner Franchise

Will also schedule meeting with LaBella Associates to discuss water line extension and the possibility to use local highway employees to construct these extensions rather than bidding for construction.

Motion to adjourn by Councilwoman Robinson, seconded by Councilwoman DiNatale

Meeting adjourned at 8:30 P.M.

Next Meeting : April 14, 2005 at 7:30 P.M.

Respectfully submitted,

Nadine P. Hanlon, RMC
Kendall Town Clerk