

REGULAR MEETING, KENDALL TOWN BOARD – April 14, 2004

The Supervisor called the meeting of April 14, 2004 to order at 7:30 PM at the Kendal High School Auditorium. A moment of silence was requested in memory of Uldine (Deanie) Jurhs, Past Councilmember of the Kendall Town Board who recently passed away. The Pledge of Allegiance was led.

PUBLIC PRESENT:

Dick Cozier, Cheryl Cole, Beatrice Prevost, Gary Kent, Bryant Guehrer, Paul Fulcomer, Linda Kludt, Michelle Werth, Donald Beers, Lance Werth, Larry Akers, Sue Willgens, Ben Jones, Jack Gillman, Ed Gaesser, Lorena Patt, Cindy Christ, Butch Christ, Don Caldwell, Linda Curtis, R.J. Smith, Rose Marie Smith, Jill Groves, Ed Nelson, Todd Shillington, Ellie Nelson, Bob Nelson, Karleen LaDue, Gerald Ellis, Robert Hart, Randy Wright, Megan Clary, Michael Cumbie, Lee Anne Blodgett, Brandon Kirby, Tyler Smith, Sarah Bennett, Sarah Moore, Charles Scroger, Judy Ernenwein, John Gould, Mae Hughson, JoAnn Herman, Roger Herman, Tom Cole, Amy Conte, Clifford Provost, Harold Ward, Josh Groth, Adeline Klafehn, Amy Seaman, Rick Seaman, Wendy Becker, Paul and Cathy Schwenk, Janet Herman, Laurie Saztawrny, Colin Martin, Allen Lofthouse, Margie Kingston, Werner Stumpf, Russell Curtis, Bill Kruger, Pam Phillips, Fletcher Rowley, Daniel Rowley, Jane Hart, Darcey Schulwitz, Adelaide MacFarland, Karen Compton, Betty Rodrigues, Chris Klafehn, James Andre, Andrew Halstead, Alyce Reamer, Karen Anderson, Mike Lester, Carol Lofthouse, Kathleen Noon, Collin Mitchell, C.W. Lattin – County Historian, Scott Heidimann, Vicky Maxon, Jim Stedman, Hilda Cater, Dave Hofer, Ed Smith, Robert Snell, Tim Christensen, Harry Phillips, Howard Patt, Carla Hennekey, Fran Sweeney, Dennis Allaart, David Krupski, John Hucknall, Bart Joseph, Sandra Wilson, Donna Bowen, May Hughson, Don and Dorothy Hering, William Vick, Teresa Halstead, Angela Bobzin, Christos Tonas, Bill Furness, John Barrett, Mike Hanlon, Larry and Joan Weed, Marv and Diane DiPilato, David Schuth, Cathy Akers, Joan Mitchell, David Mitchell, Judy Meiers, Jon Wendal?, Mary Ann Wilson, Rich Furness, Linda Hofer, Alice Smith, Bruce Ladue, Rebekah Joseph, Jenn Landrum, Reilly Climenhaga, Adam Tabela, Gay Smith, Randy Spurr, Fran Rowley, Joe Brightly, Lon Smith, E. Marion Schwenk, Adreas Schwenk, Joette Knapp, Yorke Knapp, Gerald Reamer, Linda Allen, Scott Allen, Colin Zimmerman, Tim Jurhs, Jane Jurhs, Charles Patt, Kevin Noon, Scott Hardenbrook, Pat Hardenbrook, Bruce Glaser, John Glaser, Tracee David, Ashley Zimmerman, Greg Vogt, Rachel Maxon, Susan DeRoller, Lyn Kruger, Nicole Pahura, Marcia Mayes, Eric Maxon, Mary Ellen Seaman, Stephen Seaman, Carol D'Agostino, Jeff Conte, Beth Provost, Robert Pieniaszek, Thelma Costello, Jeanette Behnke, William Behnke, Kathey Loefstedt, Gary Colburn, Donald Pritchard, Todd Pieniaszek, Dawn Murray, Craig Herman, Beverly Lofthouse, Tom Rivers, Pat Kohlmeier, John Kohlmeier, Lois D'Andrea, Fred D'Andrea, John Linehan, Sandra Wilson, Marnie Ryan, Harvey David, Calvin Zimmerman, Carol Riviere, Michael Paduchak, Pat Dorney, Ray MacFarland, James Summers, Fred Conradt, Mike Marchetti, Heather Ladue, Dora Hayes, Wendy Balka, Karri Pieniaszek, Magan Garrison, Christine Garrett, Bill Biti, Joe Rodrigues, John and Lynn Rodrigues, Aleta Maynard, Kristine Stumpf, Craig Smith.

PUBLIC PRESENTATION:

Mike Lester – Felt everything could have been avoided. Referenced Town Law Book and felt with taking oath of office here to serve the people. Stated there are more than four families in Kendall.

Jerry Reamer – Read prepared statement. Has not seen an apology statement in the newspapers from the board. The fact is that we want the cannon back. Showed ribbon found – dedication of cannon memorial in 1909 at the Greenwood Cemetery.

Colin Zimmerman – Questioned if the board admits of wrong doing. Resolution stated refurbish – cannon should not have been sold. Will the Board try to get the cannon back? Asked for resolution to be adopted – no town heirlooms or historical items be sold for any offer. Colin asked for a moment of silence for our veterans.

Ben Jones - Questioned if Board members served in Military. Questioned if any Board member has gone to visit cannon in museum. Stated that 99% of the cannon's are not registered nor are gravestones but they too are monuments. Referenced Bill of Sale and questioned if don't know history then how can Bill of Sale be signed knowing that it is free of liens. Value of cannon – e-bay not an official place to find value, nor find historical pieces for sale. Congressional records of 1896 will show cannons loaned to municipalities. Recommended that they go to retrieve cannon in Pennsylvania and on return prepare resignations.

Allen Lofthouse – Here to uphold local governing representation. Feels Town Board does not see wrongful doing in their action of selling the civil war cannon in the quiet manner they did it in. Felt they did the unthinkable selling it. Not call for resignations – people will decide at election time. Wants to see cannon returned and a rightful service held dedicating it back to those it belongs to. Wife's ancestors are buried at the mound at this cemetery. If Town Board is approachable, consider approached tonight.

Carla Hennekey – Felt Town Board members are ignorant to the true value of this cannon, not meaning monetary. Took great offense to the loss of the cannon. Have ancestors here and family buried in cemetery. Grandmother was past Historian, valued history and family heritage just like herself. Felt board did little investigation and could have found how important it was to the people if just asked, voiced lack of communication. Feels that once the Town Board realizes their wrong doing, only at that time can they can gainfully get back the respect of the people.

Todd Shillington- Referenced a book of the GAR. Directed his concerns to the soldiers of the Civil War and how this cannon represents their honor and remembrance. Monuments were made by comrades to remember their friends who's lives were lost in fighting for our country. Monuments were made out of old machinery parts because money was hard to come by. "Spirit that builds it, redeems it".

Dick Crozier – Sons of the Union – Proud of his service to his country. Studied the Civil War and is now Historian of the Civil War. Appalled of the sale of the Civil War Cannon. Request to make resolution to get cannon back. Quoted a speech he gave to recognize the importance of the cannon.

Charles Scroger – Presented petition to the Board of over 500 Kendall voters to ask for the Town Board to get cannon back. Was told by Supervisor Becker that a petition submitted to the board will allow them to review public concern of the loss of the cannon.

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William Vick – 7 generations of his family have lived in the Town of Kendall and has relatives buried in this cemetery. Family member turned down the sale of the cannon in the past. Resolutions should say what, where, when, why, how, and this resolution lacked that. Town Board should be aware of the resolutions ahead of time so prepared to vote or question properly. Mr. Vick indicted that he would have liked to purchase it should he have known that it was for sale.

Wendy Balka – Stated she tried to make phone connection to Pennsylvania Museum where cannon went to but the telephone numbers were not working. Would like the telephone numbers available to her that the Town used in this matter of the cannon. Stated that Board was very professional this evening and asked if it can continue in the future.

Councilman Michael Weisenburg addressed the public and thanked them for attending. Was glad to see the students this evening. Thankful for the community’s opinions and concerns shared this evening. Felt the petition submission was a good action for the boards re-consideration of their actions. He will take comments under consideration.

Craig Smith – Asked if recess tonight’s meeting when will it be re-convened. Supervisor Becker will ask the board to consider Monday Evening, April 18, 2005 at 6:30 at the Kendall Town Hall.

Moved into session at 8: 25 PM

Members present: Supervisor Becker
Councilpersons DiNatale, Kludt, Robinson, Weisenburg

Others present: Attorney Douglas Heath, Highway Superintendent Warren Kruger, Code Enforcement Officer William Hardenbrook, Planning Board Chairman Thomas Cole, Water Superintendent Eric Peters.

Motion by Councilwoman DiNatale, seconded by Councilwoman Robinson, to accept the minutes of the meeting of March 10, 2005 as presented by the Clerk.

Ayes: All
No: None

Motion by Councilman Kludt, seconded by Councilman Weisenburg to accept **General Claims (Abs#4)** totaling \$43,495.81. Supervisor Becker is authorized to pay said claims. (Voucher 73 to 113)

Ayes: All
No: None

Motion by Councilwoman Robinson, seconded by Councilwoman DiNatale to accept **Highway Claims (Abs#4)** totaling \$36,190.18. Supervisor Becker is authorized to pay said claims. (Voucher 64 to 96)

Ayes: All
No: None

Motion by Councilman Kludt, seconded by Councilman Weisenburg to accept **Agency Claims (Abs#4)** totaling \$55,338.30. Supervisor Becker is authorized to pay said claims. (Voucher 4 to 5)

Ayes: All
No: None

Motion by Councilwoman DiNatale, seconded by Councilman Kludt to accept **Capital Project Claims (Abs#3)** totaling \$1,500.00. Supervisor Becker is authorized to pay said claims. (Voucher 2)

Ayes: All
No: None

CORRESPONDENCE:

FROM:	RE:
Supervisor & Bookkeeper	Revenues vs Expenditures Jan-March2005
Jim Bensley, Orlns Cnty Planning	Spring Regional Local Government Workshop
Kenneth Keirn, Morton Fire Chief	Morton Fire Company’s 75 th Anniversary Celebration
Planning Board	Meeting Minutes- 1/25/05, 2/22/05
	Letter of approval to Mr. John Velky
Zoning Board	Meeting Minutes- 1/6/05

Letter of Protest-sale of cannon

Weldon Barnum and Carl Boyle – Houseman-Tanner Post No. 1603
Ken & Carol Lillibridge
Jerry Reamer
Alyce L Reamer
Christine Shaw
Craig & Janet Herman
Roger & Joann Herman
Joyce Henry
Byrn Howe & Peter E Huth – Butts-Clark Post #204
Disabled American-Veterans, Chapter 202
Valerie Gaesser

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS:

Joette Knapp – Historian
Shared the History of the Cannon – Decoration Day – May 20th, 1909

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The 3” ordinance rifle being 73” long and can be accurate for a mile long. Designed by John Griffin made by Phoenix Iron and was made from Iron from Sag Harbor. In depth history was explained to the public. Town Board requested that a copy of this history be given to each of the Board members. (Copy in Town Board File)

Warren Kruger - Highway Superintendent

- Been working on equipment repair and built a broom for the front of the John Deere Mowing Tractor.
- Paint job being done on Trucks and markers are being removed from side of roads.
- Last rainstorm brought 4” of rain and will survey village area to see were drainage issues need to be addressed. Now collecting raw data to further present to board drainage solutions that possibly can be resolved by applying for grant.
- Sweeping streets and fixing pot holes.
- Contacted by NYS DOT regarding ditch that goes from Rt. 237 – Norway Road to Creek – ditch that we complained about before to possibly work on clearing.
- Working with the Kendall Planning Board on drainage issues for the proposed Noon major subdivision.
- CHIPS Funding to increase slightly – Welcome due to price of Fuel.
- County Bid Opening – Radical cost increase due to rate of inflation in petroleum products

Tom Cole – Planning Board Chairman

Addressed the KTS Major Subdivision. Attended School Board Meeting to address the proposal of the dedication of the school roads to the town and to discuss certain conditions. Dedication of water line was also discussed with School Board. Recommended to the School to keep the east end of Day Brehse Drive to access tennis and basketball courts and to have 80’ turn around east of Noon Blvd on Day Brehse Drive for snow plows.

Ellen Robinson – Buildings and Grounds

New water fountain installed. Estimates are being requested to correct front sidewalk at Town Hall. Estimates are also being requested for painting of ladies bathroom at Town Hall.

Eric Peters – Water Superintendent

Backhoe scheduled to be in end of next week. 140 hydrants will be painted by an individual completing his Eagle Scout Project. No serious matters at this time with the Water Department.

William Hardenbrook – Code Enforcement

Currently following up with unlicensed vehicle survey and letters are being mailed. Working on updating forms. Also involved in the KTS major subdivision. Working on other referrals at this time and building season is picking up, causing more building permits to be issued.

Nadine Hanlon – Kendall Town Clerk

Will be attending New York State Town Clerk’s Conference on Saturday. Lisa, Deputy Town Clerk, will be attending sessions on Tuesday. Asked Town Board members to check in to make sure any concerns are addressed while away.

RESOLUTIONS: (51 – 56)

RESOLUTION # 51 – ECONOMIC DEVELOPMENT GRANT OF \$562,000.00

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT the Supervisor is authorized to sign the contract with the Governors Office for Small Cities accepting the Economic Development Grant of \$562,000.00.

Ayes: All

Nays: None

RESOLUTION # 52 – NYMIR BOARD OF GOVERNORS

MOVED BY Councilman Weisenburg, seconded by Councilman Kludt

BE IT RESOLVED THAT the slate of candidates for election to the NYMIR Board of Governors.

Ayes: All

Nays: None

RESOLUTION # 53 – MEMORIAL DAY CEREMONY

MOVED BY Councilman Kludt, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT the Annual Memorial Day Observance is scheduled for Monday May 30, 2005 at Beechwood Cemetery.

Ayes: All

Nays: None

RESOLUTION # 54 – 2004 SUPERVISOR’S FINANCIAL REPORT

MOVED BY Councilwoman DiNatale, seconded by Councilman Kludt

BE IT RESOLVED THAT the 2004 year end financial report of the Supervisor be accepted.

Ayes: All

Nays: None

RESOLUTION # 55 – 75th ANNIVERSARY OF MORTON FIRE DEPARTMENT

MOVED BY Councilman Kludt, seconded by Councilwoman Robinson

WHEREAS, people of a community banding together for their mutual benefit is a time honored American tradition, and

WHEREAS, protection of ones community from the ravages of fire is a group endeavor that predates colonial times, and

WHEREAS, the Community that is Kendall has benefited from community organizations dedicated to the protection residents life and property from fire and other disaster, and

WHEREAS, the Morton Fire Department was organized in 1930 for the purpose of the protection of residents, and

WHEREAS, the Morton Fire Department has distinguished itself during that time in the protection of the life and property of the residents,

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NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kendall, Orleans County, State of New York, does hereby recognize the distinguished efforts and accomplishments of the Morton Fire Department during the past 75 years, and

FURTHER, on behalf of all of the residents of the Town of Kendall, does hereby congratulate and commend the Morton Fire Department on the attainment of its 75th Anniversary of service to the community, and

FURTHER, does encourage the Morton Fire Department to continue its outstanding efforts at community service.

Ayes: All

Nays: None

RESOLUTION # 56 – ENVIRONMENTAL CLEAN UP DAY – APRIL 30, 2005

MOVED BY Councilman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Highway Superintendent Kruger is authorized to provide assistance to the Kendall Lions Club and Boy Scouts for their Environmental Clean Up Day on April 30, 2005, including disposal of tires.

Ayes: All

Nays: None

GENERAL DISCUSSION:

Supervisors and Legislators Meeting - April 26th . Ed Houseknecht, Orleans County Highway Superintendent will be guest speaker.

Meeting recessed to April 18, 2004 at 6:30 PM

Meeting closed at 9:10 PM

APRIL 18, 2004 - RECESSED MEETING OF APRIL 14, 2005

Recessed meeting of April 14, 2005 was called back to order today, April 18, 2005 at 6:30 PM

Public Present: Joette Knapp, Yorke Knapp, Alyce Reamer, Gerald Reamer, Jill Groves, Marcia Mayes, Robert Snell, Ben Jones, Bruce LaDue, Colin Zimmerman, Bill Furness, Charles Scroger, Mike Hanlon, Rose Marie Smith, Harvey David, Harold Ward, Fred D’Andrea, Bob Pieniaszek, Mary Ellen Seaman, Stephen A. Seaman, Bill Kruger, Jeanette Behnke, William Behnke, JoAnne Glaser, Kaileen LaDue, Alice Smith, Ed Smith, Allen Lofthouse, Beverly Lofthouse, Judy Ernenwein, Lois D’Andrea, Julie Kludt, Roger Herman, Dave Stenshorn, Bruce Glaser, Mike Lester, Rick Seaman, Chuck Patt, Michelle Werth, Karen Anderson, Tom Rivers.

Members present: Supervisor Becker
Councilpersons DiNatale, Kludt, Robinson, Weisenburg

RESOLUTIONS: (56-57)

RESOLUTION # 56 - RECOVERY OF THE GREENWOOD CEMETERY CANNON BARREL

Motion by Councilman Weisenburg, seconded by Councilman Kludt

WHEREAS, pursuant to a resolution duly adopted at the October 14, 2004 meeting, the Kendall Town Board sold the existing cannon barrel which had been on display in the Greenwood Cemetery and purchased a replacement replica barrel for display; and

WHEREAS, an advisory petition signed by residents of the Town was presented to the Town Board at its April 14, 2005 regular meeting requesting that the Town Board recover the original cannon barrel from the purchaser and return the cannon barrel for display purposes to its original site in the Greenwood Cemetery; and

WHEREAS, upon review of the advisory petition and upon due consideration of the public comments made to the Town Board at its April 14, 2005 meeting, the Town Board does determine that it is the wish and desire of the residents of the Town of Kendall to recover the original cannon barrel; now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to take the following action to recover possession of the original cannon barrel: (1) return to the purchaser the original purchase price of \$15,000.00, (2) reimburse the purchaser of all additional out of pocket expenses including the cost of the replica barrel, transportation expense, commission fees and restocking charges, and further to make immediate arrangements for the pick up and return of the original cannon barrel to the Greenwood Cemetery.

Ayes: All

Nays: None

Note: Resolution result of Historical Information received, review of public comments and petition of over 500 signatures submitted.

RESOLUTION # 57 – ESTABLISHING KENDALL RESIDENTS ADVISORY COMMITTEE – GREENWOOD CEMETERY CANNON

Moved by Councilman Weisenburg, seconded by Councilwoman Robinson

WHEREAS, since significant documented history relating to the Cannon located in Greenwood Cemetery, which was lost, has been recovered, and

WHEREAS, the Residents of the Town of Kendall hold the ownership and display of this cannon in high regard, and

WHEREAS, it is the desire of the Town Board upon recovery of the cannon barrel to provide for a rededication ceremony and a proper place of display for the cannon and its history, and

WHEREAS, it is right and proper for the residents to be involved in the rededication and display of the cannon, now , therefore, be it

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RESOLVED, that the Town Board of the Town of Kendall does hereby authorize the establishment of a Residents Advisory Committee to work with the Town Board to provide for a suitable rededication ceremony and proper display of the cannon and its history in the Greenwood Cemetery and

FURTHER, that said Committee be made up of Five (5) Residents of the Town of Kendall and that each Town Board member shall appoint one (1) member, and

FURTHER, that the organizational meeting of this advisory committee shall be scheduled at the next regular Town Board meeting to be held on May 12, 2005.

Ayes: All

Nays: None

Note: Grant Funds available from Albany to offset fees and for re-dedication.

GENERAL DISCUSSION:

Councilwoman Robinson read a letter to be published in the local newspapers and asked support of the publication, all board members were in favor of the letter.

Motion to adjourn by Councilwoman DiNatale, seconded by Councilwoman Robinson

Meeting adjourned at 6:40 P.M.

Next Meeting: May 12, 2005 at 7:30 P.M.

Respectfully submitted,

Nadine P. Hanlon, RMC
Kendall Town Clerk

Lisa Stenshorn,
Deputy Town Clerk