

REGULAR MEETING, KENDALL TOWN BOARD – JULY 14, 2005

Supervisor Becker called the meeting of July 14, 2005 to order at 7:31 PM and the Pledge of Allegiance was led.

PUBLIC PARTICIPATION:

Public Present: Harry Butler, Dot Butler, Bill Vick, Al Lofthouse, Bev Lofthouse, James Smith, David Schuth, Ken Rush, Gay Smith, Jack Gillman.

Allen Lofthouse – Last meeting asked about the \$27,000 and where it was allocated from. May 12th meeting stated 8010.4 in resolution #58 for repurchase of the cannon. This is the Zoning Contractual Account. Clerk Hanlon will check minutes. Account number for Cemetery should be 8810.4. Minutes will be corrected should there be an incorrect account number, most likely a typographical error. Status of the Grant questioned. Supervisor Becker said was in contact with Nesbitt's office today and should get paperwork within 2 to 3 weeks. Asked about the status of the replica cannon. Supervisor Becker indicated that it is still in the Highway Garage. Received recommendations from the Rededication Committee (minutes in correspondence). At this time no advertisements for the sale of the replica have been made.

Kenneth Rush – Sales tax was down about \$150,000, which is a concern for him with considering the price of gasoline. However check just received by County Treasurer and tax revenue was much higher.

Supervisor Becker announced that Councilman Kludt will be late

Moved into session at 7:35 PM

Members present: Supervisor Becker
Councilpersons DiNatale, Robinson, Weisenburg

Others present: Attorney Douglas Heath, Highway Superintendent Kruger, Legislator Kenneth Rush, Water Superintendent Eric Peters, Assessor Kenneth DeRoller

Motion by Councilman Weisenburg, seconded by Councilwoman DiNatale to accept the minutes of the meeting of June 9, 2005 as presented by the Clerk.

Ayes: All

No: None

Motion by Councilwoman Robinson, seconded by Councilwoman DiNatale to accept **General** Claims (Abs#7) totaling \$42,340.16. Supervisor Becker is authorized to pay said claims. (Voucher 184 to 237)

Ayes: All

No: None

Motion by Councilwoman DiNatale, seconded by Councilman Weisenburg to accept **Highway** Claims (Abs#7) totaling \$101,717.27. Supervisor Becker is authorized to pay said claims. (Voucher 167 to 196)

Ayes: All

No: None

Motion by Councilman Weisenburg, seconded by Councilwoman DiNatale to accept **Agency** Claims (Abs#7) totaling \$38,064.89. Supervisor Becker is authorized to pay said claims. (Voucher 10 to 11)

Ayes: All

No: None

Motion by Councilwoman Robinson, seconded by Councilman Weisenburg to accept **Capital Project** Claims (Abs#4) totaling \$73,994.44. Supervisor Becker is authorized to pay said claims. (Voucher 4)

Ayes: All

No: None

CORRESPONDENCE:

FROM:	RE:
Civil War Monument Committee	Meeting Minutes 6/23/2005
Bookkeeper/Town Supervisor	Revenue vs Expenditure
	Jan 2005 – June 2005

Supervisor Becker:	Report for July
Ken DeRoller, Assessor	Offer for defibrillator \$1,226.00, if take all options (training will be included)
American Red Cross	Creation of School Community Park – request Town Board member to serve on Committee
Kendall School Board	
Sam's Club	Membership Interests – Contact Supervisor Becker if interested in a membership

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS:

Ellen Robinson – Buildings and Grounds
Front sidewalk should be done by Saturday. Highway Superintendent Kruger and crew worked on drainage before sidewalk construction began.

Ken DeRoller – Assessor – Report provided to Board

- Tentative Roll Process Compete May 9, 2005
- Board of Assessment Review- two cases discussed and resolved
- Final Roll Complete – Certified copy on file in Town Clerk's office – remains open for public inspection
- Working on Roll Year 2006
- Tentative Equalization Rate – 94% - State Board of Real Property – due to Market Conditions – 75 sales since last year.

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- Kendall Town News Letter – received positive feedback

Eric Peters – Water Superintendent

Quiet month. Hot and dry weather making consumption up. – Clerk counted quarters - \$473 in bulk consumption
Monroe County Water Authority has been testing master meters. Repaired fire hydrant in firemen’s field after carnival due to minor mishap with loader. List of all properties on meters to Kendall Assessor’s office for maintenance fee. New piece of main on Roosevelt Highway in Hamlin just activated last week.

Warren Kruger - Highway Superintendent

- Drainage on Ken Mor Road – east of Kendall Road completed – No routine rain to test it nor helping grass grow.
- Patching areas of the roads with chips seal.
- Sidewalk Section on Kendall Road (near Sprague’s) – supplies will be delivered within 2 weeks.
- Worked at Lake – worked on some of the easements - cleaned out parkway drains.
- David Lange – State DOT resident engineer – moving him from Batavia to Rochester. Now in Batavia is a residency manager – person with less authority.
- Highway Association negotiated with State - raising highway equipment reimbursement rates by 4.7% as a result of fuel rate increases.
- Steve Jones, Highway Superintendent from Carlton and Warren Kruger made presentation to jointly purchase a used Screener/Stacker combination. This will allow the two towns to recycle certain materials back into reusable materials to cut costs. Could save up to \$10,000 per year with recycling materials. Carlton now is saving about \$13,000 on an upcoming project. Carlton Board approved \$6500. for the purchase of the screen. Town of Kendall to contribute \$5500 for the stacker. Neither of the units are “spring chickens” but technology has not changed much. Can be used for screening own top soil, recycling road materials, and mixing salt and place it in salt storage facility. Typically rented equipment for these duties. Ownership will be on the stand alone units for each town. Supervisor Becker asked that each of the Highway Superintendents place in writing how the repair costs, usage etc will be handled between both towns. Attorney Heath suggested that a Municipal Cooperation Agreement be developed.
- Starting drainage on Monday on the Crandall Ave block in response to the neighbors needs.
- Intermogul Representative will be meeting with Warren regarding the Drainage Grant Information for application.
- Councilman Weisenburg asked if a written agreement was made with the Freitag’s regarding sidewalk project – Warren indicated that we are in the right of way. Their concern was just with the tree. Leach field is not a problem.

RESOLUTIONS: (69 – 72)

RESOLUTION # 69 – APPROPRIATION OF FUNDS FOR DRAINAGE EXPENSE

MOVED BY Councilman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT \$6,025.00 be appropriated from unallocated fund balance to A8540.4 Drainage Contractual Expense.

Ayes: All

Nays: None

RESOLUTION # 70 – VOID BUILDING PERMIT #3354 AND PROVIDE REFUND

MOVED BY Councilwoman Robinson, seconded by Councilman Weisenburg

BE IT RESOLVED THAT \$12.00 be appropriated from unallocated fund balance to A3989.4 misc. Public Safety contractual expense for the purpose of refunding the fee for Building Permit #3354 issued on 3/21/2005.

Ayes: All

Nays: None

RESOLUTION # 71 – HIGHWAY TO PURCHASE STACKERY/CONVEYOR

MOVED BY Councilwoman Weisenburg, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Highway Superintendent is authorized to purchase a stacker/conveyor for \$5,500.00 with said funding to come from unallocated highway fund balance.

Ayes: All

Nays: None

Attorney Heath extensively reviewed the Loan and Security Agreement between the Town of Kendall and Jim Freemesser, Inc. dba Eagle Creek Marina for the Small Cities Community Development Block Grant Program. This agreement was established by Stu Brown’s Office. Some major points of discussion included and should be considered for agreement:

Ask for general assignment of rents, request personal guarantees from Jim Freemesser and Peggy Freemesser, Project description needs to be compared with the Planning Board conditions, mortgage subordinate to the mortgage held by Lyons National Bank, security interests in fixtures, equipment, inventory, supplies, accounts receivable, chattels, general and tangible an all other properties located on the property and be sure that Jim and Peggy have Keyman Life Insurance.

Loan and Security Agreement was reviewed page by page and appropriate changes were made. Modifications will be discussed with Stu Brown and Final Document to be circulated. A major issue is that with other Loan from Lyons National Bank we will forever be in second position should defaults occur.

RESOLUTION # 72 – PREPARATION OF LOAN AGREEMENT WITH EAGLE CREEK MARINA FOR SMALL CITIES GRANT PROJECT

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT Attorney Heath is authorized to proceed with the preparation of the Loan Agreement between the Town of Kendall and James Freemesser dba Eagle Creek Marina for approval by Supervisor Becker.

Ayes: All

Nays: None

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GENERAL DISCUSSION:

Proposed water meeting with LaBella Associates and Stu Brown will be cancelled for July 19th and will need to be rescheduled. Dates to choose are July 28th – Thursday or alternate date of July 26th – Tuesday. Workshop to discuss possible water extensions and cost feasibility.

Councilman Weisenburg – over the last month have made four phone calls to Nesbitt’s office regarding Assembly bill A3432B. As of today have faxed a letter stating that Nesbitt is in support of this bill, passed the Senate and is waiting in the Assembly in the codes committee. Assembly is now in recess and will pick it up on the fall. Will be contact with us, Councilman Weisenburg will continue to follow up with this legislation.

Councilman Kludt was absent from meeting.

Motion to adjourn by Councilwoman Robinson, seconded by Councilwoman DiNatale
Meeting adjourned at 9:35 P.M.

Next Meeting: August 11, 2005 at 7:30 P.M.

Respectfully submitted,

Nadine P. Hanlon, RMC
Kendall Town Clerk