

TOWN OF KENDALL
TOWN BOARD MEETING
Tuesday, May 17, 2011, 7:30 P.M.

Supervisor Gaesser called the meeting to order at 7:30 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilman Pritchard	present
Councilman Joseph	excused
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present, Clerk Richardson, Attorney Sansone, Planning Chair Gray, CEO Gursslin, Orleans County Legislator Rush, Bruce and Cathy Newell, Heather Stone

SUPERVISOR'S REMARKS

Supervisor Gaesser has received the preliminary audit report, and has provided copies to the board members for review.

Councilman Pritchard made a motion to accept the minutes for the Town Board Meeting on April 19, 2011. The motion was seconded by Councilman Schuth; all ayes.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair - no report

Buildings, & Grounds –Joseph, Chair

The town hall roof sustained significant damage in the windstorm. A repair estimate for \$1125 and pictures were submitted to NYMIR, which approved the repair. With deductible, the amount to be reimbursed will be \$138. Supervisor Gaesser will contact them to see if submitting this claim would result in any rate increase.

Information Services –Joseph, Chair – the court has received their new printer/copier/fax.

Highway –Gaesser, Chair – no report

Culture & Recreation –Pritchard, Chair

The Office of the Aging has requested adding a third day of nutrifare-senior program.

Planning, Zoning & Agriculture –Schuth, Chair

Zoning Board has provided Code Enforcement with its property survey results.

Community Relations –Schuth, Chair

Lion's Club garage sale is Saturday.

Memorial Day observance is set for May 30th at 7:00 at Beechwood Cemetery.

Human Resources and Ethics –Szozda, Chair – no report

Employee Benefits –Szozda – no report

Finance, Taxes & Special Districts –Gaesser, Chair – no report

Orleans County Representative – Ken Rush

Dog contract issue is nearly resolved.

Nursing home is running at budget level.

County Parks will operate this year. State commitments to parks are unclear at this point.

Boards

Planning Board – P. Gray, Chair

The last meeting included a pre-application meeting with a woman who would like to convert Vick's Hardware into a restaurant. The Planning Board wanted to gain an understanding of what her intentions are, and to outline the process to be followed. A special use permit and site plan will be required. There are several obstacles, but the plan is progressing.

Supervisor Gaesser expressed hope that this is successful, and encouraged all involved to aid in the realization of this plan, if possible.

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – report submitted

Code Enforcement – L. Gurslin

The woman interested in opening a restaurant where the Vick Hardware store was, Mavis Williams, has met with CEO Gurslin, and he has provided her with a checklist of steps to be taken. She has contacted an engineer.

CEO Gurslin spoke about an example in town of a semi-trailer used for storage to observe before this subject is addressed.

Highway - W. Kruger – the constant rain is causing minor flooding issues, and the damage caused by the wind storm has made clean-up difficult, so the brush pick-up window will be extended. Mowing has been getting done as the weather allows. Drainage issues on Kenmor Road are being discussed with the county. Next year the plans will be to repave Kenmor Road. Superintendent Kruger outlined immediate and long-term improvement plans. Mr. Gray was commended for his years of coordinating the town cleanup day each year for over twenty years.

Road work will be done on Center Road between Carr and Lakeshore Roads, and Norway Road from Kenmor Road north to Lakeshore Road. The ditch to the elementary school may be enclosed this year. The school parking lot work will require an inter-municipal agreement, which Attorney Sansone will draft. The municipal auction provided a flashing road sign, temporary speed bumps, a parts pallet and a power sign-post pounder at good prices. The 284 agreement is pending.

The brush pile on Woodchuck Alley is not to be burned anymore, and the companies which took chipped brush are no longer accepting them.

Historian – J. Knapp – no report

Recreation – B. Flow – report submitted

Town Clerk – A. Richardson – report submitted

Town Justice - C. Lape & V. Maxon – reports submitted

Supervisor - report submitted

CORRESPONDENCE

A request for use of the building by the Red Cross has been received.

PUBLIC COMMENT

Councilwoman Szozda questioned Chairman Gray about the inclusion of #6 under PROPOSED NEW DEFINITIONS. Chairman Gray explained that this is a definition, not a policy, and is necessary for clarification that accessory structures and devices formally used for highway use are NOT the same thing. This is not a change from current policy, but simply a clarification.

Councilwoman Szozda asked if leaving this definition out would weaken the document.

Highway Superintendent Kruger expressed that he thought this definition changed what is currently in place.

Supervisor Gaesser explained that this definition does not change any current policy. Semi-trailers use as storage is not addressed anywhere in local code. By NYS code, they are classified as junk vehicles, and one is allowed on a property without being subject to the permit process.

Superintendent Kruger said this definition may be out of the scope of the proposed changes, and finds it confusing. Attorney Sansone explained that this definition does not change any current policy.

Supervisor Gaesser explained that the definitions are town-wide definitions, to be used throughout the local code.

Heather Stone complimented the document, and thanked the board for the work done.

Bruce Newell – asked if brush pick-up dates will include private roads. Hwy. Sup. Kruger said yes.

- asked for information about a rumored sale of the Salvation Army property tax breaks and deed restrictions on this property.

Supervisor Gaesser said it is advertised for sale, no talk of any tax break has occurred, and the town has no information on any deed restrictions.

RESOLUTIONS

Councilman Schuth made the following motion, seconded by Councilman Pritchard, after amendments:

RESOLUTION 50-0511 ADOPTION OF LOCAL LAW 1 OF 2011- REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT RESIDENTIAL ZONES

Whereas the Kendall Town Board has considered the Revisions to the Town of Kendall Zoning Regulations within Hamlet, Waterfront Development and Waterfront Residential Zones as prepared by the Kendall Planning Board, and whereas this document has been reviewed by the Orleans County Planning Board without condition, and the attorney for the town, John Sansone, and

Whereas, the Town Board conducted a public hearing to consider adoption of proposed Local Law #1 of the year 2011 on May 3, 2011 at 7:30 PM in the Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476, at which time all persons wishing to be heard in favor or in opposition thereto were heard,

Now, therefore be it resolved that Local Law #1 of 2011 of the Town of Kendall, Orleans County, New York, being a local law entitled “Revisions to the Town of Kendall Zoning Regulations within Hamlet, Waterfront Development and Waterfront Residential Zones” be adopted; and

Further, be it resolved, that upon passage of this resolution, the Kendall Town Clerk is authorized to submit this Local Law to the New York State Department of State for filing, and to incorporate these changes into the Town of Kendall Zoning Ordinance for enforcement, and further be it resolved that

upon the date Local Law 1 of 2011 is filed with the state, Local Law 2 of 2010 entitled Extending the Moratorium on Accessory Structures in the Hamlet, Waterfront Development, and Waterfront Residential Zones, is no longer in effect.

Discussion: Councilwoman Szozda asked to have #6 under definitions deleted, and asked that Councilman Joseph's letter be read into the record, and did so. (A signed copy of this letter is attached to these minutes – aklr) Supervisor Gaesser expressed wanting #6 to remain, saying that at a board work session on May 9th, a lengthy revision process resulted in agreement by Planning, Code Enforcement, and all five members of the Board to the current wording. Further discussion at this meeting reinforced the appropriateness of the current wording. Councilman Schuth spoke in favor of wording as is, and the devices intended for highway use will be addressed in future ordinance revisions. This current wording does not allow or disallow these devices.

Supervisor Gaesser called for a roll call vote, with the following results:

Councilman Pritchard	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Councilman Pritchard made the following motion, seconded by Councilman Schuth:

RESOLUTION 51-0511 TO RENEW THE TIME WARNER CABLE CONTRACT FOR DIGITAL PHONE SERVICE FOR THE TOWN HALL AND INTERNET SERVICE FOR THE TOWN HALL AND HIGHWAY GARAGE.

Whereas, the Town of Kendall is committed to obtaining the most cost effective way to provide phone and internet service in all Town facilities,

Therefore, be it RESOLVED to authorize the Kendall Town Supervisor to renew contracts with Time Warner Cable for phone service for the Town Hall and internet service for the Town Hall and Highway Garage, with contracts subject to attorney approval.

Supervisor Gaesser called for a vote, with the following results:

Councilman Pritchard	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Councilman Schuth made the following motion, seconded by Councilwoman Szozda:

RESOLUTION 52-0511 ACKNOWLEDGEMENT AND THANKS FOR TOWN CLEAN-UP

Whereas the members of the Kendall Lions Club, Kendall Leos Club, Boy Scout Troop 94, Cub Scout Pack 94, and many town residents volunteered to, and accomplished a town-wide roadside clean-up project on the 30th day of April 2011, and...

Whereas this project did improve the appearance of the Town, reduced the workload of the Highway Department, and improved the appearance of the community, therefore, now,...

Be it resolved that the efforts of Kendall Lions Club, Kendall Leos Club, Boy Scout Troop 94, Cub Scout Pack 94, and numerous town residents are hereby acknowledged, duly noted and sincerely appreciated.

Supervisor Gaesser called for a vote, with the following results:

Councilman Pritchard	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Councilman Szozda made the following motion, seconded by Councilman Schuth, after amendment:

RESOLUTION 53-0511 ACKNOWLEDGEMENT OF CODE ENFORCEMENT REPORT

Whereas Code Enforcement Officer Larry Gurslin, and Deputy Code Enforcement Officer Paul Hennekey have inspected the structure at 17075 Norway Heights and have submitted their findings to the Town Board, be it resolved that the Kendall Town Board acknowledges receipt of such report, and will submit said report to the attorney for the town for his review and direction as to how to legally proceed with this matter.

Supervisor Gaesser called for a vote, with the following results:

Councilman Pritchard	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Councilman Pritchard made motion to approve the payment of claims as presented on Abstract 5 of 2011, seconded by Councilwoman Szozda; all ayes; motion carried.

PAYMENT OF CLAIMS

General Fund	Abstract 5	\$19,598.36	Vouchers 271-290,292-298,301-307
Highway Fund	Abstract 5	\$23,469.44	Vouchers 272,279,308-343
Street Lighting 1	Abstract 5	\$409.05	Voucher 292
Street Lighting 2	Abstract 5	\$241.70	Voucher 292
Street Lighting 3	Abstract 5	\$139.85	Voucher 292
Water District 3	Abstract 5	\$6821.25	Voucher 299

Water District 4	Abstract 5	\$25,138.75	Voucher 300
Water District 6	Abstract 5	<u>\$55.97</u>	Vouchers 291,301
		\$75,874.37	

OLD BUSINESS

Town of Kendall Water Improvements Feasibility Report – meeting is set with MCWA on May 27.
 Councilwoman Szozda requested written minutes of this meeting.
 A new date for work session was set for June 20 at 7:00 pm.
 Discussions about the school road, and a visit to the highway building by MCWA were held.

Carlton Intermunicipal Agreement regarding water on Transit Road, north of Carr Road –
 Four responses in favor have been received. Two letters were returned, both on vacant land. Councilman Pritchard will pursue reactions from those who have not responded.

NEW BUSINESS

Red Cross request for using the meeting room for a blood drive on June 30th – board approved this request.

Morton Union Cemetery – is struggling financially and is considering turning this cemetery over to the town. A request for reduced-price mowing has been made. The attorney will look into whether this can be accommodated.

Office of the Aging request for an additional day for the seniors’ group – the recreation director will provide a written recommendation to the Board. An additional day may not be manageable, and there are budget considerations. A decision will be made at the June meeting.

A motion for adjournment was made by Councilman Pritchard and seconded by Councilman Schuth; all ayes; meeting adjourned at 9:30 pm.

Respectfully Submitted,

Amy K. Richardson
 Kendall Town Clerk