

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**

Tuesday, May 18, 2010, 7:30 P.M.

Supervisor Gaesser called the meeting to order at 7:31 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

|                      |         |
|----------------------|---------|
| Councilman Pritchard | present |
| Councilman Joseph    | present |
| Councilman Schuth    | present |
| Councilwoman Szozda  | present |
| Supervisor Gaesser   | present |

Recording of meeting was done by Deputy Town Clerk Miesner.

OTHERS PRESENT: CEO Larry Gursslin, Deputy CEO Paul Hennekey, Planning Board Chair Paul Gray, Rod and Becky Hughson, Robert Mosher, James Gaylord, Al and Bev Lofthouse, Mary Ellen Seaman, Joyce Henry, Russell Curtis, Deputy Town Clerk Miesner

**SUPERVISOR'S REMARKS**

The meeting room renovations have begun.

The Town newsletter was published. Thanks were given to Town Clerk Richardson, Deputy Clerk Miesner, Councilwoman Szozda, and Councilman Pritchard for their efforts.

**ACCEPTANCE OF MINUTES**

Councilman Pritchard motioned to accept the minutes of the town board meeting of April 20, 2010. 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

Buildings, & Grounds –Joseph, Chair

Information Services –Joseph, Chair

Modifications to the court/meeting room are in progress, and this project is taking a great deal of time.

Highway –Gaesser, Chair

There has been a recent acquisition of a used truck from a municipal auction. Funds were taken from within the highway equipment budget.

Sidewalk repair and installation is in progress.

Scraping at the highway building has yielded \$10,700 to date.

Culture & Recreation –Pritchard, Chair

Recreation has received \$700 in donations to the disadvantaged youth fund.

Planning, Zoning & Agriculture -Schuth, Chair

Training classes are offered, and several members are planning to attend.

Zoning Board has approved a variance on Norway Road

Planning Board has been finalizing the new junk regulations for presentation to the attorney, county planning board and town board. Storage regulations are also being studied.

Community Relations –Schuth, Chair

Community Park meeting is planned. Lions' Club garage sale is this weekend.  
Human Resources and Ethics –Szozda, Chair  
Employee Benefits –Szozda  
Self-assessment forms have been distributed to employees.  
Finance, Taxes & Special Districts –Gaesser, Chair  
The board has the complete report from the independent auditor for review.  
Orleans County Representative – Ken Rush  
Not present

#### Boards

Planning Board – P. Gray, Chair  
Robinson riding stable determined to be within the allowed uses for that area, and does not require a permit for continuance of operation.  
Akeys returned with a revised plan for a wind energy system. They were advised that at this time, an application would be denied by the Planning Board, and were given the process of seeking a variance.  
Container law and junk law are being finalized.  
Moratorium on accessory structures questions have been brought forward. The Planning Board has been working on the regulations updates.  
Zoning Board – K. Banker, Chair  
No report

#### Department Heads

Assessor – G. Massey – no report  
Code Enforcement – L. Gursslin  
The majority of time this month has been spent on code enforcement rather than building. Issues with one property on Roosevelt Highway have required direction from the Orleans County Sheriffs' Department. The moratorium on accessory structures has been a source of frustration for some lake residents. The new filing system is nearly complete in the code enforcement office.  
Creek Road property is being cleaned up.  
Highway - W. Kruger – no report  
Historian – J. Knapp – no report  
Recreation – B. Flow – written report submitted  
Town Clerk – A. Richardson – written report submitted; Clerk Richardson is in Albany, for local officials training and touring with a group headed by Assemblyman Hawley.  
Town Justice - C. Lape & V. Maxon – written report submitted

## **PUBLIC COMMENT**

Rod Hughson, Carton Road – brought the issue of pollution in Sandy Creek to the board’s attention last Summer and wondered about the status of the situation. Councilman Joseph responded that the town contacted the DEC after site inspections by the code enforcement department. CE Deputy Hennekey spoke to DEC Officer Kroft after several inspections of the creek. Mr. Kroft did a follow-up, and some testing of the water. Also the Orleans County Health Department was also involved. Mr. Hughson stated that he had not been contacted. Nothing abnormal had been found during these tests or inspections. Mr. Hughson reported that the problem is recurring. Deputy Code Enforcement Officer Hennekey said that there had been a year-long testing performed. Attorney Sansone said the town could obtain the details and results of that testing through FOIL process from the state and the county health department. Supervisor Gaesser asked the attorney to request these records. Councilman Joseph suggested Mr. Hughson call 911 during the next incident, and Attorney Sansone suggested Mr. Hughson document the incidents with photographs. Councilman Joseph stated that the board has taken steps to research this. Mr. Hughson said he has had to have limited involvement in a complaint process for personal reasons. Supervisor Gaesser stated that the Town’s responsibility is to help obtain assistance from the agencies which have jurisdiction for this situation.

## **RESOLUTIONS**

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

### **RESOLUTION 63-0510 - ACKNOWLEDGEMENT AND THANK YOU FOR TOWN CLEAN-UP**

WHEREAS, the members of the Kendall Lions Club, Kendall Leos Club, Boy Scout Troop 94 and Cub Scout Pack 94 volunteered for, and accomplished, a town-wide roadside clean-up project on the 24th day of April, 2010, and...

WHEREAS, this project did improve the appearance of the Town, reduced the workload of the Highway Department, and aided the community residents and local organizations,

Now, therefore, be it **RESOLVED** that the efforts of the Kendall Lions Club, Kendall Leos Club, Boy Scout Troop 94 and Cub Scout Pack 94 are hereby acknowledged, duly noted and sincerely appreciated.

Supervisor Gaesser called for a vote, which resulted in all ayes, and declared the motion carried.

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

### **RESOLUTION 64-0510 - BUILDING PERMIT FEE SCHEDULE FOR ENERGY CONVERSION SYSTEMS**

Be it **RESOLVED** to establish a building permit fee for energy conversion systems as 3% of the total project costs, wherein the total of project costs is determined before the application of any and all credits and rebates.

Be it further **RESOLVED** that, in addition to this building permit fee, that the applicant shall include a written agreement in which the applicant agrees to pay for reasonable consultant and legal fees incurred by the Town of Kendall. This reimbursement will be required should the Town of Kendall choose to employ a consultant to review the drawings, analyses, studies, reports and certifications submitted by the applicant with respect to the project and its completion. The agreement must be signed and submitted by the applicant and bear the seal and signature of a notary public prior to the Town’s contracting for consulting services.

After discussion, Supervisor Gaesser called for a vote, which resulted in all ayes, and declared the motion carried.

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

**RESOLUTION 65-0510 – ESTABLISHING A SPEED ZONE FOR BANNER BEACH ROAD**

WHEREAS, Resolution 76-809 declared Banner Beach Road a public town road by use, and,

WHEREAS, the Town Board deems that it would promote the health, safety and welfare of the people of the Town of Kendall for the speed limit on Banner Beach Road to be reduced from 55 miles per hour to 30 miles per hour, and,

WHEREAS, §1622 of the New York State Vehicle and Traffic Law establishes the law regarding speed limits on town highways, and

WHEREAS, this law states that the department of transportation, upon the request of the county superintendent of highways of a county, and the town board of the town affected with respect to town highways in such town outside of cities or villages, may, by order, rule or regulation: (1) Establish maximum speed limits at which vehicles may proceed on or along such highways higher or lower than the fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, (2) Establish maximum speed limits at which vehicles may proceed on or along all such highways lying within an area as designated by a description of the boundaries of such area submitted by the county superintendent of highways of a county and the town board of the town affected lower than fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than thirty miles per hour.

Now, therefore, be it **RESOLVED**, that the Town Board of the Town of Kendall does request the speed limit for Banner Beach Road be established as 30 miles per hour.

It is further **RESOLVED** to submit this resolution to the Orleans County Superintendent of Highways and request that they accept our request and submit our request to the NYSDOT.

Supervisor Gaesser called for a vote, which resulted in all ayes, and declared the motion carried.

Attorney Sansone suggested a resolution regarding adopting new fees for property information requests be pulled from the agenda.

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

**RESOLUTION 66-0510 FOR THE PURCHASE AND INSTALLATION OF CARPET IN THE LARGE CONFERENCE ROOM**

Whereas, due to age and wear, the carpet is no longer secured to the floor, and it has become necessary to replace the carpet, now

Be it **RESOLVED** to purchase 12' x 168.8' (225 yards) of Shaw Commercial Carpet, style: Villanova 28 ounce nylon or equivalent, and pay for the installation of the carpet along with installation of 70' of 4" cove base for a total cost not to exceed \$4,500.00.

Supervisor Gaesser called for a vote, which resulted in all ayes, and declared the motion carried.

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

**RESOLUTION 67-0510 – CELLULAR TELEPHONE POLICY**

WHEREAS, our Code Enforcement Officer and Highway Superintendent must be available 24/7 for matters of public safety, and

WHEREAS our existing cellular telephone policy provides guidance for the use of cellular telephones which are owned by the Town of Kendall, and

WHEREAS, for purposes of practicality and cost management, we desire these Town of Kendall employees to utilize their personal cellular telephones when necessary to be available for town business on a 7/24 basis,

Now, therefore, be it RESOLVED that Town Board of the Town of Kendall does agree to provide our Code Enforcement Officer and our Highway Superintendent a stipend of \$30 per month (each) effective June 1, 2010 for him/her to use his/her personal cellular telephone for official town business, and,

Be it further RESOLVED, that our existing Cellular Telephone Policy be replaced with a new policy which describes the use of personal cellular telephones for official business, and be it further

RESOLVED to accept the submitted draft policy as such policy. (see attached)

Supervisor called for a vote, which resulted in all ayes, and declared the motion carried.

Councilwoman Szozda motioned to approve the payment of claims, as presented, seconded by Councilman Pritchard; all ayes.

**PAYMENT OF CLAIMS – ABSTRACT 5**

|                   |             |                |                                      |
|-------------------|-------------|----------------|--------------------------------------|
| General Fund      | Abstract 05 | \$15,714.13    | Vouchers 310-333,335-342,345-347,377 |
| Highway Fund      | Abstract 05 | \$14,806.56    | Vouchers 311,348-376                 |
| Street Lighting 1 | Abstract 05 | \$410.05       | Voucher 333                          |
| Street Lighting 2 | Abstract 05 | \$240.69       | Voucher 333                          |
| Street Lighting 3 | Abstract 05 | \$133.36       | Voucher 333                          |
| Water District 3  | Abstract 05 | \$6,948.75     | Voucher 344                          |
| Water District 4  | Abstract 05 | \$25,521.25    | Voucher 343                          |
| Water District 6  | Abstract 05 | <u>\$51.77</u> | Vouchers 315, 334                    |
|                   |             | \$63,826.56    |                                      |

**OLD BUSINESS**

Joint Hamlin-Kendall Water District – Supervisor Gaesser has been in contact with the Town of Hamlin supervisor. Next step is for Councilman Joseph and Supervisor Gaesser to review the information, and to meet informally with Hamlin’s supervisor to lay groundwork and to set a meeting date.

Potential Water District Petitions – Superintendent Kruger and Councilman Joseph met with Mike Schaffron to obtain potential costs, and a presentation for the board has been prepared comparing various plans. The MCWA agreement has been studied extensively. Councilman Pritchard is researching funding sources.

Water District 6 BAN and Closeout - Bond Counsel Inquiry – Councilman Pritchard has been told that the previous firm is unable to provide these services any longer. A new firm will be chosen.

School Road Dedication – Supervisor Gaesser and KCS Superintendent Christensen met and discussed the concerns of the road dedication. Quality of water concerns brought up by MCWA were discussed and the position of the town not being in a position to remedy these issues was expressed. The school also is not in a position to remedy this. Another issue is the right of way. Also, drainage issues were extensively discussed. This process will take time. Orleans County Soil and Water has been contacted to help survey the current drainage situation.

Marina Update – Attorney Sansone explained that the Lyon’s Bank has sued the Marina for foreclosure, and as second-in-line, the Town of Kendall is also being sued. The Town of Kendall is maintaining its position. There is nothing to do at this point but wait. Foreclosure proceedings are specific, and the Town of Kendall’s options will depend on the steps taken by Lyons Bank.

With there being no further business properly coming before the Board, Councilman Pritchard motioned for adjournment, seconded by Councilman Schuth. Supervisor Gaesser called for adjournment at 8:59 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk