

TOWN OF KENDALL
TOWN BOARD MEETING

Tuesday, June 15, 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	excused
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

OTHERS PRESENT: CEO Larry Gursslin, Planning Board Chair Paul Gray, Jackie Mosher, Al and Bev Lofthouse, Mary Ellen and Steve Seaman, Joyce Henry, Gary Smith, Bev Daubney, Orleans County Legislators Ken Rush and Don Allport, Karl Driesel, Brendan Duenas, Danielle Duenas

SUPERVISOR'S REMARKS

The past month has been especially busy for every department. In addition to that, many departments have given personal time to finish the renovation project in the court/meeting room. Supervisor Gaesser expressed pride in the planning process and in the implementation of the project. Thanks were given to Judges Maxon and Lape for obtaining the upgrade grant which made this renovation possible, to the many town employee volunteers who worked, and especially to Assessor Gene Massey who contributed his painting proficiency. Supervisor Gaesser introduced and publicly thanked the talented local carpenter responsible for the bench and woodworking details, Karl Driesel.

Councilman Schuth moved to accept the minutes for the town board meeting held May 18, 2010. Councilwoman Szozda seconded the motion; all ayes. Minutes accepted as presented.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair

Buildings, & Grounds –Joseph, Chair

- Thanks to those town employees and two Kendall residents who volunteered with the room renovations, which resulted in tremendous cost savings, particularly Assessor Massey for his painting skill, and all those who helped with every step from the demolition through the clean-up. The quality of the results for the cost is remarkable.
- Superintendent Kruger has water district models prepared.
- Letters have been sent to those residents who have signed water petitions.
- Lighting audit is being conducted.

Information Services –Joseph, Chair

Written reports submitted, also

Highway –Gaesser, Chair

-new sidewalks look great

- CHiPs information from Assemblyman Hawley' office – the emergency spending bill does maintain the level of funding from the budgeted amount. Superintendent Kruger thought the amount may be incorrect.

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture -Schuth, Chair

- the drafts of two new laws are being presented; moratorium work continues, and residents' input has been very helpful.
- The Zoning Board has approved a side setback variance

Community Relations –Schuth, Chair

- the Memorial Day ceremony went well, and thanks were given to those who participated
- General Code work toward codification is progressing
- Gazebo work has started at the Community Park

Human Resources and Ethics –Szozda, Chair

- 13 of the employee self-assessments have been received and sent to J. Welch

Employee Benefits –Szozda – no report

Finance, Taxes & Special Districts –Gaesser, Chair

- written report submitted

Orleans County Representative – Ken Rush

- Mr. Rush helped with the County's auditing in June – the snow and ice removal money will be paid to the towns
- Three marine parks are being run by the county, and are doing well
- County Legislator Don Allport was in attendance and complimented the renovation of the meeting room

Boards

Planning Board – P. Gray, Chair

- A residential wind energy system is still being pursued by a resident
- Several residents have voiced concerns about camper regulations
- The moratorium on accessory structures work continues, with fences and vista views being considered

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – L. Gurslin

- thanks expressed to Paul Gray for his efforts into Wind Energy application procedures
- much recent work has involved re-inspections on work done in the past on homes now for sale, at the request of real estate agents or attorney offices
- a written report was also submitted

Supervisor Gaesser stated that the fireworks application for the Marina is lacking some necessary documentation. The resolution regarding approval has been pulled from tonight's agenda, and the meeting will be recessed for a week to allow Mr. Freemesser time to meet all criteria for approval.

Highway - W. Kruger

- compliments on courtroom
- sidewalks are nearly complete
- planting new trees, culvert work and shoulder work have also taken place
- Town-owned street signs will be gradually changing to comply with NYS rules

- The confirmed CHiPS amount may be in error
- There will be a meeting with the Attorney for the Town later tonight regarding putting a 284 agreement in place.

Historian – J. Knapp – no report
 Recreation – B. Flow – written report submitted
 Town Clerk – A. Richardson – written report submitted
 Town Justice - C. Lape & V. Maxon – Supervisor has received these reports

COREESPONDENCE

A letter from the Office of Community Renewal has been received regarding the monitoring session. The grant can be closed-out.

PUBLIC COMMENT

Stephen Seaman – asked for an update on the Marina repayments to the Town
 Supervisor Gaesser reported that a total of 10 payments have been received since 2008. The Marina is currently fifteen months in arrears for repayment, which is \$ 44,972.15 in arrears.

Joyce Henry asked about the new abstract format. Supervisor Gaesser answered her question.

Jackie Mosher asked why the minutes section of the Town of Kendall website have not been updated. Supervisor Gaesser responded that each month’s meeting minutes are approved at the following month’s meeting, and are generally posted within a week of that meeting. There may have been an oversight, so that April’s are not posted yet. May minutes were just approved at tonight’s meeting.

Mrs. Mosher asked why the agenda lists the proposed laws as attached, when they are not on spectators’ agendas. Supervisor Gaesser responded that the drafts are being presented to the Town Board tonight, and are attached to their copies. These drafts will be available at the Town Clerk’s office tomorrow, and Councilman Joseph will post them to the website as soon as possible.

RESOLUTIONS

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

RESOLUTION 68-0610 – INTRODUCING LOCAL LAW 1 of 2010, ESTABLISHING A JUNK ORDINANCE FOR THE TOWN OF KENDALL

Be it RESOLVED, that the Kendall Town Board does introduce Local Law 1 as attached for consideration by the Town Board and to allow for public input, and further,

That the Town Clerk is authorized and directed to place a Legal Notice for a Public Hearing to consider adoption of this law, to be held on July 6, at 7:00 p.m., and to make the text of this local law available at the Town Clerk’s Office for public inspection.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

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

RESOLUTION 69-0610 – INTRODUCING LOCAL LAW 2 OF 2010, ESTABLISHING A STORAGE CONTAINER ORDINANCE FOR THE TOWN OF KENDALL

Be it RESOLVED, that the Kendall Town Board does introduce Local Law 2 as attached for consideration by the Town Board and to allow for public input, and further,

That the Town Clerk is authorized and directed to place a Legal Notice for a Public Hearing to consider adoption of this law, to be held on July 6, at 7:30 p.m., and to make the text of this local law available at the Town Clerk's Office for public inspection.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

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

RESOLUTION 70-0610 - RESOLUTION TO DECLARE FURNITURE AS SURPLUS

WHEREAS, modifications to the large meeting room at the Kendall Town Hall has created a surplus of furniture that is no longer needed by the Town of Kendall, and,

WHEREAS, the Town desires to dispose of this furniture, which is listed below, and,

Amount	Brand	Description	ID
2	All Steel	Black Swivel Chairs	
1	All Steel	Swivel chair with arms	
9	Assorted	Arm Chairs	
6	Assorted	Keyboards	
1	Cannon	BJC4200	EGC 60984
1	Cannon	Bubble jet printer BJC-240L	ehw80720
1	Cannon	Electric Typewriter	s72011708
1	Dell	CPU	FD60J41
1	Dell	Monitor	02- MY08G167- 47603
1	Dell	Monitor	01-E770s
1	epson 980	Bubble jet printer	CLQ1001278
1		File Cabinet	Unknown
1	GATEWAY	COMUTER GP5-166	0008386080 -1997
1	GATEWAY	MONITOR	15009A204367-1997
2	Georgia Pacific	Paper Towel Dispensers	
1	HP	LASER JET PRINTER	JPHL085823
1	hp	LASER JET PRINTER	uscb193618-1993
1	hp	Printer 712C	MY94U152H2
1	Kodak	Scanner	9120050373201220
1	ONE TOUCH	Flat bed Scanner	139A003532D1
1	Packard Bell	Computer Monitor	GVMN 70900843
1	Packard Bell	MONITOR	TGMN74002324- 1997
1	Samsung	Computer Monitor	DT15HCENA23466V
4	Unknown	5' x 3' Metal Table	
1	Unknown	6' x 3' wood table	
3	Unknown	chairs/ orange	

1	Unknown	End Table	3' x 3'
2	Unknown	metal desks	
4	Unknown	swivel chairs	
1	Unknown	Typewriter wheeled Typewriter table	
1	Unknown	Wire Pamphlet Stand	
1	Unknown	wood/metal desk	

WHEREAS, no item is greater in value than \$100,

Now, therefore, be it RESOLVED to authorize and direct the Supervisor to dispose of this furniture in a manner consistent with the Town of Kendall policy for the Disposition of Property.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

Supervisor Gaesser made the following motion, seconded by Councilman Joseph:

RESOLUTION 71-0610 – BUDGET ADJUSTMENT

Be it hereby resolved to establish Account DA9050.8 Employee Benefits, NYS Unemployment Insurance, and

Be it hereby resolved to make the following budget adjustment:

Increase Miscellaneous Income Account DA2770 by the sum of \$1,112.02, and fund Employee Benefits, NYS Unemployment Insurance with the sum of \$1,112.02.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

Supervisor Gaesser made the following motion, seconded by Councilman Schuth:

RESOLUTION 72-0610 – BUDGET TRANSFER

Be it hereby resolved, to authorize the Supervisor to make the following budget transfer:

Transfer \$ 50.00 from A1990.40 Special Items, Contingency, to A7550.40 Celebrations.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

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

RESOLUTION 73-0610 –WAIVER OF OPEN CONTAINER LAW

Be it RESOLVED that the Town of Kendall Open Container Ordinance be waived during the Kendall Firemen's Carnival in 2010 as follows:

Thursday, July 8 from 6:00 p.m. to 12:00 midnight

Friday, July 9 from 5:00 p.m. to 2:00 a.m.

Saturday, July 10 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover an area ¼ mile South and ¼ mile East of the intersection of Kenmor Road and Kendall Road, and

Further, such waiver is in effect only on the specified dates and times set forth herein and only in the geographical area described herein.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

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

RESOLUTION 74-0610 - KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT

WHEREAS, the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk, and,

WHEREAS, said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Town Board to approve a conditional permit, subject to receiving a copy of a valid certificate of competency as a pyrotechnician, so therefore...

Be it RESOLVED that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York and the New York State Fire Code Section 3308.1, to the Kendall Fire Department for a fireworks display commencing at 10:30 p.m. on Saturday, July 10.

Supervisor Gaesser called for a vote, which resulted in all ayes; motion carried.

Councilman Schuth made a motion to accept the Payment of Claims, as presented, seconded by Councilwoman Szozda. A vote resulted in all ayes; motion carried.

PAYMENT OF CLAIMS

General Fund	Abstract 06	\$38,693.41	Vouchers 378-418,420-428,430-434,461,464-472, 474,475
Highway Fund	Abstract 06	\$12,642.73	Vouchers 383,435-460,462,463,473
Street Lighting 1	Abstract 06	\$394.14	Voucher 467
Street Lighting 2	Abstract 06	\$231.49	Voucher 467
Street Lighting 3	Abstract 06	\$127.40	Voucher 467
Water District 2	Abstract 06	\$11,725.00	Voucher 429
Water District 6	Abstract 06	\$1,052.02	Vouchers 419,465,466
Library	Abstract 06	<u>\$450.00</u>	Voucher 476
		\$65,316.19	

OLD BUSINESS

Joint Hamlin-Kendall Water District – hoping to meet with Hamlin during July

Potential Water District Petitions – 30 letters have been sent, outlining what has been done. Superintendent Kruger will be presenting information to the Board in August

Water District 6 BAN and Closeout - Bond Counsel Inquiry – one verbal quote; and John Alessi from Hodgson-Russ will be providing a quote.

Grant for the Study of Potential New Water Districts – nothing new

Marina Update – financials were updated earlier; Supervisor Gaesser and CEO Gurslin toured the Marina and viewed a newly added kitchen and lounge area provided by the yacht club; Mr. Freemesser is in the process of trying to obtain new financing.

Councilman Pritchard moved to recess this meeting until Wednesday, June 23rd, 2010 at 5:30 p.m. in order to give Mr. Freemesser more time to come into compliance with his fireworks display application. Motion was seconded by Councilman Joseph; all ayes. Meeting recessed at 8:35 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk