

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, June 18, 2013, 7:30 P.M.

Supervisor Gaesser called the meeting to order, and led the Pledge of Allegiance.

**ROLL CALL**

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

Also present, Attorney Sansone, Clerk Richardson, Planning Board Chairman Gray, and member Andrew Kludt, Orleans County Legislator Rush, Highway Superintendent Kruger, Al and Bev Lofthouse, Mary Ellen Seaman, Cathy and Matt Schuth, Sherry Ortiz, Todd, Jayden and Kerri Pieniaszek, Chris and Kyle Salyer, Dave and Matt Hofer, Luke, John and Noah Rath, Ken Spohr, Kristina and Lori D'Agostino

**SUPERVISOR'S REMARKS**

Four area Scouts are being recognized for their achievement of Gold and Eagle rank. Reports will be abbreviated to accommodate a reception for these young people.

**ACCEPTANCE OF MINUTES**

Councilman Schuth motioned to accept the Town Board Meeting – May 21, 2013 minutes as presented, seconded by Councilwoman Szozda; 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

Water surveys are still coming in. Mr. Schaffron has provided guidance about mapping the results. The second mailing has had some response.

Highway –Gaesser, Chair

School parking lot paving is being addressed.

Culture & Recreation

All programs going well, and on-budget.

Planning, Zoning & Agriculture –Schuth, Chair

Community Relations –Schuth, Chair

Zoning Board approved three variance requests.

Planning Board is working on re-zoning.

Memorial Day service went well, the Community Chorus concert included a flag-folding ceremony by the Boy Scouts, the carnival is July 11-13, and a community street dance is being planned for August 17<sup>th</sup>.

The community band will perform at the gazebo on August 1<sup>st</sup>.

Human Resources and Ethics –Szozda, Chair

Employee Benefits –Szozda

No report

Finance, Taxes & Special Districts –Gaesser, Chair

Water District 5 extension has been discussed with the Town’s former attorney, and will be handled by the Town Engineer. A Public Hearing will be necessary.

Orleans County Representative – Ken Rush

No report

#### Boards

Planning Board – P. Gray, Chair

The potential RA District zoning changes are being reviewed.

Zoning Board – K. Banker, Chair

No report

#### Department Heads

Assessor – G. Massey

The Board of Assessment Review met in May. Seven cases were heard, resulting in one change.

Code Enforcement – CEO Hennekey

Busy with building permits, and zoning actions. The Troutberg project is underway and site visits are being made. The Marina progress is excellent.

Highway - W. Kruger

The wet conditions are causing busy-ness with culvert work and mowing. The water mapping is being done.

Historian – K. Corcoran

No report

Recreation – B. Flow –written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justice - C. Lape & S. Cliff – written reports submitted

Supervisor – D. Gaesser – written report submitted

#### PUBLIC COMMENT

Mr. Lofthouse questioned some vouchers and was answered by Supervisor Gaesser.

#### **RESOLUTIONS**

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

#### **RESOLUTION 54-0613 SCOUT RECOGNITION**

Whereas, Kristina D’Agostino, Kyle Salyer, Michael Schuth, and Joshua Vogt are students in the Kendall Central School District, and,

Whereas, these scouts are members of the Girl Scouts and Boy Scouts of America, and have been involved with projects in and around the Town of Kendall, and,

Whereas they have, through years of hard work and dedication, demonstrated leadership to their troops and community, culminating in the achievement of an award of the highest merit,

Now, therefore, be it RESOLVED that the Town Board of the Town of Kendall, Orleans County, New York does hereby recognize and acknowledge the efforts, dedication and leadership shown by Kristina D'Agostino in her attainment of the rank of Gold and, Kyle Salyer, Michael Schuth and JoshuaVogt in their attainment of the rank of Eagle Scout, and

Further, on behalf of all of the residents of the Town of Kendall, we commend and congratulate these individuals on their achievements and wish them well in all of their future endeavors.

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

Councilman Joseph	aye
Councilman Schuth	aye
Councilwoman Szozda	aye
Supervisor Gaesser	aye

Supervisor Gaesser declared the motion carried.

Individual presentations and recognitions were made by Supervisor Gaesser, Councilmen Schuth and Joseph, Councilwoman Szozda and Legislator Rush to each scout. Citations were sent from New York State Assemblyman Hawley.

Supervisor Gaesser called for a recess to greet the scouts and their families at 8:00. The meeting was called back to order at 8:25.

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

#### **RESOLUTION 51-0613 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 2013 as follows:

Thursday, July 11 from 6:00 p.m. to 12:00 midnight  
Friday, July 12 from 5:00 p.m. to 2:00 a.m.  
Saturday, July 13 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover a square in the area 1/4 mile South and 1/4 mile East commencing at the intersection of Kenmor Road and Kendall Road, and

Further, such waiver is in effect only on the specified dates and times set for 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 52-0613 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 list naming the pyrotechnician in charge, the authorized assistants, and copies of all necessary valid certificates of those listed, 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 10:00 p.m. on Saturday, July 13, 2013.

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

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

**RESOLUTION 53-0613 BUDGET ADJUSTMENT (HWY.)**

Increase DA2665 Sale of Equipment, Highway, by \$1900.00 (one thousand nine hundred dollars), and

Increase DA5130.2 Machinery, Equipment, by \$1900.00 (one thousand nine hundred dollars).

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

**PAYMENT OF CLAIMS**

Councilman Schuth made a motion to accept the claims for payment, as presented. Seconded by Councilwoman Szozda; all ayes.

General Fund	Abstract 6	\$ 15,580.72	Vouchers 352-386,388-397,432
Highway Fund	Abstract 6	\$ 25,129.61	Vouchers 354,364,399-431
Light District One	Abstract 6	\$ 430.12	Voucher 386
Light District Two	Abstract 6	\$ 255.11	Voucher 386
Light District Three	Abstract 6	\$ 139.50	Voucher 386
Water District Two	Abstract 6	\$ 11,200.00	Voucher 398
Water District Six	Abstract 6	\$ 55.26	Vouchers 358,387
		\$ 52,790.32	

**OLD BUSINESS**

**Water Expansion- Course of Action Plan**

Water survey results – there are still 57 surveys not returned, after a second mailing. For several roads, the outstanding replies may sway the results of whether water lines can be pursued. Proper mapping cannot be done without more responses. Many factors go into mapping and agricultural exemptions and multiple contingent vacant parcels must be coded, as well as each respondent's answers.

Door to door surveying must be the next step to try to obtain more responses. Each remaining household must be visited personally. Parts of roads which do have high density and enough positive responses could be done in segments with other areas.

Councilman Joseph will provide the names of the outstanding property owners.

Re-zoning RA (residential agriculture) districts with water service to RR (rural residential)  
Codification needs updating, and changing, and all needs to be reviewed by the county.  
With an aggressive plan, there may be a timing issue in being able to complete this by year end.  
There are “allowed use” and some jurisdiction issues to be clarified.

Kendall Medical Center

Strong Hospital is buying Lakeside Hospital, but is not buying the Kendall center. There are deed issues to be resolved.

#### NEW BUSINESS

Supervisor Gaesser will contact those necessary to arrange the street dance.

With no further business coming before the Board, Councilman Schuth motioned for adjournment, seconded by Councilman Joseph; all ayes. Meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk