

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, July 20, 2010, 7:30 P.M.

Supervisor Gaesser called the meeting to order 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: Al and Bev Lofthouse, Joyce Henry, Karl Driesel, CEO Larry Gurslin, Stephen Seaman, Mary Ellen Seaman, Planning Chair Paul Gray, Joyel Miesner, Russell Curtis

**SUPERVISOR'S REMARKS**

- the energy efficiency grant has been received
- grant paperwork has been submitted for the justice court upgrades
- the semi-annual report on the marina grant has been filed with the Office of Community Renewal.
- The public hearings held for the junk and storage containers resulted in valuable input. The Board is now prioritizing its next steps. The storage container law will be looked at first, then a closer look at property maintenance, and junk ordinance.

Councilman Pritchard motioned to accept the following minutes; seconded by Councilman Schuth; all ayes

- Town Board Meeting held on June 15, 2010
- Recessed Town Board Meeting held on June 23, 2010

**REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS**

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair – no report  
Buildings, & Grounds –Joseph, Chair – no report  
Information Services –Joseph, Chair – no report

Highway –Gaesser, Chair – phase one of sidewalks is complete and well done; Hamlet drainage issues are on-going; 284 agreement will be put into place at this meeting

Culture & Recreation –Pritchard, Chair – many programs are closing for the year; budget comparisons are imminent

Planning, Zoning & Agriculture –Schuth, Chair – revamping of the proposed ordinances will begin after input from the public is considered; moratorium work is progressing; an application for wind energy has been received

Community Relations –Schuth, Chair – KFD carnival went well

Human Resources and Ethics –Szozda, Chair – self-assessments have been sent to the County  
Employee Benefits –Szozda – no report

Finance, Taxes & Special Districts –Gaesser, Chair – BAN for water district 6 has been renewed, with \$7,000 being paid down on the principal; written report submitted

Orleans County Representative – Ken Rush – not present

#### Boards

Planning Board – P. Gray, Chair – Planning Board has received a residential wind energy application. A better site plan is necessary, a variance must be obtained, and this would require a Special Use Permit. The moratorium work continues. Fencing and the definition of “vistas” are two of the difficult issues. Supervisor Gaesser suggested there be a survey of lakefront residents to gather input. Jim Benzley from County Planning solicited Department of State input about junk ordinances. Localities can be less restrictive than the State Codes, but only if local laws are passed to be so.

Zoning Board – K. Banker, Chair – no report

#### Department Heads

Assessor – G. Massey – no report

Code Enforcement – L. Gurslin – thanks to Paul Gray and Amy Richardson for getting the documents for the wind energy application to the county on time.

CE office is busy with building permit applications

A letter has been drafted to solicit feedback from the fireworks applicants on the fireworks permitting process, to improve the process for next year. Both displays went relatively well.

During the recent Public Hearings, some comments were made about code enforcement which were not on the subject of the proposed laws. A memo will be sent to the Board about these.

Highway - W. Kruger – carnival auction did not sell any of the Town surplus

Drainage work is taking place in the Hamlet.

County mower is currently being used by the Kendall Highway Department.

New road signs are now required by NYS, and will be gradually replaced.

Chip sealing work is being done.

There was some recent paint vandalism done to equipment behind the Highway Department barn. Also, several gauges were broken, resulting in a total of several hundred dollars of damage. Lighting may help deter this.

A Highway Department truck was involved in an accident. The Orleans County Sheriff determined the town employee was not at fault.

The coin-operated water meter needs repair or replacement. It is approximately 18 years old.

Historian – J. Knapp no report

Recreation – B. Flow – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justice - C. Lape & V. Maxon – written report received by Supervisor

#### **PUBLIC COMMENT**

none

## RESOLUTIONS

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

### **RESOLUTION 76-0710 – 2010 BUDGET ADJUSTMENT**

Whereas, the Town of Kendall was successful in obtaining an energy efficiency upgrade grant for the highway building in the amount of \$3,500 and...

Whereas, Justice Lape applied for and was awarded a grant under the Justice Court Assistance Program in the amount of \$8,500,

Now, therefore, be it RESOLVED, to increase revenue account A3089 State Aid Member Item from \$0 to \$12,000, to increase general expense account A1620.4 Buildings Contractual from \$25,000 to \$33,500 and to increase general expense account A5132.4 Garage Contractual from \$26,000 to \$29,500.

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

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

### **RESOLUTION 77-0710 – TO ENGAGE THE SERVICES OF JOHN A. ALESSI, ESQ, OF HODGSON RUSS LLP FOR PROFESSIONAL LEGAL SERVICES AS BOND COUNSEL TO THE TOWN OF KENDALL, NEW YORK**

Whereas, Woods, Oviatt, Gilman LLP has advised the Town of Kendall that it is no longer able to represent the Town of Kendall in converting the Bond Anticipation Note for Water District #6 to permanent bonds, and ...

Whereas, recommendations for new bond counsel services were sought and received from neighboring townships, and ...

Whereas, two of those firms that were recommended were subsequently contacted and interviewed, and ...

Whereas, the Attorney for the Town of Kendall has given a positive recommendation for John A. Alessi, Esq. of Hodgson Russ LLP,

Now, therefore, be it RESOLVED, that John A. Alessi, Esq. of Hodgson Russ LLP, The Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, New York is hereby appointed Bond Counsel to the Town of Kendall, and that the Supervisor is hereby authorized and directed to execute a Letter of Engagement for Professional Services for same.

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

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

### **RESOLUTION 78-0710 - B.A.N. PAYMENT FOR WATER DISTRICT #6**

Whereas, the maturity date of the B.A.N. for Water District #6 was July 9, 2010, and ...

Whereas, a favorable interest rate to renew the B.A.N. for Water District #6 was found to be 2.75% at this time, and...

Whereas, an action was necessary to renew the B.A.N. for Water District #6 on or before July 9, 2010,

Now, therefore, be it RESOLVED, to ratify the action to renew the B.A.N. for Water District #6 on or before July 9, 2010, and ...

Be it further RESOLVED, to transfer from SW6-9710.73 Interest the amount of \$3,989.51 to SW6-9710.63 Serial Bond Principal, thereby increasing the amount in SW6-9710.63 Serial Bond Principal from \$3,000.00 to \$6,989.51, and ...

Be it further RESOLVED, to increase Appropriated Fund Balance for Water District #6 by \$10.49 and to increase SW6-9710.63 Serial Bond Principal by \$10.49.

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

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

**RESOLUTION 79-0710 AUTHORIZING SHARED SERVICES BETWEEN NYSDOT AND TOWN OF KENDALL HIGHWAY DEPARTMENT**

Whereas, pursuant to Transportation Law Sections 14(14) and 14(15) and Section 99-r of the General Municipal Law, the State of New York and the Town of Kendall wish to share certain materials and services, and...

Whereas the Town of Kendall has agreed to provide trucking services for the transport of NYSDOT owned asphalt millings on highways in Orleans County on behalf of the State in exchange for a portion of the material, and...

Whereas this exchange of such materials and services shall promote and assist the maintenance of New York State and Town of Kendall roads and highways and provide cost savings by maximizing the utilization of resources, now therefore...

BE IT HEREBY RESOLVED to authorize the Town of Kendall Highway Superintendent to enter into such an agreement.

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

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

**RESOLUTION 80-0710 –AUTHORIZING EXECUTION OF AGREEMENT TO EXPEND HIGHWAY MONEYS**

WHEREAS, the Kendall Town Board has discussed the improvements and repairs necessary to town roadways in 2010 with the Town of Kendall Highway Superintendent, and, ...

WHEREAS, pursuant to those discussions, the parties have agreed to set aside the amount of \$279,461 for general repairs and to undertake the specific improvements set forth in the agreement attached; and,

WHEREAS, this agreement was negotiated and to be executed in furtherance of the provisions of Section 284 of the New York State Highway Law; and,

WHEREAS, the Town Board has determined that it is in the best interest of the Town to authorize the execution of the attached agreement, and,

Whereas, based upon the discussions of the Town Board and Highway Superintendent, the execution of the agreement to spend town highway funds for repairs and improvements to Town of Kendall roads is hereby determined not to have a significant effect on the environment, so now,

Be it RESOLVED, that the Town Supervisor, Town Board members and Highway Superintendent be authorized to execute the attached Agreement to Spend Town Highway Funds.

Discussion: this has been approved as to form by the Attorney for the Town of Kendall.

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.

Councilwoman Szozda made a motion to accept the payment of claims as presented, seconded by Councilman Pritchard. All ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 07	\$14,352.99	Vouchers 477-481,483,485-526,528-530,564,566,568
Highway Fund	Abstract 07	\$25,184.65	Vouchers 478,531-563,565,567
Street Lighting 1	Abstract 07	\$405.04	Voucher 487
Street Lighting 2	Abstract 07	\$237.84	Voucher 487
Street Lighting 3	Abstract 07	\$131.35	Voucher 487
Water District 6	Abstract 07	<u>\$13,741.23</u>	Vouchers 482,484,489,527
		\$54,053.10	

**OLD BUSINESS**

Joint Hamlin-Kendall Water District – further research is necessary; aiming for a September meeting with Hamlin Supervisor

Potential Water District Petitions – no update

Grant for the Study of Potential New Water Districts – Upcoming work session will have a presentation to the Board by Superintendent Kruger

With no further business coming before the Board, Councilman Pritchard motioned for adjournment, seconded by Councilman Schuth. Supervisor Gaesser adjourned the meeting at 8:27 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk

