

TOWN OF KENDALL
TOWN BOARD MEETING
Tuesday, September 18, 2012, 7:30 P.M.

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

ROLL CALL

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

Also present, Attorney Sansone, Clerk Richardson, Town Historian Joette Knapp, and her husband, Yorke, Bob and Ellie Nelson, Kathy Scroger, Judy Ernenwein, Bob Hart, County Legislator Ken Rush, Planning Board Chairman Paul Gray, Code Enforcement Officer Paul Hennekey, Recreation Director Barb Flow, Highway Superintendent Warren Kruger, Stephen Seaman, Gert Hauck, Timothy Quintern, Bob Snell, Patrick Snook, Rg Bell, Linda Stout, Brandi Patten, Ken DeRoller, Tony Camaratta, Paul Balcerzak, and two unidentified men.

SUPERVISOR'S REMARKS

Supervisor Gaesser announced that there would be an adjustment to the agenda, in order to acknowledge and thank our retiring Historian, Joette Knapp. A short reception will follow the first resolution.

Supervisor Gaesser made the following motion, seconded by Councilman Pritchard, and presented Mrs. Knapp with a framed copy of the resolution.

RESOLUTION 88-0912 Acknowledging Joette Knapp's service to the Town of Kendall

WHEREAS Joette Knapp has served as the Town of Kendall Historian for fourteen years during the period 1999-2012, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Kendall does hereby acknowledge and thank Joette Knapp for these years of exceptional service to the community of the Town of Kendall and beyond and for the fine work and care by which she approached and carried out her duties and further...

The Town Board of the Town of Kendall especially thanks and acknowledges Joette for her diligence, leadership and high level of personal effort, going well beyond the norm in expanding the historical records and artifacts available to the community for education and enjoyment, the genealogical research provided, the tours led, the meticulous record keeping, and the help provided to make the Bicentennial events meaningful, and further...

Joette, by her exemplary effort, has raised and set the bar for those to follow in maintaining and presenting the invaluable history of the Town of Kendall.

The Town of Kendall Town Board does hereby commend Joette Knapp for a job well done and extend our best wishes for her future endeavors.

BE IT FURTHER RESOLVED that this resolution is to be certified by the Town Clerk and provided to Joette in framed format as a memento of her service.

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

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

Resolution passed.

RECEPTION

Historian Knapp said the following:

“I just want to thank everybody. It has been a great learning experience for me to have been Town Historian, because I am not a Kendall native. I started out with two scrapbooks and three history books. I now have four sections in the vault, plus a whole section for the school...every yearbook, back to 1916. I have been under four Supervisors. We have had a lot of good times, and the couple bad times have gone by. I have worked with wonderful people, and gotten along with almost everybody (though I am not averse to telling you off!).

I have a project I am going to continue with. That is the cobblestone building in Beechwood Cemetery. We have discovered that if we have a purpose for it, we may be able to get monies, and so we are dedicating it to all veterans. The veterans I have spoken with seem pleased with the idea. So I will continue with that. Thank you very much.”

SUPERVISOR’S REMARKS

Supervisor Gaesser gave an overview of progress on the Troutburg Project. Attorney Spitzer has suffered a death in his family, which will cause a short delay in the SEQR Consistency Review. Attorney Malcomb has asked that a memo from March regarding the consistency review be re-circulated to the Planning and Zoning Boards. Councilman Schuth has done this. A review of the negative declaration determination on part two of the SEQR for the Local Law was suggested by Attorney Malcomb as a guide.

Councilman Pritchard motioned to accept the following minutes, as presented; seconded by Councilman Schuth; all ayes:

Town Board Meeting of August 21, 2012

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

Supervisor Gaesser reported that some computers have been upgraded.

Highway –Gaesser, Chair – no report

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture –Schuth, Chair

Community Relations –Schuth, Chair

Planning and Zoning Boards are meeting regularly.

The gazebo committee has approved a landscaping plan. Sidewalks and some plantings may be going in this season.

The annual scarecrow festival is scheduled for October 6, 2012. This is also the day of the Farmers’ Market at the fire hall.

Supervisor Gaesser said the gazebo committee has asked to do a presentation to the Board, and the October 2nd workshop at 8:00 p.m. may be a good time for that.

Human Resources and Ethics –Szozda, Chair
Employee Benefits –Szozda – no report

Finance, Taxes & Special Districts –Gaesser, Chair –
Water District 5 debt payment was paid, and Hamlin’s portion was received.
Department Heads received their worksheets and those are due by September 21st.

Orleans County Representative – Ken Rush
The County is working on the 2013 budget. Most departments are level with this year’s budget.
Homeland Security is placing cameras at Oak Orchard River on Point Breeze. Wayne Hale was approached to hook them in electrically. Permission has not been given by the County Planning Board for such cameras to be placed.
A meeting to discuss lake levels is planned for the 24th, in Lyndonville.

Boards

Planning Board – P. Gray, Chair
Planning Board has been busy reviewing the site plans of the Wegman Group, LLC for Troutburg:
Setbacks have been discussed and there is general agreement with the proposed plans of 50 feet for side setbacks.
Buffering – pine trees are proposed to quiet noise and add some security; thorny bushes may be suggested, to deter people from going through while allowing wildlife.
LaBella, the Town’s engineering firm, has been attending the meetings, and has provided a report. Road widths are a concern. All proposed roads in the project are less than standard of 20 feet. The Morton fire company is not comfortable with the proposed widths, from an emergency response view. The Planning Board is currently opposed to the proposed widths. Supervisor Gaesser explained that the Wegman Group may request a variance from the Department of State, to waive the fire code on road widths.
Water issues – La Bella Engineering included suggestions. The state insurance service office standard suggests 1000 gallons per minute for firefighting. The Wegman Group feels 500 gallons per minute is sufficient. Suggestions include installing more hydrants on the main, reservoir usage to increase pressure, and obtaining a more global fire analysis. MCWA and the Orleans County Health Department will both contribute opinions.
Sanitary sewage treatment – the Planning Board is seeking more information regarding offensive odors, possible back-up generating system in case of power outage, and discharge pipe length.
Erosion control – embankment report and engineered plans have been discussed, and the Planning Board is in favor of the design proposed.
Lighting – the developers want only minimum lighting, in order to maintain a natural atmosphere. More review will be necessary of this.
Postal service, project phasing, and cottage size have been reviewed. On cottage size, there is no state minimum. Since these are three season cottages, and marketing research shows a growing trend toward smaller houses, and there are currently several very small homes along the lake within the town, the Planning Board is generally in favor, at this point, of allowing cottages as small as 300 square feet.
Density has been discussed. The proposed roof line distance between cottages is no less than 20 feet. Currently on our lakeshore there are many homes which are considerably less than 20 feet, so the Board finds the plans compatible with current custom.

Zoning Board – K. Banker, Chair – no report

Department Heads

Assessor – G. Massey – Mr. Massey’s surgery was postponed so he is at work.

Code Enforcement – P. Hennekey –

Construction season is winding down.

The variance hearing with the Department of State for the Wegman Group is still scheduled. All comments and supporting documentation have been forwarded from Code Enforcement, the Morton Fire Department and Orleans County Emergency Management.

Coastal Erosion – met with the engineer, and contacted the Army Corps. No application has been filed yet.

Highway - W. Kruger –

Culvert replacement and sink hole repair by the state is causing Rt. 237 to be shut near Creek Road for a few more days.

Woodchuck Alley work is complete, old culverts are being inspected and updated as necessary.

There has been vandalism at the Beechwood Cemetery. A camera has been installed, and additional police surveillance has been requested.

The building in Beechwood Cemetery has holes in the roof. There are also roof issues at the highway garage.

Sidewalk work on Kenmor will be starting.

Autumn mowing and drainage work are on-going.

The highway department is building their own “grain boxes”, at significant savings.

Sand is being stockpiled for winter.

Work on the new truck is being completed, and it should be in service by year-end.

Historian – J. Knapp – no further report

Recreation – B. Flow - written report submitted

Thank you very much to David Maslyn, of Kendall Road, who has volunteered to instruct a DEC Hunter Safety Course in Kendall. It has been difficult to find instructors. The class has filled and has so much interest that there is a waiting list which would fill a second class. Mr. Maslyn has indicated that he would schedule another class to instruct those on that waiting list. This is appreciated.

Town Clerk – A. Richardson – written report submitted

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

Supervisor – D. Gaesser – written report submitted

PUBLIC COMMENT

Timothy Quintern, Norway Road – said he had a petition with 258 names of residents from the Town of Kendall. Mr. Quintern said the petition is for public water, much needed, and asks the Town Board to look into providing water expansion. It also states that when resolution 55-0412 was passed on April 17th, there is believed to have been a conflict of interest. Another major concern is “that there has been no legal opinion obtained for parts A and B of the agreement with Monroe County Water or future agreements with Monroe County Water. We also hope that your future Town Board minutes will reflect a summary of past and a course of action for all water activities.”

Supervisor Gaesser responded that the Board has established a course of action plan, and that has been on the agendas. The Board is taking action, and has a plan in place. Unfortunately, it is a slow process, but it is high on the priority list to get the many issues addressed, and to get as many people water as possible, as soon as possible.

Mr. Quintern said there was a petition for water filed with the Town for two years from residents on three roads, and no action has been taken. Why?

Supervisor Gaesser said the whole town has to be considered. Areas of highest need are identified. Then determinations are made of which areas would be best served, and which would best qualify.

Mr. Quintern asked why data from surveys in 2006 are not being used.

Supervisor Gaesser responded that the data has changed. People have moved in and out, and some included in those surveys are deceased.

Mr. Quintern asked about the three roads with more recent petitions. He suggested questions be asked of them regarding need due to quality and quantity. Mr. Quintern asked why nothing has been done in six years.

Supervisor Gaesser responded that Water District Six, started in 2006, was installed in 2008.

Mr. Quintern asked about grant applications and if anything has been done since the 2010 petitions were gathered.

Councilwoman Szozda responded that a water feasibility study was completed, and Center, Lakeshore and Transit Roads' petitions were looked at as possible projects. There are two sources of grants – USDA is one. La Bella, the Town's engineer, should weigh in on which project has the best chance of success. An updated petition from West Kendall Road is necessary, and one from Norway Road would be helpful.

Mr. Quintern asked if a study was done by LaBella prior to 2006.

Councilwoman Szozda said she would have to research that.

Mr. Quintern said he heard there were meetings before 2006, which resulted in a grant being secured for Petersmith Road.

Councilwoman Szozda said the engineer should have that information, which may help speed the process.

Mr. Quintern asked if water would now be first on the agenda with so much interest, and turned over an "ADVISORY PETITION" to the Town Clerk. He said he felt that it has been too long to wait, and that having public water may make Kendall more attractive to potential new residents.

Supervisor Gaesser said that this has been discussed at a work session. It is unfortunate that to be eligible for water grants, there need to be people. Areas of higher density are more likely to receive grants. This issue is being worked on, every month. There is an issue with the Town being awarded grants, which has to be solved. We are not eligible for a grant, since the Marina grant went into default. A response from the grant administrator has been received, and a response from the federal HUD program is expected as to how they are going to deal with the defaulted grant. This was a federal grant, administered by the state, through Small Cities.

Mr. Quintern asked if there are other sources of grant monies.

Supervisor Gaesser responded USDA, which is more difficult to obtain, but a possibility.

Supervisor Gaesser addressed the "conflict of interest" issue – the Town Board went into an executive session when this accusation was first raised publicly against one of the members of the Board. The determination made by Attorney Sansone was that there was no conflict of interest. Since then, the circumstance is changed, and the member has purchased a home within a water district.

Mr. Quintern said he believed there was a conflict of interest at the time the resolution was considered.

Attorney Sansone asked Mr. Quintern what the conflict of interest was.

Mr. Quintern said he heard that a member of the Board might have wanted to obtain out of district use if he had bought a piece of property outside the district.

Attorney Sansone stated the resolution was asking our State representatives to support the MCWA changing their enabling statute. "So, how could there possibly be a conflict of interest with anyone on this Board, if all that was done was to ask someone else to support something?" Attorney Sansone said the Board had no control over what MCWA did. The resolution was simply to ask the delegates to support something. They are in the middle.

Mr. Quintern asked if that meant the Town of Kendall was asking to become an entity of Monroe County (Water Authority).

Attorney Sansone responded, "No, Sir, it was asking the delegates to support MCWA in changing its enabling statute to kick in Part C of the prior contract signed."

Mr. Quintern said he understood the prior Town Board had no legal counsel regarding this.

Attorney Sansone stated the prior Board, six years ago, did have an Attorney for the Town.

Mr. Quintern presented part of a response to a Freedom of Information request made by Mr. Phil D'Agostino on August 3, 2012, which was a letter from former Attorney Heath to Highway Superintendent Kruger, saying he had not advised his Board on this contract.

Clerk Richardson stated that the response also included highlighted sections of the minutes of meetings at the time, which included statements by Attorney Heath regarding reviewing the contract with MCWA.

Attorney Sansone said the minutes reflect the attorney review and advice at the time, back in 2006.

Councilman Pritchard recalled that the attorney did weigh in at the meetings on the negotiating points. That information is in the minutes.

Mr. Quintern asked if this means that MCWA can supply all water, and own the water districts.

Councilman Pritchard responded that we have had a lease agreement with MCWA for them to provide water since 2006. In Part C, MCWA takes full responsibility for making improvements and betterments to the existing lines.

Supervisor Gaesser said nothing has changed since 2006. They have operated retail, and have maintained the lines. Part C makes them liable for any capital improvements.

Mr. Quintern said it was his understanding that plastic pipe could not be used in future water districts, and ductile iron would be cost prohibitive, given the low population density.

Supervisor Gaesser corrected this misunderstanding, explaining that plastic pipe CAN be used.

Councilman Pritchard said paragraph 2.8 of Part C states that plastic pipe can be used, as part of the negotiations. The Town would be responsible for the maintenance of those lines. Water District Six is an example of this.

Mr. Quintern thanked the Board for its clarification.

Ken DeRoller, Kendall Road – said he wanted to talk about the "conflict of interest".

Supervisor Gaesser said that was not necessary, as it was determined there was and is no conflict of interest.

Mr. DeRoller said he interpreted the audio tape recording of the April meeting, and determined that the assignment to Councilman Schuth to research the process of out of district use was cause for concern. Mr. DeRoller contends that since Councilman Schuth might obtain knowledge as part of his role as councilman which he might have wanted to use at a future date in obtaining out of district usage, there was a conflict of interest in Councilman Schuth voting to ask state representatives to support MCWA changing its statute.

Attorney Sansone informed Mr. DeRoller that was an incorrect interpretation, and a wrong position.

Mr. DeRoller said, "In the public sector, if you have an awareness of possible gain from a transaction, you need to abstain."

Attorney Sansone said such a jump is difficult to understand. He explained the resolution to Mr. DeRoller, and reiterated that no one on the Board could influence MCWA.

Mr. DeRoller alleged that Supervisor Gaesser wrote a separate letter to Maziarz and Hawley giving up home rule.

Both Supervisor Gaesser and Attorney Sansone stated such is not the case.

Mr. DeRoller said a former Town Supervisor was working with MCWA to influence Gantt legislation, which Supervisor Gaesser has said was poorly written, but the new bills before the state assembly and senate are 99% identical, and Supervisor Gaesser supports them.

Supervisor Gaesser corrected this, saying that the justifications differ in the Hawley and Maziarz bills from the Gantt bill, and this is significant. Supervisor Gaesser explained what happened with each bill.

Mr. DeRoller said "our conflict is that you are giving our water system."

Attorney Sansone tried to reiterate that nothing has changed. The system has been leased since 2006.

Highway Superintendent Warren Kruger – said that it enabled MCWA to get legislation through which they were desirous to get.

Attorney Sansone pointed out that the language was already in the lease. Many inaccuracies in what has been said need to be corrected.

Mr. Kruger said a former Town Supervisor wanted to get out of district water services for Betty Wilson on Woodchuck Alley, and Richard Haibach on Bridge Road, and was told by MCWA that if he got a resolution passed supporting the legislation, they would talk about getting water to these residents.

Attorney Sansone asked when that conversation took place.

Mr. Kruger said he thought 2007 or 2008.

Supervisor Gaesser asked if there was any documentation of these conversations between a former Town Supervisor and representatives of MCWA, and warned that if it cannot be documented, it should not be alleged at a public meeting.

Mr. Kruger said, "I can get Jack (Gillman, former Supervisor) to give you an affidavit of that."

Attorney Sansone asked if these conversations occurred at a meeting.

Mr. Kruger said former Supervisor Gillman "went down to see them. Both were in a situation where they could see hydrants right down the street. What it come (sic) down to was play ball with us and then we'll talk." Mr.

Kruger also said there were 25 conditions that were supposed to have been met before the lease was signed in 2006, one of which was to determine out of district use procedure.

Attorney Sansone pointed out that this happened six years ago, with a different Town Board.

Mr. Kruger said that with regard to former Attorney for the Town Heath, there is a letter from him stating that he did not review that contract.

Supervisor Gaesser said it was clearly stated in the minutes that Attorney Heath commented on the contract.

Mr. DeRoller interrupted with the statement that there were two references in the minutes to the attorney speaking about the contract.

Attorney Sansone asked what the official minutes say.

Mr. Kruger responded that there was a comment from Attorney Heath in the minutes, but he believes that those minutes do not reflect what was said. He remembered the attorney saying not to go into the situation blindly, but in the minutes it ended up as support.

Supervisor Gaesser warned Mr. Kruger that to allege that a past Town Clerk fabricated minutes, which were approved by a past Town Board, is outrageous.

Mr. Kruger then said to Attorney Sansone that a legal opinion should involve an evaluation of a whole process, not some comment in minutes.

Attorney Sansone said that he could not speak for another attorney. The lease is signed. It is not possible to go back in time to change things.

Mr. Kruger asked Attorney Sansone if he thought the deal was prudent. Other situations had ample legal input, but this deal did not.

Attorney Sansone asked why he would be asked to give his opinion on something from the past, already done, by others. But, answered that as Attorney for the Town, if he felt strongly about something, he would advise his client, in the most competent way he could, against it, but would not have control over any decision. A lawyer works for his client. The client makes the ultimate decision.

Mr. Kruger said for curiosity's sake, Attorney Sansone could ask LaBella (the Engineer for the Town) what they thought.

Attorney Sansone said rehashing or second-guessing history has no benefit. To the point of "conflict of interest", the leap from a presumption that Councilman Schuth had some special knowledge and the presumption that he might want out of district user status at some future point, to the belief that if those things were true that they could somehow affect the Board asking two other people to do something...to ask a third party do something... makes no sense.

Mr. Kruger said MCWA was trying to get past Supervisor Gillman to support a change in its enabling legislation. David Schuth should have abstained from the vote until Councilman Joseph was there.

Attorney Sansone stated that there was no conflict of interest, and so there was no reason for abstaining.

Supervisor Gaesser pointed out that the process of becoming an out of district user under Part B is the same as under Part C.

Mr. Kruger said by allowing Part C to go into effect, the town loses the ability to give two year notice to end the agreement.

Supervisor Gaesser and Attorney Sansone both said that is an entirely different issue. Attorney Sansone stated that there is absolutely no basis to allege conflict of interest. Supervisor Gaesser said there is absolutely no substance to the allegation of conflict of interest, and it should never be brought up again.

Councilman Schuth brought up that there are many steps to the out of district water use process. Multiple agencies approvals are required. The difficulty has to do with the agriculture district exemptions. The bringing up of "conflict of interest", after that issue was addressed and settled in April, is an unwarranted attack.

Mr. Kruger said he is doing so because he remembers past boards being pressured by MCWA to get Part C into effect.

Councilman Schuth reiterated that nothing to do with out of district water usage changes with Part C. It has been viable under Part B.

Mr. Kruger said MCWA would not provide out of district use to Betty Wilson or Richard Haibach.

Supervisor Gaesser reminded Mr. Kruger that that is because an extension of a dead end is not allowed.

Mr. DeRoller interrupted to say that under MCWA, there have been no new out of district approvals. His opinion is that MCWA was "hungrily looking to get in here to do retail business."

Supervisor Gaesser stated MCWA never approached him to spur along legislation.

Mr. DeRoller said that former Supervisor Gillman told him that he was.

Supervisor Gaesser warned Mr. DeRoller that undocumented hearsay has no place at a public meeting. This matter of the agreement is history.

Mr. Kruger referred to the report, "Improvements Feasibility Report Town of Kendall Water System", compiled by him. He expected engineers or a draftsman to be consulted. Questions were submitted to the attorney, but the answers were not made public. He accused the Board of being remiss, and said that he is not attacking Councilman Schuth personally, but feels he should have waited for a meeting at which Councilman Joseph was present to vote on the resolution made in April. Future water lines will require extra cost to users to maintain plastic pipes.

After repeated interruptions by Mr. DeRoller, Supervisor Gaesser pointed out that MCWA charges \$1.35 per 1000 gallons less than the charge to Water District Six customers, administered through the Town of Murray. Meter charges are the same. Plastic is allowed. Ductile iron would not be an affordable option. It is misinformation that plastic is not allowed. MCWA is currently proposing to replace a water district in the Town of Hamlin with plastic. Mr. Kruger's report stated that he feels plastic is much more durable than iron, so the concern with maintenance should be moot.

Mr. DeRoller asked about the legal opinions given to the Town Board by Attorney Sansone, and why they were not F.O.I.L.-able.

Attorney Sansone stated the response was under attorney-client privilege. Without going into detail of what his response was, Attorney Sansone stated that he was irritated that he was asked to formulate a legal opinion on a document which was already signed, and that point was six years old. He was given five full pages of questions, most having to do with speculation. His response was that he would do as directed, but that it was a waste of time and money for the people of the Town of Kendall to ask an attorney to go through and comment on a document which was already signed, and to speculate what might happen if certain situations were to take place. Attorney

Sansone's response was that he could only comment on facts, not opinions. Those comments were provided only to appease his client, the Town Board, and fell under attorney-client privilege. If Mr. DeRoller disagrees, he has the right to seek remedy through an Article 78 procedure to have the F.O.I.L.-ability challenged in court. If successful, he will receive a copy of the response.

Mr. Kruger asked if legal opinions on contracts are sought routinely.

Attorney Sansone said not on agreements already signed, unless it is part of a litigation proceeding. With his extensive municipal representation experience, he has never been asked to look at a contract to speculate about what another lawyer may have done, six years previously. This is not in litigation. Attorney Sansone asked Mr. Kruger if he was in possession of a copy of the confidential legal opinion. Mr. Kruger said he was. Attorney Sansone suggested he then provide a copy to Mr. DeRoller.

Mr. DeRoller said he would not accept it from Mr. Kruger. He indicated he thought Part C had a negative impact on future water extensions, and many people are in real need of public water.

Supervisor Gaesser said Part C has nothing to do with more people being able to get water. If grant money were available, water would be run.

Mr. DeRoller said he could not find that there are any "roadblocks" on the federal level because of the Marina default. A timeline is necessary for this determination, and the Board should be pushing for a response.

Supervisor Gaesser explained that when Councilman Pritchard and he spoke in person with the grant administrators in 2010, everything went well. When Governor Cuomo took office, all those people were out, and there are all new people to deal with, and there is extensive history to cover, and it is taking time.

Clerk Richardson interrupted to ask the attorney and supervisor what should be done with the petition which was turned in. Mrs. Richardson recognized this was not a water petition, and asked what, other than officially receiving it, her responsibilities are to this unfamiliar type of petition. She expressed her concern after perusing the names, that some signers, well-known to her, may have thought they were signing a petition for water to service their residences.

Mr. DeRoller interrupted to say that everyone who signed it had read it.

Attorney Sansone read the petition wording:

ADVISORY PETITION

We the undersigned (landowner/Resident of Kendall) strongly advise the Kendall Town Board to elevate the priority in ALL actions in obtaining municipal WATER grants. It is further encouraged, that the Kendall Town Board, pursue WATER applications/installations as a high priority for expansion in those areas of record, that have signed WATER line petitions for Transit, Center and Lake shore Roads in the year 2010. It is further advised, that the current agreements and future direction with resolution 55-0412 as of April 17, 2012, "Requesting Amendment to Monroe County Water Authority (MCWA) enabling statute amended to include the Town of Kendall within the Authority's retail service area, will have serious negative impact on future water expansion and control. Furthermore we the undersign passionately mandate the withdrawal of Resolution 55-0412 on the grounds of conflict of interest of one Town Board member, that could potentially benefit personally from seeking out of district use. Furthermore that the Town Board pursue a detailed legal opinion by a law firm who specializes in municipal WATER all current and future agreements with MCWA (see attached information packet on WATER - 2012).

Attorney Sansone commented that the first two sentences are worthy. Due to the accusation of conflict of interest, his advice to the clerk was to stamp it received, and provide Councilman Schuth with a copy.

Councilman Schuth requested signature validation.

Clerk Richardson said she would research this possibility.

Supervisor Gaesser asked Councilwoman Szozda to express her opinion on the priority placed on water issues.

Her response was that it has been discussed and on each agenda. She would like to discuss the next step necessary to move forward. It is on this agenda.

RESOLUTIONS

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

RESOLUTION 89-0912 Accepting Joette Knapp's Resignation as Town Historian

Whereas Joette Knapp, the Kendall Town Historian, has tendered a letter of resignation to the Town Clerk, effective as of October 1, 2012, therefore

Be it resolved to accept this resignation, with regret.

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

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

RESOLUTION 90-0912 Appointing Kim Corcoran as Town Historian

Whereas there will be a vacancy in the position of Town Historian as of October 1, 2012, and

Whereas Kim Corcoran has been recommended by the current Town Historian, so therefore,

Be it resolved to appoint Kim Corcoran, 1889 Kendall Road, as Kendall Town Historian, commencing on October 1st, 2012, with such term ending December 31, 2012.

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

Supervisor Gaesser asked Councilwoman Szozda to provide Ms. Corcoran with a new employee packet as soon as possible.

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

RESOLUTION 91-0912 Special Board Meetings and Hearings

Be it RESOLVED to hold the following special meetings and hearings:

1. A Special Meeting for the presentation of the Tentative Budget to be held Tuesday, October 2, 2012 at 7:00 PM
2. A Preliminary Budget Hearing to be held Tuesday, October 30, 2012 at 7:00 PM

Be it further RESOLVED to instruct the Town Clerk to place notices in the official newspaper for these meetings and hearings.

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

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

RESOLUTION 92-0912 Interfund Transfer for Bicentennial Celebrations

Be it RESOLVED to make following budget transfer:

Transfer \$1,651 from account A888 Reserve for Celebration to revenue account A5031 Inter-Fund Transfer

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

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

RESOLUTION 93-0912 Budget Adjustment for Planning Board

Be it RESOLVED to make following budget adjustment:

Reduce account A8020.40 Planning Board Contractual from \$2,400 to \$1,900.

Increase account A8020.11 Planning Board Extra Help from \$700 to \$1,200.

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

Councilwoman Szozda made motion to pay the bills, as presented, seconded by Councilman Pritchard; all ayes:

PAYMENT OF CLAIMS

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| General Fund | Abstract 9 | \$21,150.93 | Vouchers 609-623,625-637,639-649 |
| Highway Fund | Abstract 9 | \$95,535.33 | Vouchers 614,622,650-681 |
| Light District One | Abstract 9 | \$416.04 | Voucher 640 |
| Light District Two | Abstract 9 | \$247.16 | Voucher 640 |
| Light District Three | Abstract 9 | \$135.30 | Voucher 640 |
| Water District Six | Abstract 9 | \$55.36 | Vouchers 638,645 |
| Library | Abstract 9 | <u>\$141.54</u> | Voucher 624 |
| | | \$117,681.66 | |

OLD BUSINESS

Water Expansion- Course of Action Plan

Councilwoman Szozda said there has been no response to the overtures for updated petitions for Norway and West Kendall Roads. Supervisor Gaesser offered to take the lead on the West Kendall one. Several residents in need of water have been vocal, including Karen Anderson, Michelle Werth and Angie Bobzin. Councilwoman Szozda said she has been in contact with them to pass surveys, but has not had responses.

Councilman Pritchard asked if all were in agreement that the surveys need to be in place before La Bella Engineering is approached, so they receive and review them. Councilwoman Szozda asked if the engineer can help with the surveys.

Councilman Pritchard explained that the petitions show some interest in water. The surveys show if there are the 98% of the owners interested required to qualify. The survey includes the information on need for water, income information for qualification, and does include information regarding potential costs.

Supervisor Gaesser said surveys should be the next step. Survey data may be helpful before the engineer is engaged. Supervisor Gaesser will ask La Bella for input on the next step. Neighbors should be the ones to

pass petitions. Supervisor Gaesser asked Councilwoman Szozda about Norway Road. She said Tim Quintern told her he had signed a water petition in 2006. Chairman Gray said that was when a town-wide survey was done. Norway Road did not qualify due to income levels being too high. That town-wide survey resulted in Water District Six being formed on Petersmith Road. Councilman Schuth also said the vacant lot owners also have to be counted, and are sometimes reluctant to assume the costs involved. Councilman Pritchard shared that when he went door-to-door on Transit Road, many said although they did not have water problems, they would support public water being run to benefit those neighbors who do have water problems. Supervisor Gaesser asked Hwy. Sup. Kruger if he had asked Ed Morgan about Carton Road. He had not. The supervisor has met with the supervisor of the Town of Gaines. A meeting involving the four towns involved on Transit Road – Kendall, Carlton, Murray and Gaines - will meet. Some Kendall Transit Road residents could benefit from the water line being run by Gaines. Chairman Gray said a rezoning to RR (from RA) can help with qualification.

Codification – awaiting final draft of codes for review.

With no further business being brought forward, Councilman Pritchard motioned to adjourn, seconded by Councilman Schuth; all ayes; meeting adjourned at 9:34 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk