

## REGULAR MEETING, KENDALL TOWN BOARD –October 13, 2005

Supervisor Becker called the meeting of October 13, 2005 to order at 7:30 PM and the Pledge of Allegiance was led.

### **PUBLIC PARTICIPATION:**

Public Present: Steve Seaman, Jerry Reamer, Sarah Williams, Nelson Williams, Ed and Alice Smith, Harry Butler, Al & Bev Lofthouse, Jay Schulwitz, Bev and Don Ras, Donald Beers, Yorke Knapp, Jack Gillman, William Vick, David Schuth.

Jerald Reamer- 16707 Ken Mor Road

Concerned about the budget. Received copy of proposed budget – line #9 is a concern. The proposed salary for Supervisor has been cut from \$9,200 for 2005 to \$5,000.00 in proposed 2006 budget. Questioned if 14 years ago budget was cut when Mr. Becker took office, that did not happen expressed Jerry. If current supervisor was to continue, would he cut his salary if he was staying on like he did this year. Other lines are questionable – referenced reductions. Either the 2005 was grossly inflated or the 2006 budget has been sabotaged to the point where the new Town Board will have problems in operating the Town. The Town Board then will need to borrow money which costs the taxpayers more – interest on money borrowed. The Supervisor salary is built in, nothing to change it except request a referendum. Jerry feels there are enough fair minded people that will insist to re-instate the Supervisor's salary by referendum. That then adds more cost to the taxpayers due to the cost of a voting process.

Everyone on this board is a Kendall Citizen and has lived here most of their lives, stated Jerry. The Board has done a good job except the frustrations we all faced this year. The total board must accept this budget. If except it as is with the ramifications that follow it, Jerry expressed that he could not believe this could possibly happen. He has lived here 80 years and people have been good and responsible people but to come up with a 45.7% reduction when actually \$9,200 is peanuts for being Town Supervisor. Jerry knows John can attest to the hours committed to the position. To cut the Supervisors position to \$5,000, Jerry expressed that all he could read into it is petty vindictiveness and that is not right.

Supervisor Becker explained the budget process and stated that the budget is put together based on what department heads submitted and this starts the process. Tentative budget is created as a starting point and then tentative budget is adopted as the Preliminary Budget. Workshops are scheduled and board works on the budgets. Then a Public Hearing is scheduled. This is not the final budget.

Donald Ras – 16787 Lakeland Beach

Knows several good, hard working people that would like to be Supervisor and would not do it for the \$9,200. Felt it should be raised.

Situation and ongoing problem with DEC, Army Corp of Engineers and Town. In August there was an Army Corp violation. Feels there is no communication between DEC, Army Corp and Town. The 700 feet of gabions permitted by the town are now going to be covered with a deck and walkway hidden from this site. First these were going to be temporary per Don. These gabions have fallen into the water in the past and if covered how will we know if they fall in if they are covered.

Supervisor Becker interrupted and stated that the information about this Army Corp. violation has been given to the Planning Board and CEO. The Code Enforcement Officer has responded. He notified the marina that this action is not part of the permitted plan and to cease and assist. Supervisor Becker stated that the Town Board has no input or output if a gabion is a structure and can't comment on that. If the neighborhood residents hear of violations then they have to notify the Town by attending meetings. Ras would like to suggest that the Town Board ask that all these agencies communicate to the Town when these violations occur.

Allen Lofthouse – 2191 Center Road

Echoes Jerry's comments. Allen hopes that during the steps of budget process consider restoring the budget to the 2005 levels. The Youth Recreation contractual expense should be reviewed. Their business supports teams through this program. Drainage should be restored because more projects are needed. All the Supervisors line items should be restored. The newly elected supervisor can not be expected to fund town government. Allen feels it is their duty and obligation to leave them with a viable and responsible budget.

Alice Smith – 16249 Roosevelt Highway

Would like to ask the board why the Supervisors salary was dropped so. When you review Preliminary budget take notice of a lot of things. The Retirement, the highway superintendent's budget lines. Alice expressed that in the news lately retirement is a thing of the past.

Supervisor Becker commented that the State mandates that all full time employees must belong to the retirement system. It is not an option. In the last three years the state has pushed huge increases on all municipalities due to the stock market decrease and the pension program being under funded. The Town has a reserve fund to draw some money from. What is seen in the budget is a step increase that is drawn from tax money. Some reserve money comes from this fund. Another 1/3 more that doesn't show in the budget because it is not tax money – it comes from the reserve. About 12% of payroll is retirement. Huge increase and try to soften the blow by having the retirement reserve fund.

Jack Gillman – 16822 Roosevelt Highway

Just heard about the budget. He is a candidate for Supervisor and if either him or Vick wins maybe a complete investigation should be done. He understands that Supervisor Becker took office for 14 years, questioned how far back should they go.

Bill Vick – Ed Rose Shores

Youth recreation contractual expenses (A7310.4) shows a \$17,489 reduction. Last year took the fees and put them in the budget in the amount of \$18,000. Also has a revenue line for recreation fees for about \$18,000. Supervisor Becker advised that that is the budget that Barb Flow turned in.

Pointing out to the Board that their will be a \$18,000 thousand dollar short fall in appropriation. Tentative Budget for A7310.4 was \$28,884 actual for 2005, last years budget was \$28,870 which was reduced to \$11,381 in 2006, a \$17,489 reduction. Supervisor Becker will take a look at it, a typo may have occurred. If an error they will make a correction.

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What is placed in the tentative budget is what Department Heads asked for stated Supervisor Becker. Vick questioned that it is assumed then that Supervisor Becker asked for the reductions in the Supervisors salary; Supervisor Becker so stated he did.

Moved into session at 7:50 PM

Members present: Supervisor Becker  
Councilpersons DiNatale, Kludt, Robinson,  
Absent Councilperson Weisenburg

Others present: Douglas Heath, Attorney; Kenneth Rush, Legislator; Kenneth DeRoller, Assessor; Barbara Flow, Recreation Director; Joette Knapp, Historian.

Motion by Councilman Kludt, seconded by Councilwoman DiNatale, to accept the minutes of the meeting of September 8, 2005 presented by the Clerk.

Ayes: All  
No: None

Motion by Councilwoman Robinson, seconded by Councilman Kludt to accept **General Claims (Abs#9)** totaling \$62,266.89. Supervisor Becker is authorized to pay said claims. (Voucher 296 to 328)

Ayes: All  
No: None

Motion by Councilwoman DiNatale, seconded by Councilman Kludt to accept **Highway Claims (Abs#9)** totaling \$55,461.56. Supervisor Becker is authorized to pay said claims. (Voucher 256 to 285)

Ayes: All  
No: None

Motion by Councilman Kludt, seconded by Councilwoman Robinson to accept **Agency Claims (Abs#9)** totaling \$43,363.61. Supervisor Becker is authorized to pay said claims. (Voucher 15 to 16)

Ayes: All  
No: None

Motion by Councilwoman DiNatale, seconded by Councilman Kludt to accept **Capital Project Claims (Abs#5)** totaling \$424,296.89. Supervisor Becker is authorized to pay said claims. (Voucher 5 to 6)

Ayes: All  
No: None

**CORRESPONDENCE:**

FROM:	RE:
Planning Board	Meeting Minutes-8/23/05
Zoning Board	Meeting Minutes-8/11/05
Orleans County Board of Elections	November 8, 2005 General Election Information
Wayne Lemcke	Concerns with Right to Farm Law and Proposed water expansion
Nadine P Hanlon	October office update
	Public Hearing Minutes – Joint Water Board September 29, 2005
Eric Peters	Water Superintendent Report

Supervisor Becker  
Orleans County Emergency Management Office – Safety Training  
Changes on the Radio System for Orleans County  
Douglas Heath- Asked if received letter from Orleans County Emergency Management Office pertaining to Emergency Plans

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

Kenneth Rush – Legislator  
Change county radio system from 800 to 900 MHz. Nextel will furnish all new radios (900) and will pay the \$2 million cost but county will have to pay for the backbone. County budget does not look good but working to get it reasonable. Clerk Hanlon advised Ken of all the garbage complaints we have received lately.

Kenneth De Roller – Assessor  
Empire zone in county covers 2 square miles. Redistricting it to encourage economic development and Legislature is supportive of this.

Working with Barb Seibert, KCS Business Office, to get STAR information into the School Newsletter. Will begin re-assessment in 2007, which involves a year and a half calendar process. Will provide the Board a tentative schedule within the next couple of months. The town is on a tri-annual reassessment schedule for the entire town. Currently struggling with the marketplace with having lowest interest rates in 45 years sales being 15% to 20% higher than assessments. Glad all are looking at the budgets because the spending side and budget side must jell together.

Joette Knapp – Historian  
No Report

Barbara Flow – Recreation Director  
Working close with school and uses the facilities at school, especially the ball fields. Would like to request the board to allow the purchase benches and backstops in cooperation with the Kendall School to be used at the School facilities. In February

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were given funds – surplus fees from uniforms, no tax money - to purchase these and would like the board to allow this purchase. In 2006 will not be increasing the fees for recreation uniforms. Would also like to request the Town Board to establish a reserve fund of which funds will be used to purchase equipment in the future. Also need a resolution to submit application to NYS Office of Child and Family services for \$1425.00 for funding for our recreation program. Commission met and recommends that Andrea Szozda be appointed to the Recreation Commission to fill the unexpired term that Kenneth Barchet resigned from. Andrea currently runs our Basketball program. Is a volunteer position and had many applications.

Warren Kruger - Highway Superintendent

- CHIP sealed Norway from Lakeshore to Ken Mor; and north end of Peter Smith Road. Extended Woodchuck Alley past new home.
- Microburst that occurred a couple weeks ago did not do a lot of damage here like it did to the east of us.
- Mowing roads to cut weeds down to help with snow control.
- Hydrant and phone boxes are getting marked for the winter plowing season.
- Hauling and stock piling sand. So mixing with the salt can occur
- Sidewalk – Sprague’s to Masonic lodge is near completion. Need to come up with a railing design. Will then complete the section from Masonic to Herrings Apartments. Blocks are heavy and takes a hour to set 5 to 6 on the base because of their interlocking system
- Working to prepare for winter.

Nadine Hanlon, Town Clerk

Report submitted. Out of town for a Symposium on Managing Electronic records. Water bill letters sent out and those not paid will be re-levied on taxes if not paid by November 7<sup>th</sup>.

Ellen Robinson – Council

AED – Automated External Defibrillator – There is no state mandate to have an AED in a public building. If state mandated AED they would pay for them. Schools were mandated to have AED’s in their facilities. Ellen explained how it works. Need to be CPR certified to run an AED. Gary Crawford would provide training to those employees who would like to be trained. AED, Carry Case and backup battery would cost about \$1,474.00. Additional cost would occur if purchase pediatric pads.

John Becker – Supervisor

Moved the Joseph Hunt Estate from a 2% money market to a 4.33% 1 year CD. This will allow \$4,033 available for library expenditures next year.

### **RESOLUTIONS: (77 to 89)**

#### **RESOLUTION # 77 – STUART I BROWN TO CONDUCT INCOME SURVEY FOR WATER EXPANSION**

MOVED BY Councilman Kludt, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT Stuart I. Brown Associates, Inc. is authorized to conduct an income survey of the areas of Kendall Road, Peter Smith Road, West Kendall Road, Lakeshore Road and Norway Road submitting petitions requesting that the Town explore the possible expansion of public water, at a cost not to exceed \$700.00.

Ayes: All

Nays: None

#### **RESOLUTION # 78 – PURCHASE OF BENCHES AND BACKSTOPS**

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT the Youth Recreation Commission in cooperation with Kendall Central School is authorized to purchase benches and backstops in an amount not to exceed \$5,106.00; with said funds to come from unexpended recreation fees.

Ayes: All

Nays: None

#### **RESOLUTION # 79 – YOUTH RECREATION RESERVE FUND ESTABLISHED**

MOVED BY Councilwoman DiNatale, seconded by Councilman Kludt

BE IT RESOLVED THAT the Youth Recreation Reserve Fund be established for the purpose of purchasing recreation equipment with said Reserve to be funded with unexpended Recreation Fees as requested by the Youth Recreation Commission.

Ayes: All

Nays: None

#### **RESOLUTION # 80 – 2006 PREMILINARY BUDGET**

MOVED BY Councilman Kludt, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Tentative Budget be adopted as the Preliminary Budget for the Town of Kendall for the year of 2006.

Ayes: All

Nays: None

#### **RESOLUTION # 81 – INSTALLATION OF ALUMINUM FLAGPOLES – BEECHWOOD/GREENWOOD CEMETERIES**

MOVED BY Councilwoman Robinson, seconded by Councilman Kludt

BE IT RESOLVED THAT authorization is approved to purchase and install two 20 foot lighted aluminum flagpoles; (1) in Greenwood Cemetery and (1) in Beechwood Cemetery, at a cost not to exceed \$2,450.00.

Ayes: All

Nays: None

Discussion: As recommended by the Rededication Committee

#### **RESOLUTION # 82 – NYS SNOW AND ICE AGREEMENT FOR 2007/2008**

MOVED BY Councilman Kludt, seconded by Councilwoman DiNatale

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BE IT RESOLVED THAT the Supervisor is authorized to sign the Agreement to extend the Conventional Snow and Ice for the 2007/2008 season, with NYSDOT.

Ayes: All  
Nays: None

RESOLUTION # 83 – 2006 FUNDING FROM NYS OFFICE OF CHILDREN AND FAMILY SERVICES

MOVED BY Councilwoman DiNatale, seconded by Councilman Kludt

BE IT RESOLVED THAT the Kendall Recreation Youth Director is authorized to submit the application for funding for the year 2006 to the New York State Office of Children and Family Services in the amount of \$1,425.00.

Ayes: All  
Nays: None

RESOLUTION # 84 – BENEFIT CHARGE FOR SECOND WATER SUPPLY

MOVED BY Councilwoman DiNatale, seconded by Councilwoman Robinson

BE IT RESOLVED THAT a Benefit Charge is authorized to be assessed against the Kendall Water Districts for the benefit of a second water supply line on the following basis:

District No. 1: Ad Valorem Basis

District No. 2-5: Benefit Unit Basis

Ayes: All  
Nays: None

RESOLUTION # 85 – ANDREA SZOZDA – YOUTH RECREATION COMMISSION

MOVED BY Councilwoman DiNatale, seconded by Councilwoman Robinson

BE IT RESOLVED THAT Andrea Szozda be appointed to complete a term on the Youth Recreation Commission, with said term to end December 31, 2006

Ayes: All  
Nays: None  
Note: Replacement for Kenneth Barchet due to his resignation

RESOLUTION # 86 – CORRECTION – AGENCY ABSTRACT #9

MOVED BY Councilman Kludt, seconded by Councilwoman Robinson

BE IT RESOLVED THAT Agency Fund Abstract #9 be corrected adding benefit payment to NYS Retirement System of \$493.44 and benefit payment to Premier Health Plan of \$3,847.08 making the new total \$34,845.11.

Ayes: All  
Nays: None

RESOLUTION # 87 – PUBLIC HEARNG – BENEFIT CHARGE SECOND SUPPLY LINE FOR PUBLIC WATER

MOVED BY Councilwoman Robinson, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT a public hearing is authorized to be held on November 2, 2005 at 7:00 pm at the Hamlin Town Hall for the purpose of describing the benefit charge to the Hamlin & Kendall water districts benefiting from the 2<sup>nd</sup> supply line.

Ayes: All  
Nays: None

RESOLUTION # 88 – LEGAL SERVICES FOR EAGLE CREEK MARINA PROJECT

MOVED BY Councilman Kludt, seconded by Councilwoman Robinson

BE IT RESOLVED THAT the Kendall Town Board does hereby ratify and affirm the retention of the law firm of Woods, Oviatt, Gilman, (Stephen W. Tierney, Esq., of Counsel) as special counsel for the Town of Kendall in all matters pertaining to the implementation of the Small Cities Community Development Block Grant Program relating to the Eagle Creek marina expansion project.

Ayes: All  
Nays: None

RESOLUTION # 89 – 2006 TOWN BUDGET PUBLIC HEARING SCHEDULED

MOVED BY Councilman Kludt, seconded by Councilwoman DiNatale

BE IT RESOLVED THAT the 2006 Town Budget Public Hearing will be scheduled for Thursday, November 10, 2005 at 7:00 PM at the Kendall Town Hall and all interested parties will be heard.

Ayes: All  
Nays: None

**GENERAL DISCUSSION:**

Set dates for Budget Workshops

October 19, 2005 – 7 PM

October 26, 2005 – 7 PM

To be held in the Small Conference Room

Motion to adjourn by Councilman Kludt, seconded by Councilwoman DiNatale  
Meeting adjourned at 8:33 P.M.

Next Meeting : November 10, 2005 - 2006 Town Budget Hearing – 7:00 PM  
Regular Town Board Meeting at 7:30 P.M.

Respectfully submitted,

Nadine P. Hanlon, RMC  
Kendall Town Clerk