

TOWN OF KENDALL
SPECIAL TOWN BOARD MEETING
Monday, October 19, 2009
5:00 p.m.

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

ROLL CALL

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

Also present: Roger Klimek, Joyce Henry, Marianne Wilson, Gay Smith, Allen and Bev Lofthouse, Mary Ellen Seaman, Stephen Seaman, Wendy Balka

SUPERVISOR'S REMARKS

Supervisor Gillman stated that this meeting was scheduled because there is potential litigation against the Supervisor.

Councilman Schuth motioned to move to executive session to discuss potential litigation against the Supervisor, seconded by Councilwoman Szozda.

Discussion:

Councilman Gaesser: "No lawyer?"

Supervisor Gillman: "No lawyer present."

Councilwoman Szozda: "Nobody gave their approval."

Supervisor Gillman: "Nobody gave their approval, so no lawyer could be here."

Councilwoman Szozda: "He asked for approval in many e-mails"

Supervisor Gillman: "He sent three e-mails, at least, for approval to be here."

Councilman Gaesser: "The last e-mail I got said that the motion was withdrawn."

Councilman Joseph: "This is the first that I have heard that we have another action.... I don't have a phone call; I don't have an e-mail...we have one from the lawyer stating that the petition had been rejected, along with a copy of this letter."

Supervisor Gillman: " And I just found out a half an hour ago that there is pending litigation sitting at the Appellate Division right now. It is not on this (indicating a document in hand). I got this Friday morning, Friday afternoon."

Councilman Joseph: "We couldn't be e-mailed, or given a phone call?"

Supervisor Gillman: "This docket (sic) here is the same as the first one; the only thing that is different is the date, and then the date has been changed again."

There was a discussion between all the Councilpersons regarding a persistent lack of communication, and the lack of dissemination of information, and the lack of updates from the Supervisor. Councilman Schuth stated that his last information was that the

action was no longer pending, and therefore the lawyer's presence would not be necessary. Councilman Schuth added that it appears that this was no longer the case, and legal counsel now seems vital. Councilmen Joseph and Gaesser agreed. A fifteen minute recess was called so that the counsel could study the paperwork presented.

Supervisor Gillman provided a copy for the official record of an APPELLATE DIVISION FOURTH DEPARTMENT - PETITION FOR REMOVAL OF OFFICER to the Town Clerk

Upon the resumption of the meeting, it was decided that an executive session would still be of use, and...

A vote was taken, which resulted in all in favor of moving to executive session at 5:23 p.m.

Executive session ended at 6:28 p.m.

The meeting resumed public session at 6:28 p.m.

Councilman Gaesser motioned for a recess until 5:30 p.m. on Thursday, October 22, seconded by Councilman Schuth. It is expected that the Attorney for the Town will be present at that meeting. A vote was taken, and all were in favor of adjournment. Meeting adjourned at 6:28 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk