

**KENDALL TOWN BOARD**  
**2012 ORGANIZATIONAL MEETING**  
**KENDALL TOWN BOARD**

Tuesday, January 3, 2012

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

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

**ROLL CALL**

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

Also present, Al and Bev Lofthouse, Planning Chairman Paul Gray, Recreation Director Barb Flow, Mary Ellen Seaman

Justice Lape, re-elected for a new four-year term, was sworn in by Justice Maxon, with his mother holding his bible as he took his oath of office.

Supervisor Gaesser, Councilman Joseph and Councilwoman Szozda took their oaths prior to the meeting. Supervisor Gaesser reminded all those appointed tonight to take their oaths at the Town Clerk's office as soon as possible. Supervisor Gaesser announced that a letter was received from Code Enforcement Officer Gurslin that stated he did not wish to be reappointed to that office.

**PUBLIC COMMENTS**

none

**RESOLUTIONS**

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

**RESOLUTION #1-0112- Reappointing John Sansone as Attorney for the Town of Kendall**

Be it resolved to reappoint John S. Sansone, Esq. as the Attorney for the Town of Kendall for the year 2012.

It is further resolved that the Supervisor is authorized to sign a legal services agreement for the year 2012 with John S. Sansone, Esq. on behalf of the Town of Kendall.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #2-0112- Reappointing Kevin Banker as Member of the Zoning Board of Appeals**

Be it resolved to reappoint Kevin Banker as a member of the Zoning Board of Appeals for the Town of Kendall for a five-year term expiring December 31, 2016.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #3-0112- Reappointing Kevin Banker as Chairman of the Zoning Board of Appeals**

Be it resolved to reappoint Kevin Banker as Chairman of the Zoning Board of Appeals for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #4-0112- Reappointing Paul Gray as Member of the Planning Board**

Be it resolved to reappoint Paul Gray as a member of the Planning Board for the Town of Kendall for a five-year term expiring December 31, 2016.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #5-0112- Reappointing Paul Gray as Chairman of the Planning Board**

Be it resolved to reappoint Paul Gray as Chairman of the Planning Board for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #6-0112- Reappointing Barb Flow as Director of Youth and Adult Recreation**

Be it resolved to reappoint Barb Flow as Director of Youth and Adult Recreation for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #7-0112- Reappointing Jim Stedman and Kelly Walzer to the Youth Recreation Commission**

Be it resolved to reappoint Jim Stedman and Kelly Walzer to the Youth Recreation Commission, each for a three year term expiring December 31, 2014.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #8-0112- Appointing Shirley Cataldi as Adult Recreation Representative**

Be it resolved to appoint Shirley Cataldi as Adult Recreation Representative for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #9-0112- Reappointing Joette Knapp as Town Historian**

Be it resolved to reappoint Joette Knapp as Town Historian for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #10-0112- Reappointing Amy Richardson as Water Collections Clerk For 2012**

Be it resolved to appoint Amy Richardson as Water Collections Clerk (PT) to collect, record, and turn over monies collected for water usage by Water District 6 consumers for the year 2012 at an annual salary of \$600.00, to be paid semi-annually.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #11-0112- Reappointing Charles Patt as Custodian for Beechwood Cemetery**

Be it resolved to reappoint Charles Patt as Custodian for Beechwood Cemetery for the Town of Kendall at an annual salary of \$500.00 for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #12-0112- Reappointing Walter Steffen Jr. as Custodian for Greenwood Cemetery**

Be it resolved to reappoint Walter Steffen Jr. as Custodian for Greenwood Cemetery for the Town of Kendall at an annual salary of \$500.00 for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #13-0112- Reappointing Cheryl Cole as Court Clerk**

Be it resolved to reappoint Cheryl Cole as Court Clerk for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #14-0112- Reappointing Eileen Grah as Town of Kendall Librarian**

Be it resolved to reappoint Eileen Grah as the Town of Kendall Librarian for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #15-0112- Appointing Paul Hennekey as Code Enforcement Officer**

Be it resolved to appoint Paul Hennekey as the Code Enforcement Officer for the Town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #16-0112- Reappointing Nicholas Schicker to the position of Building Maintenance Worker.**

Be it resolved to reappoint Nicholas Schicker to the position of Building Maintenance Worker for the year 2012.

Be it further resolved that the wage for the position of Building Maintenance Worker remains at \$11.00 per hour for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #17-0112- Occu-Med of Western New York**

It is hereby resolved that the Supervisor is authorized to sign an agreement for the year 2012 with Occu-Med of Western New York for the Town of Kendall's CDL Drug and Alcohol testing.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #18-0112- Reappointing John Wing to the Kendall Medical Office Oversight Board**

Be it resolved to reappoint JohnWing to the Kendall Medical Office Oversight Board for the Town of Kendall for a three year term expiring December 31, 2014.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #19-0112- Naming the Bank of Deposit**

Be it resolved that the **H.S.B.C. Bank of Holley, NA** is designated as the bank of deposit for the town of Kendall for the year 2012.

Discussion: Supervisor Gaesser informed the Board that he has met with the account representative concerning the buy-out of HSBC. The branches have been bought by First Niagara. They assured him that the transition will be smooth. All checks for every account will be replaced at the bank's expense. The resolution will need amending after the transition occurs, in April.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #20-0112- Deposit of Surplus Money**

Be it resolved that the Supervisor is authorized to deposit surplus monies in time deposit accounts where the greatest amount of interest can be secured.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #21-0112- Contractual Bills and Invoices with Discount**

It is hereby resolved that the Supervisor is authorized to pay all contractual bills and all invoices offering a discount, upon approval of the Department Head.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #22-0112- Delegation of Authority to Supervisor**

WHEREAS, the Town of Kendall must function between regular town board meetings and...

WHEREAS, Town Law, Section 29(16) specifically provides for the delegation of the power and duties of administration and supervision to the Supervisor and...

WHEREAS, it is understood that by such delegation the Town Board may not abdicate to the Supervisor or surrender to him the Board's basic statutory responsibilities...

Now, be it hereby **RESOLVED**, that the Town Board of the Town of Kendall hereby authorizes and delegates to the Town Supervisor powers and duties of day to day administration and supervision of all town and special district facilities and employees, consistent with and in furtherance of any and all State and Federal laws applicable thereto, and with any and all local laws, resolutions, or policies heretofore or hereafter adopted by this Town Board.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #23-0112- Naming the Official Newspaper**

Be it resolved that the **Hamlin-Clarkson Herald** is designated as the official newspaper for the town of Kendall for the year 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #24-0112- Establishing the Regular Board Meeting Schedule**

Be it resolved that regular meetings of the Town Board of the town of Kendall be held at the Kendall Town Hall, 1873 Kendall Road, on the third Tuesday of each month at 7:30 pm.

Be it further resolved that the Town Clerk shall place a notice in the Official Newspaper to notify the public about the regular board meeting schedule.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #25-0112- Establishing Regularly Scheduled Conference Sessions (Workshops)**

WHEREAS, it is desired to provide opportunity for sufficient board member and public comment to define and develop the knowledge of, and content for, board resolutions in advance of regularly scheduled Town Board meetings and further to advance strategy and responsibilities for Town Board courses of action...

Now be it hereby **RESOLVED** that the Town Board of the Town of Kendall establishes and provides for regularly scheduled work sessions to occur on the first Tuesday of each month at 7:30PM.

Be it further resolved that the Town Clerk shall place a notice in the Official Newspaper to notify the public about the regularly scheduled conference session (workshop) schedule.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #26-0112- Establishing Additional, Regularly Scheduled Work Sessions**

Be it **RESOLVED** that the Town Board of the Town of Kendall establishes and provides for additional, regularly scheduled work sessions to occur on the Saturday prior to the third Tuesday of each month from 9:00AM to 11:30AM, and on each Monday evening from 6:00PM to 9:00PM, excluding holidays.

Be it further resolved that the Town Clerk shall place a notice in the Official Newspaper to notify the public about these regularly scheduled work sessions.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #27-0112- Mileage Reimbursement**

WHEREAS, the Internal Revenue Service has set mileage reimbursement for the year 2012 at the rate of \$0.555 per mile, therefore be it now hereby...

**RESOLVED**, that \$0.555 per mile is established as the reimbursement rate for Town of Kendall Officials for mileage expenses while on Town Business.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #28-0112- 2012 Salary Schedule**

A resolution adopting the salary schedule for 2012, as presented:

TOWN OF KENDALL  
2012 SALARY SCHEDULE

Supervisor	\$8,400.00
Deputy Supervisor	\$300.00
Councilperson (4)	\$3,120.00
Justice 1	\$8,100.00
Justice 2	\$7,350.00
Court Clerk	\$5,500.00
Budget Officer	\$1,600.00
Assessor	\$24,000.00
Board of Assessment Review (4)	\$125.00 each
Town Clerk	\$26,000.00
Code Enforcement Officer	\$8,250.00
Deputy Code Enforcement Officer	\$6,250.00
Registrar of Vital Statistics	\$500.00
Superintendent of Highways	\$48,650.00
Historian	\$750.00
Youth Recreation Director	\$12,650.00

Adult Recreation Director	\$875.00
Zoning Board of Appeals	
Chairman	\$1,040.00
Members (4)	\$840.00 each
Planning Board	
Chairman	\$1,450.00
Member (4)	\$875.00 each
Orleans County Member	\$110.00
Election Inspectors	\$8.25 per hour
Training Class	\$25.00 per session
Librarian	\$800.00

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #29-0112- 2012 Highway Wage Schedule and Work Agreement**

Be it resolved that the following Salary Schedule and Work Agreement for the Highway Department be adopted for the year 2012 as adjusted by the Highway Superintendent, Warren Kruger:

**TOWN OF KENDALL HIGHWAY DEPARTMENT  
SALARY SCHEDULE AND WORK AGREEMENT FOR 2012**

The Town of Kendall Highway Department Employees will be paid on the following schedule for 2012;

Full Time Motor Equipment Operators (MEO)-	from Federal minimum wage up to \$19.08 per hour
Part Time motor equipment Operators (MEO-PT)-	from Federal minimum wage up to \$12.40 per hour
Full & Part Time Laborer-	from Federal minimum wage up to \$10.75 per hour

Employees are to be paid biweekly for an 80 hour pay period. Time and one half (1-1/2) wages will be paid for overtime beyond forty (40) hours worked in each week.

Employees will be provided work clothes up to \$300.00 per year through a uniform service or reimbursement for employee purchases with documented receipts. By law, the Town does not reimburse for sales tax paid.

Following completion of a two (2) month probation period, full-time employees will earn five (5) paid sick days per year. Unused sick days may be accumulated as follows:

1 <sup>st</sup> year of employment	up to five (5) days paid
2 <sup>nd</sup> year of employment	up to ten (10) days paid
3 <sup>rd</sup> year of employment	up to fifteen (15) days paid
4 <sup>th</sup> year of employment	up to twenty (20) days paid
5 <sup>th</sup> year of employment	up to twenty-five (25) days paid
Beyond five (5) years may accumulate one (1) additional day per month worked up to a maximum of one hundred eighty (180) days paid.	



A certificate from the employee's physician will be required after being sick for five (5) consecutive days for benefits to be paid.

Sick pay accumulation will NOT be paid out at retirement or termination.

Vacation time benefits will be paid to full time employees as follows and may NOT be carried over or accumulated into the next year but otherwise may NOT be carried over or accumulated in subsequent years. The highway superintendent may deny specific dates for vacation because of workload requirements;

1 <sup>st</sup> year of employment	May accumulate one(1) paid day of vacation for each month worked after completing a two (2) month probation period, (maximum 10 days)
2 <sup>nd</sup> through 10 <sup>th</sup> year	ten (10) days paid vacation
After 10 years	fifteen (15) days paid vacation

Holidays will be paid for Full Time employees as follows:

New Year's Day, Martin Luther King's Birthday, Good Friday, Memorial Day, Fourth of July, Labor Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day. Saturday holidays will be observed on the Friday preceding the holiday, and Sunday holidays will be observed on the Monday following the holiday.

Discussion: Supervisor Gaesser stated the agreement was submitted and signed by the Highway Superintendent.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #30-0112- Authorizing Engagement Letter with Amato, Fox & Company, PC**

Be it resolved that the Supervisor is authorized to sign an engagement letter with Amato, Fox & Company, PC to have Amato, Fox & Company, PC conduct a single audit for the Town of Kendall for the year ended December 31, 2011 in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and provisions of OMB Circular A-133, and other procedures considered necessary to Amato, Fox & Company, PC. That said audit will be performed for a fee of \$6,500; that said audit will begin on approximately February 16, 2012; and Amato, Fox & Company, PC will issue their reports no later than March 16, 2012.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #31-0112- Authorizing the Filing of a Blanket Undertaking**

Be it resolved that the Kendall Town Board authorizes the filing of a blanket bond to indemnify all officers required to file an undertaking. It is further resolved that a certified copy of this resolution authorizing the blanket bond will be attached to the bond and filed in the county clerk's office.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #32-0112- To Revise the Per Diem Rate for Town Business**

**WHEREAS**, the Per Diem Rate for Town Business Policy has been created by Town Board Resolution 28-109 and...

**WHEREAS**, Resolution 23-0110 established the Internal Revenue Service mileage rate as the reimbursement rate for Town of Kendall Officials for mileage expenses while on town business, and ...

**WHEREAS**, after review of this policy by the Town Board, the following changes are recommended and designed to harmonize the Per Diem Rate for Town Business Policy with the establishment of the 2012 mileage rate,

Now, therefore, be it **RESOLVED** to make the following changes to the Per Diem Rate for Town Business Policy-

Item 4 now reads                    *“Transportation - The Internal Revenue Service has set mileage reimbursement for the year 2011 at the rate of \$.51 per mile.”*

Change Item 4 to read            *“Transportation - The Internal Revenue Service has set mileage reimbursement for the year 2012 at the rate of \$.555 per mile.”*

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

Supervisor Gaesser made the following motion, seconded by Councilwoman Szozda:

**RESOLUTION #33-0112- Requiring Department Heads, Board Chairs, Board Members, and the Engineer for the Town To Obtain Advice and Consent of the Town Board to Engage the Attorney for the Town and/or the the Town Engineer**

It is RESOLVED that department heads, board chairs, the Town Board members, and Engineer for the Town shall obtain the advice and consent of the Town Board to engage the attorney for the town, or to engage the engineer for the town. Advice and consent is obtained through the office of the Supervisor.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

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

**RESOLUTION #34-0112- Authorizing an Advertisement for an Open Position for Deputy Code Enforcement Officer**

Whereas, a position of Deputy Code Enforcement Officer is vacant, and,

Whereas, the Town Board of the Town of Kendall desires to notify citizens about this open position and to receive letters of interest, applications, and resume's from interested citizens, and,

Whereas, the Town Board of the Town of Kendall will be accepting resumes and applications for this position, with such deadline of receipt to the Kendall Town Clerk by January 31, 2012.

Now, therefore be it RESOLVED to instruct the Town Clerk to place an ad in the Hamlin Herald in two consecutive weeks, and post to the town website, for the advertisement of public notice for this position.

Supervisor Gaesser called for a vote, resulting in all ayes, and declared the motion carried.

### **SUPERVISOR APPOINTMENTS FOR 2012**

**Deputy Supervisor:** Donald Pritchard

**Budget Officer:** Daniel Gaesser

Supervisor Gaesser encouraged all Board members to attend as many Planning Board meetings as possible, and to listen to the recordings of any missed in order to keep abreast of the process for the potential Troutburg development.

### **KENDALL TOWN BOARD STANDING COMMITTEES FOR THE YEAR 2012**

#### **Public Safety/Emergency Services & Occupational Safety**

Includes liaison with Fire Dept., Law Enforcement, Code Enforcement, OCHD, NYDEC, Workplace and Property safety for all locations and activities of the Town of Kendall.

Chair: Joseph; Alternate: Schuth; Dept. Head: Kruger

#### **Highway**

Includes TOK Highway Dept., Orleans Co. Highway Dept., and NYSDOT.

Chair: Gaesser; Alternates: Pritchard, Joseph; Dept. Head: Kruger

#### **Buildings & Grounds**

Includes the maintenance and upkeep of all town buildings, property and cemeteries.

Chair: Joseph; Alternate: Pritchard; Dept. Head: Kruger

#### **Planning, Zoning and Agriculture**

Chair: Schuth; Alternate: Szozda; Dept. Heads: Banker, Gray

#### **Community Relations**

Liaison with Schools, Churches, Medical Office, Service Clubs,

Chair: Schuth; Alternate: Szozda Dept. Head: Richardson

#### **Human Resources & Ethics**

Including but not limited to Drug & Alcohol Testing, Substance Abuse, Related Counseling & Rehabilitation, Discrimination, Workplace Behavior, Conflicts in the Workplace & Conflicts of Interest.

Chair: Szozda; Alternate: Pritchard

#### **Finance, Taxes & Special Districts**

Chair: Gaesser; Alternates: Pritchard, Joseph

#### **Information Services**

Including Computer Systems, Records Management, Copy Equipment, Document Format, Telephone System

Chair: Joseph; Alternate: Pritchard

#### **Employee Benefits**

Chair: Szozda; Alternate: Schuth

#### **Culture & Recreation**

Youth Programs, Adult Recreation, Library, History, Celebrations

Chair: Pritchard, Alternate: Szozda, Dept. Heads: Flow

There being no further organizational business coming before the Board, Councilman Pritchard moved to adjourn, seconded by Councilman Schuth; all ayes. Supervisor Gaesser closed the meeting at 8:15 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk