

KENDALL TOWN BOARD
2011 ORGANIZATIONAL MEETING

Tuesday, January 4, 2011

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

Supervisor Gaesser called the meeting to order at 7:30 pm, 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, Clerk Richardson, Planning Board Chair Gray, CEO Gursslin, Deputy CEO Hennekey, Joyce Henry, Dan Schuth, Charles Patt, Steve Seaman, Gary Smith, Barb Flow, Al and Bev Lofthouse, Molly Richardson

SUPERVISOR'S REMARKS

Supervisor Gaesser read a letter of resignation from Planning Board member Tom Cole.

RESOLUTIONS

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

RESOLUTION #1-0111- 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 2011.

It is further resolved that the Supervisor is authorized to sign a legal services agreement for the year 2011 with John S. Sansone, Esq., continuing his existing terms, on behalf of the Town of Kendall.

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

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

RESOLUTION #2-0111- 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 2011.

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

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

RESOLUTION #3-0111- 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 2011.

Be it further resolved to reappoint Paul Gray as Orleans County Planning Board representative for the Town of Kendall for the year 2011.

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

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

RESOLUTION #4-0111- Reappointing Joyce Henry as Member of the Planning Board

Be it resolved to reappoint Joyce Henry to the Planning Board for a five-year term expiring December 31, 2015.

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

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

RESOLUTION #5-0111- 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 2011.

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

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

RESOLUTION #6-0111- Reappointing Blair Bobzin to the Youth Recreation Commission

Be it resolved to reappoint Blair Bobzin to the Youth Recreation Commission for a three year term expiring December 31, 2013.

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

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

RESOLUTION #7-0111- Reappointing Joe Canale to the Youth Recreation Commission

Be it resolved to reappoint Joe Canale to the Youth Recreation Commission for a three year term expiring December 31, 2013.

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

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

RESOLUTION #8-0111- Reappointing Helen Mayes as Adult Recreation Representative

Be it resolved to reappoint Helen Mayes as Adult Recreation Representative for the Town of Kendall for the year 2011.

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

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

RESOLUTION #9-0111- Reappointing Joette Knapp as Town Historian

Be it resolved to reappoint Joette Knapp as Town Historian for the Town of Kendall for the year 2011.

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

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

RESOLUTION #10-0111- Reappointing Amy Richardson As Water Collections Clerk For 2011

Be it resolved to reappoint 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 2011 at an annual salary of \$600.00, to be paid semi-annually.

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

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

RESOLUTION #11-0111- 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 2011.

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

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

RESOLUTION #12-0111- 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 2011.

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

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

RESOLUTION #13-0111- Reappointing Cheryl Cole as Court Clerk

Be it resolved to reappoint Cheryl Cole as Court Clerk for the Town of Kendall for the year 2011.

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

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

RESOLUTION #14-0111- Reappointing Eileen Grah as Town of Kendall Librarian

Be it resolved to reappoint Eileen Grah as the Town of Kendall Librarian for the year 2011.

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

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

RESOLUTION #15-0111- Reappointing Larry Gurslin as Code Enforcement Officer

Be it resolved to reappoint Larry Gurslin as the Code Enforcement Officer for the Town of Kendall for the year 2011.

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

Councilman Szozda made, and Councilman Schuth seconded, the following motion:

RESOLUTION #16-0111- Reappointing Paul Hennekey as Deputy Code Enforcement Officer

Be it resolved to reappoint Paul Hennekey as the Deputy Code Enforcement Officer for the Town of Kendall for the year 2011.

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

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

RESOLUTION #17-0111- 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 2011.

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

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

RESOLUTION #18-0111- Occu-Med of Western New York

It is hereby resolved that the Supervisor is authorized to sign an agreement for the year 2011 with Occu-Med of Western New York for the Town of Kendall's CDL Drug and Alcohol testing, subject to attorney approval.

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

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

RESOLUTION #19-0111- 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 2011.

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

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

RESOLUTION #20-0111- 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, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION #21-0111- 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, which resulted in all ayes, and declared the motion carried.

Councilman Joseph made, and Councilman Szozda seconded, the following motion:

RESOLUTION #22-0111- 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 roll call vote, with the following results:

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

Supervisor Gaesser declared the motion carried.

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

RESOLUTION #23-0111- 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 2011.

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

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

RESOLUTION #24-0111- 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, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION #25-0111- 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 course 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, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION #26-0111- 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, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION #27-0111- Mileage Reimbursement

WHEREAS, the Internal Revenue Service has set mileage reimbursement for the year 2011 at the rate of \$0.51 per mile, therefore be it now hereby...

RESOLVED, that \$0.51 per mile is established as the reimbursement rate for Town of Kendall Officials and employees for mileage expenses while on Town Business.

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

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

RESOLUTION #28-0111- 2011 Salary Schedule

A resolution adopting the salary schedule for 2011, as presented:

TOWN OF KENDALL
2011 SALARY SCHEDULE

Supervisor	\$8,400.00
Deputy Supervisor	\$300.00
Councilperson (4)	\$3,120.00 each
Justice 1	\$8,100.00
Justice 2	\$7,350.00
Court Clerk	\$5,500.00
Budget Officer	\$0.00
Assessor	\$24,000.00
Board of Assessment Review (4)	\$130.00 each

Town Clerk	\$25,700.00
Code Enforcement Officer	\$8,500.00
Deputy Code Enforcement Officer	\$6,000.00
Registrar of Vital Statistics	\$500.00
Superintendent of Highways	\$48,336.00
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

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

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

Supervisor Gaesser declared the motion carried.

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

RESOLUTION #29-0111- 2011 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 2011 as adjusted by the Highway Superintendent, Warren Kruger:

**TOWN OF KENDALL HIGHWAY DEPARTMENT
SALARY SCHEDULE AND WORK AGREEMENT FOR 2011**

The Town of Kendall Highway Department Employees will be paid on the following schedule for 2011;

Full Time Motor Equipment Operators (MEO)-	from Federal minimum wage up to \$18.98 per hour
Part Time motor equipment Operators (MEO-PT)-	from Federal minimum wage up to \$12.30 per hour
Full & Part Time Laborer-	from Federal minimum wage up to \$10.65 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 st year of employment	up to five (5) days paid
2 nd year of employment	up to ten (10) days paid
3 rd year of employment	up to fifteen (15) days paid
4 th year of employment	up to twenty (20) days paid
5 th 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 st 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 nd through 10 th 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.

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

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

Supervisor Gaesser declared the motion carried.

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

RESOLUTION #30-0111- 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, 2010 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, 2011; and Amato, Fox & Company, PC will issue their reports no later than March 16, 2011.

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

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

RESOLUTION #31-0111- 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, which resulted in all ayes, and declared the motion carried.

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

RESOLUTION #32-0111- 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 \$0.50 per mile as the reimbursement rate for Town of Kendall Officials for mileage expenses while on town business during 2010, 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 2011 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 2010 at the rate of \$.50 per mile.”*

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

Add item 5 to read *The request for reimbursement must be made no later than 60 days from the date the expenses were incurred (e.g., an expense incurred on March 1st must be received by Accounts Payable no later than April 29th). Or no later than the end of the fiscal year December 31 whichever occurs first.*

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

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

RESOLUTION #33-0111- Requiring Department Heads and Board Chairs Shall Obtain Advice and Consent of the Town Board to Engage The Attorney For The Town

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

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

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

RESOLUTION #34-0111- Accepting Thomas Cole's Resignation from the Planning Board

Whereas Thomas Cole did submit his resignation from the Planning Board by letter to Supervisor Gaesser on January 3, 2011 to be effective January 1, 2011, now, therefore...

It is hereby resolved that the Kendall Town Board does hereby accept Thomas Cole's resignation.

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

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

RESOLUTION #35-0111- Authorizing an Advertisement for an Open Position On the Planning Board

Whereas, a position on the Kendall Planning Board 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, 2011.

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, which resulted in all ayes, and declared the motion carried.

SUPERVISOR APPOINTMENTS FOR 2011

Deputy Supervisor: Donald Pritchard

Budget Officer: Daniel Gaesser

KENDALL TOWN BOARD STANDING COMMITTEES FOR THE YEAR 2011

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

Deputy Supervisor Pritchard will Chair the January meeting, as Supervisor Gaesser will be out of town.

Councilman Pritchard stated that the audit schedule will remain the same as 2010.

Councilman Schuth motioned for adjournment, seconded by Councilman Joseph. Supervisor Gaesser adjourned the meeting at 8:07 pm.

Respectfully Submitted,

