

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Tuesday, January 18, 2011, 7:30 P.M.

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

**ROLL CALL**

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

Also present, Clerk Richardson, Attorney Sansone, Bev and Al Lofthouse, Mike, Debbie and Cody Lester, Planning Chair Gray, Planning member Joyce Henry, Code Enforcement Officer Larry Gurslin

**Deputy Supervisor's Remarks**

The Supervisor's report has been submitted to the clerk.

**SCOUT RECOGNITION**

Councilman Schuth called Cody Lester forward. Deputy Supervisor Pritchard read Resolution 103-1210 from the December 2010 regular town board meeting, and presented Mr. Lester with a framed copy of said resolution. Mr. Lester gave an account of his Eagle Scout project, which included research and mapping of all veterans' graves in four area cemeteries, to enable recognition of those veterans. Councilman Schuth read and presented a citation for Mr. Cody sent by New York State Assemblyman Hawley's office.

**ACCEPTANCE OF MINUTES**

Councilman Schuth moved to accept the following minutes, as presented, seconded by Councilman Joseph; all ayes; minutes accepted:

- Acceptance of minutes for Regular Town Board Meeting on December 21, 2010
- Acceptance of minutes for Recessed Town Board Meeting on December 30, 2010
- Acceptance of minutes for Organizational Meeting on January 4, 2011

**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

The automatic defibrillator has been maintained and updated.  
National Grid has been contacted to set up an energy audit.  
The coin-operation portion of the water meter will be replaced.

The town clerk has a new computer installed. The used one from that office will likely be cleaned and utilized by the code enforcement office. The current plan is to replace one computer each year. Recreation's is scheduled next.

Time Warner phone and internet went out, but seems to be in order.

The town webpage may need a newer program, as the current version is no longer supported.

A letter has been drafted to send to the cemetery committee members, asking about interest in remaining on the committee, and requesting that a meeting of that committee be held.

A memorial service for a KFD volunteer, Rick Buongiorno, who died in the line of duty ten years ago, was held in the fire hall. Supervisor Gaesser spoke at this service.

Highway –Gaesser, Chair - snow has kept the highway department busy

Culture & Recreation –Pritchard, Chair – no report

Planning, Zoning & Agriculture -Schuth, Chair

Community Relations –Schuth, Chair

Planning board letters of interest and resumes are being collected and perused.

The zoning board public hearing has not resulted in a final decision on the variance request. A packet of information regarding this situation will be forwarded to the county planning board.

Community Park and Bicentennial Committee meetings have been held. Bicentennial plans are being finalized. Park work is progressing. A community chorus concert is planned for January 28<sup>th</sup>, with its proceeds going to the KFD's ambulance fund.

Human Resources and Ethics –Szoza, Chair

Employee Benefits –Szoza

The issue with the medical insurance cards from MVP being delayed has been resolved. Some additional insurance riders are being offered.

Finance, Taxes & Special Districts –Gaesser, Chair - no report

Orleans County Representative – Ken Rush – not present

## Boards

Planning Board – P. Gray, Chair – the draft on accessory structures has been given to the town board for review. A joint meeting of the zoning, planning, and town boards is necessary. The first Tuesday in February was set as a tentative date.

Zoning Board – K. Banker, Chair – no report

## Department Heads

Assessor – G. Massey – no report

Code Enforcement – L. Gursslin – thanked the board for his reappointment; required end of year report has been sent to NYS; two calls from the fire department – one regarding carbon monoxide leak resulting in a resident being hospitalized, one resulting from a wood burning stove chimney fire; Certificate of Occupancy and Certificates of Compliance are needed for assessment purposes, and there are many old, outstanding permits, which code enforcement will be busy addressing for the next few months; a court hearing will be attended by Deputy Hennekey; CEO Gursslin will be in training for a week, and then begin a six week vacation.

Councilman Pritchard asked if it is clear to building permit applicants that they are expected to contact code enforcement upon completion of the projects. CEO Gurrsslin responded that perhaps better communication about this is necessary.

Highway - W. Kruger – no report  
Historian – J. Knapp – no report  
Recreation – B. Flow – written report submitted  
Town Clerk – A. Richardson – written report submitted  
Town Justice - C. Lape & V. Maxon – written reports submitted  
Supervisor – written report submitted

## PUBLIC COMMENT

Allen Lofthouse asked about resolution 38 – to what extent would the town defend employees, and if any town employee will be seeking this assistance, to the Board's knowledge. Deputy Supervisor Pritchard responded that this resolution is a companion to the errors and omissions coverage and that insurance would cover this, and that there is no pending issue known to him. Attorney Sansone added that this would not cover criminal proceedings.

Mr. Lofthouse asked about voucher 20 for the fire district. Deputy Supervisor Pritchard explained the breakdown of the portions which are pass throughs and which are the town's responsibility.

## RESOLUTIONS

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

### **RESOLUTION 36-0111 – 2010 BUDGET TRANSFERS**

Be it RESOLVED, to transfer the sum of \$750.00 from account A5132.4 Garage Contractual to account A1620.4 Buildings Contractual for the year 2010.

Be it further RESOLVED, to transfer the sum of \$156.00 from account A9308.10 Medicare Town Share to account A9060.80 Hospital and Medical Insurance for the year 2010.

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

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

### **RESOLUTION 37-0111 – APPOINTING FLETCHER ROWLEY TO THE ZONING BOARD OF APPEALS**

Whereas there is currently a vacancy in the Kendall Zoning Board of Appeals, and said position was advertised and an application was received, and,

Whereas, the Zoning Board of Appeals considered the applicant and interviewed Mr. Rowley, and further, that

Chairman Kevin Banker has presented a letter of recommendation for Fletcher Rowley to the Town Board for this position and Mr. Rowley has agreed with this recommendation, therefore,

Be it resolved to appoint Fletcher Rowley, 2040 Norway Road, Kendall, NY to the position of Zoning Board of Appeals with this term of office to expire on December 31, 2015.

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

Councilman Schuth asked Clerk Richardson to have copies of zoning regulations available for Mr. Rowley, and will remind him to take his oath of office.

Councilman Szozda made the following motion, which was seconded by Councilman Schuth:

**RESOLUTION 38-0111 – ADOPTING THE DEFENSE AND INDEMNIFICATION PROVISIONS OF PUBLIC OFFICERS LAW § 18**

WHEREAS, it is the intention of the Town of Kendall Council to offer assistance to employees of the Town of Kendall who are involved in civil actions or proceedings stemming from their alleged actions or omission within the scope of their public employment or duties; and

WHEREAS, New York State Public Officer’s Law §18 sets forth the procedures, and delineates the scope of such defense and indemnification by a public entity; and

NOW, BE IT RESOLVED that the Town of Kendall council hereby adopts the provisions of Public Officer’s Law §18.

NOW, BE IT FURTHER RESOLVED, that so long as the provisions of Public Officer’s Law §18 are fully complied with, the Town of Kendall will defend its employees, and indemnify them, only to the extent set forth in Public Officer’s Law §18.

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

Councilman Joseph motioned the bills be paid, as listed:

**PAYMENT OF CLAIMS**

General Fund	Abstract 1	\$32,686.76	Vouchers 1-15,17-28,50
Highway Fund	Abstract 1	\$33,420.36	Vouchers 5,20,29-46,48,49
Water District 6	Abstract 1	\$21.75	Voucher 16
Fir District	Abstract 1	<u>\$33,149.00</u>	Voucher 20
		\$99,277.87	

Motion was seconded by Councilman Schuth and vote resulted in all ayes.

**OLD BUSINESS**

Marina – annual report has been submitted to the Office of Community Renewal.

Codification documents are being reviewed.

D’Agostino waiting for survey information requested from Councilman Joseph.

There being no further business coming before the board, Councilman Schuth motioned for adjournment, seconded by Councilwoman Szozda; all ayes; meeting adjourned at 8:38 p.m.

Respectfully Submitted, Amy Richardson, Kendall Town Clerk

