

**TOWN OF KENDALL  
TOWN BOARD MEETING**

Tuesday, January 19, 2010, 7:30 P.M.

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

***SUPERVISOR'S REMARKS***

Supervisor Gaesser expressed that the Board has “hit the ground running”, and the past nineteen days have seen several deadlines met, including payroll, and preparation for and completion of a monitoring session with the Office of the Community Renewal regarding Water District 6, which went well. The next item is preparation for an annual report about the marina expansion project. Insurance policies will be renewing, and there are several insurance issues which will be addressed by week’s end. Supervisor Gaesser welcomed Mr. Herman and his family to the meeting. Supervisor Gaesser announced a short meeting with the attorney for the town following this meeting.

Councilman Pritchard motioned for the following minutes to be accepted, seconded by Councilman Schuth:

Public Hearing – Moratorium on Accessory Structures, Thursday, October 22, 2009  
Special Town Board Meeting, Thursday, November 5, 2009  
Public Hearing – 2010 Budget, Thursday, November 5, 2009  
Town Board Meeting, Thursday, November 12, 2009  
Recessed Town Board Meeting, Thursday, November 19, 2009  
Town Board Meeting , Thursday, December 12, 2009  
Special Town Board Meeting, December 28, 2010

A vote resulted in unanimous ayes; minutes accepted.

Councilman Schuth moved the following, seconded by Councilman Pritchard:

**RESOLUTION 33-0110- ACKNOWLEDGEMENT OF ROGER HERMAN’S SERVICE TO THE TOWN OF KENDALL**

**WHEREAS**, the Kendall Town Board understands that Roger Herman no longer resides in the Town of Kendall and that Mr. Herman desires not to continue his positions of Assistant Custodian for Beechwood Cemetery, and as a member of the Town of Kendall Cemetery Advisory Board, and ...

**WHEREAS**, Mr. Herman has served as Custodian and Assistant Custodian for the Beechwood Cemetery, performing maintenance and oversight to keep the cemetery a proper tribute to those buried and their loved ones that enjoy the serenity of the grounds, and ...

**WHEREAS**, Mr. Herman held a position on the Town of Kendall Cemetery Advisory Board and contributed on that board for the deliberate and considerate care of the grounds, those interned therein, their families and the public, and ...

**WHEREAS**, Mr. Herman has been an upstanding citizen of the Town of Kendall and shaped the Town of Kendall by helping to preserve the farming focus as the town evolved,

Now, therefore, **BE IT RESOLVED** that the Town Board of the Town of Kendall does hereby acknowledge and thank Roger Herman for these years of service to the taxpayers and community at large for the fine work and care by which he approached and carried out his duties, and further, the Kendall Town Board congratulates Mr. Herman and commends him for a job well done and extends our best wishes for his future endeavors.

It is further **RESOLVED** that this resolution is to be certified by the Kendall Town Clerk and provided to Mr. Herman in framed format as a memento of his service.

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

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

Supervisor Gaesser declared the motion carried.

Mr. Roger Herman came forward to receive a framed copy of the previous resolution, and spoke about his years of service caring for the cemetery.

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

#### Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph, Chair: no report

Buildings, & Grounds –Joseph, Chair:

phone lines have been moved; offices switched; locksets need work; heaters at the highway garage installed; windows for highway are ready for installation, which will happen in the next two weeks, and the grant paperwork can then be completed; basement is filling up with surplus equipment

Information Services –Joseph, Chair:

new e-mail accounts have been set up

Highway –Gaesser, Chair:

new truck is in service

Culture & Recreation –Pritchard, Chair: no report

Planning, Zoning & Agriculture –Schuth, Chair:

Zoning Board has set its meeting dates for the 2<sup>nd</sup> Tuesday of each month, Planning Board has set its meeting dates for the 4<sup>th</sup> Tuesday of each month, with workshops on the 2<sup>nd</sup> Tuesday,

Community Relations –Schuth, Chair:

Bicentennial Committee Chorus fundraiser was successful;  
Human Resources and Ethics –Szozda, Chair: no report  
Employee Benefits –Szozda:  
    letters have been sent to each retiree regarding MVP Gold payments and former employee regarding COBRA  
  
Finance, Taxes & Special Districts – Gaesser, Chair:  
    The Water District 6 monitoring session went well, and can be closed out; finance report is included  
Orleans County Representative – Ken Rush: not present

#### Boards

Planning Board – P. Gray, Chair :  
    Busy with codification, moratorium on accessory structures, junkyard ordinance, application for board vacancy has been received  
Zoning Board – P. Rowles, Chair: no report

#### Department Heads

Assessor – G. Massey : no report  
Code Enforcement – L. Gursslin: written report submitted and verbal update given  
Highway - W. Kruger: no report  
Historian – J. Knapp: no report  
Recreation – B. Flow: written report submitted and verbal update given  
Town Clerk – A. Richardson: written report submitted  
Town Justice - C. Lape & V. Maxon: no report

Robert and Jane Hart, co-chairs of the Bicentennial Committee gave a written report, and a verbal update on their activities and funds and expectations. Supervisor Gaesser suggested a goal and budget be set up in anticipation of the planned activities.

#### ***CORRESPONDENCE***

- Notice of 2010 Training School and Annual Meeting of the Association of Towns of the State of New York

There was no public comment

#### ***RESOLUTIONS***

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

#### **RESOLUTION 34-0110- TO REVISE THE TOWN OF KENDALL VOUCHER SCHEDULE AND AUDIT POLICY**

**WHEREAS**, the Town of Kendall Voucher and Audit Policy was created by Town Board Resolution 63-306 and...

**WHEREAS**, after review of this Policy by the Town Board, changes are recommended.

Now, therefore, be it **RESOLVED** to make the following changes to the Town of Kendall Voucher and Audit Policy-

Item 1 now reads, *“All vouchers for payment must be submitted to the Kendall Town Clerk by 12:00 pm on the Thursday preceding the week of our regularly scheduled Town Board meetings. Should a holiday fall on this Thursday, vouchers will be due 12:00 pm the Tuesday preceding the week of our regularly scheduled Town Board Meeting.”*

Change to Item 1 to read, *“All vouchers for payment must be submitted to the Kendall Town Clerk by 12:00 pm on the Tuesday preceding the week of our regularly scheduled Town Board meetings. Should a holiday fall on this Tuesday, vouchers will be due 12:00 pm the Monday preceding the week of our regularly scheduled Town Board Meeting.”*

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

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

**RESOLUTION 35-0110- FUNDING FROM NYS OFFICE OF CHILDREN AND FAMILY SERVICES**

Be it **RESOLVED**, that the Kendall Recreation Youth Director is authorized to submit the application for funding for the year 2010 to the New York State Office of Children and Family Services in the amount of \$1,250.00 (one thousand two hundred fifty dollars).

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

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

**RESOLUTION 36-0110- TO RESCIND THE RESOLUTION TO REAPPOINT PAM ROWLES TO CHAIRPERSON OF THE KENDALL ZONING BOARD OF APPEALS**

**WHEREAS**, the Kendall Town Board approved resolution 2-0110- Reappointing Pam Rowles as Chairman of the Zoning Board of Appeals, and ...

**WHEREAS**, the Zoning Board of Appeals desires to make changes to its members' assignments and responsibilities,

Now, therefore, be it **RESOLVED**, that the Town Board of the Town of Kendall hereby rescinds RESOLUTION 2-0110- Reappointing Pam Rowles as Chairman of the Zoning Board of Appeals.

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

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

**RESOLUTION 37-0110- APPOINTING KEVIN BANKER AS CHAIRMAN OF THE ZONING BOARD OF APPEALS**

**BE IT RESOLVED** to appoint Kevin Banker as Chairman of the Zoning Board of Appeals for the Town of Kendall for the year 2010.

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

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

**RESOLUTION 38-0110- APPOINTING ANTHONY CAMMARATA 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 applications were received, and ...

**WHEREAS**, the Zoning Board of Appeals considered the applicants and has recommended Anthony Cammarata to the Town Board for this position, and ...

**WHEREAS**, Mr. Cammarata accepts this recommendation,

Now, therefore, be it **RESOLVED**, the Town Board of the Town of Kendall hereby appoints Anthony Cammarata, 16583 Banner Beach Road, Kendall, NY to the Zoning Board of Appeals with this term of office to expire on December 31, 2014.

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 declared the motion carried.

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

**RESOLUTION 39-0110- TRANSFERRING FUNDS**

It is hereby **RESOLVED** to authorize the bookkeeper to make the following budget transfer- transfer four hundred dollars (\$400.00) from Buildings Contractual, A 1620.4 to Buildings, Personal Services A 1620.1.

Discussion: Supervisor Gaesser explained that this is because the maintenance worker is now on the payroll.

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

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

**RESOLUTION 40-0110 AUTHORIZING AN AGREEMENT WITH ORLEANS COUNTY FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, incidents exist where animal control efforts are necessary within the Town of Kendall; and

WHEREAS, the County of Orleans has law enforcement personnel and facilities available to assist local municipalities in reducing the number of incidents involving animals and also, in handling specific complaints associated with animals; and,

WHEREAS, it is the desire of the Town Board to explore its options for these particular services with the County of Orleans; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes Supervisor Gaesser to discuss and negotiate an inter-municipal services agreement with the County of Orleans, and also, that Supervisor Gaesser be and he hereby is authorized to execute an agreement, subject to review by the Town Attorney as to legal form language and compliance.

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

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

**RESOLUTION 41-0110- 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 2010 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 2009 at the rate of \$.550 per mile.”*

Change Item 4 to read            *“Transportation - The Internal Revenue Service has set mileage reimbursement for the year 2010 at the rate of \$.50 per mile.”*

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

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

**RESOLUTION 42-0110- COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973**

**WHEREAS**, the Town of Kendall has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities,

Now, therefore, be it **RESOLVED**, that the Town of Kendall hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and ...

Be it further **RESOLVED**, that the Town of Kendall hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and ...

Be it further **RESOLVED**, that the Town Clerk is hereby directed to post the policy statement in the Town Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

Discussion: Councilman Pritchard asked if the town is prepared to accommodate alternate communication venues. Supervisor Gaesser said that if necessary, these services can be provided on a case by case basis.

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

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

**RESOLUTION 43-0110- TO REVISE THE TOWN OF KENDALL PURCHASING AND PROCUREMENT POLICY**

**WHEREAS**, the Town of Kendall Purchasing and Procurement Policy was created by Town Board Resolution 33-107 and...

**WHEREAS**, after review of this policy by the Town Board, changes are recommended,

Now, therefore, be it **RESOLVED** to make the following changes to the Town of Kendall Purchasing and Procurement Policy-

Insert the following as Item 6-

“CONSIDERATION IN THE SOLICITATION OF BIDS OR QUOTES FOR SERVICE. Consideration in the solicitation of bids or quotes for services, supplies or contracts is given to: Small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at <http://205.232.252.35> or at [http://www.empire.state.ny.us/Small\\_and\\_Growing\\_Businesses/mwbe.asp](http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp).” and furthermore,

Change old item 6 to item 7, old item 7 to item 8, old item 9 to item 10, and old item 10 to item 11.

Discussion: Councilman Pritchard commented that these types of items are things which are agreed to when receiving grant monies.

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

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

**RESOLUTION 44-0110- DISPOSAL OF OUT-DATED EQUIPMENT**

**WHEREAS**, the Town owns an out-of-date television (Sharp, Linytron Model - #19LP16 Serial - #508486 circa - 1986) that is no longer sufficient to use for Town business, and ...

**WHEREAS**, the value of such equipment is less than one hundred dollars,

It is **RESOLVED** that the Town Board of the Town of Kendall deems this equipment as out-dated and surplus, and directs the Supervisor to properly dispose of the item.  
Councilman Pritchard said that this TV will be recycled.

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

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

**RESOLUTION 45-0110- AUTHORIZING SUPERVISOR TO NEGOTIATE AND CONCLUDE AN AGREEMENT FOR A GRANT EXTENSION WITH THE OFFICE OF COMMUNITY RENEWAL FOR NYS CDBG PROJECT #591ED522-05**

**WHEREAS**, the Office of Community Renewal (OCR) has advised Supervisor Gaesser in an e-mail dated January 15, 2010 that the last extension for the Eagle Creek marina project expired in March 2008, and that Town needs to submit a project extension to provide time for the job creation, and...

**WHEREAS**, the Office of Community Renewal has expressed concern about the amount of time required for the business to meet job goals, and...

**WHEREAS**, as of this date, both the Town and the Office of Community Renewal lack sufficient information to determine the amount of time required for the business to meet job goals,

It is **RESOLVED** that the Town Board of the Town of Kendall authorizes Supervisor Gaesser to discuss, negotiate and execute an agreement for a grant extension as associated with the Office of Community Renewal for NYS CDBG project #591ED522-05, subject to attorney approval as to form, content and legal compliance.

Discussion: Supervisor Gaesser and Councilman Pritchard have a fact finding meeting scheduled with the marina owner.

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 declared the motion carried.

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

**RESOLUTION 46-0110- AUTHORIZING SUPERVISOR TO NEGOTIATE MODIFICATIONS TO THE TOWN'S PUBLIC OFFICER'S INSURANCE POLICY**



**WHEREAS**, a review of our public officer’s insurance policy indicates that our coverage regarding covered perils, covered individuals, and limits of insurance may be insufficient, and...

**WHEREAS**, as of date, Supervisor Gaesser lacks sufficient information to determine the appropriate coverage, and...

**WHEREAS**, insurance information may be required to be filed with the Orleans County Clerk by January 30, 2010, which is prior to our next Town Board meeting,

It is **RESOLVED** that the Town Board of the Town of Kendall authorizes Supervisor Gaesser to discuss and negotiate modifications to our public officers insurance policy regarding changes, including, but not limited to what perils are covered, which officers are covered, and what limits should be applied, and also, to execute an agreement with the insurance carrier subject to attorney approval as to form, content and legal compliance, before January 30, 2010, with the understanding that any modifications to the insurance policy will be filed subsequently.

It is further **RESOLVED** that, if required, Supervisor Gaesser will file the Town’s blanket undertaking with the Orleans County Clerk before January 30, 2010.

Discussion: Councilman Pritchard explained that additional coverage is necessary, and the Justices need to be explicitly named and covered. Supervisor Gaesser said there is a meeting set with the insurance agent, and his recommendations will be reviewed by the attorney for the town.

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 declared the motion carried.

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

**RESOLUTION 47-0110- 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.

Discussion: Councilman Pritchard said this is intended to keep track of legal expenses. The supervisor will contact the Board before engaging the attorney.

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

Councilman Pritchard made motion to accept the payment of claims, as presented. Motion was seconded by Councilman Joseph:

***PAYMENT OF CLAIMS***

General Fund	Abstract 01	\$34,867.88	Vouchers 1-36, 57
Highway Fund	Abstract 01	\$41,486.40	Vouchers 13, 21, 37-56, 58-65
Street Lighting 1	Abstract 01	\$483.88	Voucher 15
Street Lighting 2	Abstract 01	\$281.07	Voucher 15
Street Lighting 3	Abstract 01	\$158.94	Voucher 15
Water District 6	Abstract 01	\$1,087.82	Vouchers 14, 31, 66
Fire District 1	Abstract 01	<u>\$36,412.00</u>	Voucher 21
		\$114,777.99	

Supervisor Gaesser thanked Councilmen Pritchard and Joseph for their effort on this abstract.  
Supervisor Gaesser called for a vote, which resulted in all ayes, and declared the payment of claims approved.

**OLD BUSINESS**

Joint Hamlin-Kendall Water District – some documentation was discovered in the office move; the joint board needs to have an organizational meeting; Supervisor Gaesser will contact Hamlin Supervisor

Potential Water District Petitions – no letter was drafted; Councilman Joseph will draft this letter

Water District #6 BAN and Closeout – can occur in February; one outstanding bill; bond counsel needs discussion

Inter-Municipal Agreement with KCS – minor revisions have been suggested by Attorney Sansone; a joint meeting will be held of the town and school boards

**NEW BUSINESS**

Grant for the Study of Potential New Water Districts – Councilmen Gaesser and Pritchard met with Office of Community Renewal.

Mr. Phillion said there may be grant money available for a study of the Town’s needs and direction.

There being no further business coming before this board, Councilman Schuth moved for adjournment, seconded by Councilwoman Szozda; all ayes; meeting adjourned at 9:05 pm.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk