

**TOWN OF KENDALL**  
**TOWN BOARD MEETING**  
Thursday April 9, 2009 7:30 P.M.

Supervisor Gillman called the meeting to order at 7:33 p.m., 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, Orleans County Legislator Rush, Highway Superintendent Kruger, Deputy CEO Hennekey, Planning Chair Gray, Donn Pritchard, Al and Bev Lofthouse, Chuck and Sharon Patt, Mr. and Mrs. Behnke, Mr. and Mrs. Lester, Michael Schuth, Mr. and Mrs. Martinez, Mrs. Driesel, Mark Driesel, Ricky Martinez, Bryan Patt and Clinton Lester

Councilman Schuth moved the following, seconded by Councilman Gaesser:

**RESOLUTION 47-409 EAGLE SCOUT RECOGNITION**

Whereas, Mark Driesel, Clinton Lester, Rick Martinez and Bryan Patt are students in the Kendall Central School District, Town of Kendall, Orleans County, New York and

Whereas, these young men are members of the Boy Scouts of America, and have been involved with Troop 94 located in the Town of Kendall, and

Whereas they have, through years of hard work and dedication, demonstrated leadership to their troops and community, culminating in the achievement of Eagle Scout rank, an award of the highest merit, now

Therefore, be it resolved that the Town Board of the Town of Kendall, Orleans County, New York does hereby recognize the efforts, dedication and leadership shown by Mark Driesel, Clinton Lester, Rick Martinez and Bryan Patt in their attainment of the rank of Eagle Scout and,

Further, on behalf of all of the residents of the Town of Kendall, we commend and congratulate these young men on their attainment of the rank of Eagle Scout and,

Further, we wish them well in all of their endeavors.

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

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

Supervisor Gillman declared the motion carried. Councilman Schuth called each of the Eagle Scouts forward separately to receive a certified copy of this resolution, and congratulations from the Town Board.

Orleans County Legislator Kenneth Rush presented the Eagle Scouts with certificates of recognition from the County.

Supervisor Gillman read a letter from LaBella Associates, P.C. to the Highway Department, commending it for the Water District Six water main extension project.

### **ACCEPTANCE OF MINUTES**

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

Town Board Meeting – March 12, 2009

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

Recessed Meeting – March 26, 2009

### **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

Councilman Joseph submitted written reports for his committees, and reiterated that information.

Highway –Gaesser, Chair – the late season snowfall slowed things;  
Culture & Recreation –Gaesser, Chair – going well; recent Defensive Driver class was well attended; swimming program was successful, Hunter Safety class is scheduled, and senior citizens group attendance is growing

Planning, Zoning & Agriculture -Schuth, Chair – a joint meeting with the Zoning Board was held to discuss priorities and updates necessary to Kendall's ordinances; both boards have been busy

Community Relations –Schuth, Chair – scouting for food program was a success; Art Show at the Holley library upcoming; town-wide cleanup is planned; Lions' garage sale is May 16<sup>th</sup>; Memorial Day program is set for May 31st; Scouts are willing to help clean the cemeteries, and will be placing veterans' flags on graves.

Human Resources and Ethics –Szozda, Chair – Preferred Care is changing its name, and we will receive new cards; newsletter will be out soon; Supervisor Gillman reminded Councilwoman Szozda that a Civil Service paper needs to be filed.

Employee Benefits –All – no report

Finance, Taxes & Special Districts –Gillman, Chair – Councilman Gaesser explained the Town’s approach of investing in CDs with staggered maturing dates, in order to earn maximum interest, while releasing funds as needed.

Orleans County Representative – Ken Rush – sales tax for the County is down compared to last year; new nursing home going well; County has a new Youth Program Director; hazardous waste pickup is scheduled; a report on the jail will be released soon

#### Boards

Planning Board – Gray, Chair – joint meeting with Zoning Board went very well  
Zoning Board - Rowles, Chair – no report

#### Department Heads

Assessor – G. Massey – written report submitted  
Code Enforcement – L. Gursslin – written report submitted  
Highway - W. Kruger – the new cab and chassis are already on the way; telemetry is being installed in the vault for Water District 6; tree work in cemeteries is scheduled; Albany trip was successful  
Historian – J. Knapp - no report  
Recreation – B. Flow – written report submitted  
Town Clerk – A. Richardson – written report submitted  
Town Justice - R. Ernenwein & C. Lape – no report

**CORRESPONDENCE** none

#### **PUBLIC PARTICIPATION**

Donn Pritchard, Norway Road – supplied Highway Superintendent Kruger with information on a new road surfacing material;  
Mr. Pritchard asked the Board for the opportunity to give input during the discussion of unresolved issues with the Hamlin-Kendall Joint Water District

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

#### **RESOLUTION 48-409 BUDGET ADJUSTMENTS**

Be it hereby resolved to make the following budget adjustments:

Increase Water Administration Contractual Account SW3-8310.4 by the sum of three hundred twenty eight dollars and twelve cents ( \$ 328.12 ), decrease Unreserved Fund Balance Account SW3-0911 by the sum of three hundred twenty eight dollars and twelve cents ( \$ 328.12 ),

Increase Water Administration Contractual Account SW4-8310.4 by the sum of three hundred twenty eight dollars and thirteen cents ( \$ 328.13 ), decrease Unreserved Fund Balance Account SW4-0911 by the sum of three hundred twenty eight dollars and thirteen cents ( \$ 328.13 ),

Increase Water Administration Contractual Account SW5-8310.4 by the sum of five hundred thirty eight dollars and eighty cents ( \$ 538.80 ), and decrease Unreserved Fund Balance Account SW4- 0911 by the sum of five hundred thirty eight dollars and eighty cents ( \$ 538.80 ) .

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 49-409 CREATING REVENUE ACCOUNT**

Be it hereby resolved to create Revenue Account DA2665.0 Sale of Equipment, for the Highway Department.

Discussion: Councilman Gaesser explained that this is for a used wheel excavator.

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 50-409 AUTHORIZATION OF THE HIGHWAY SUPERINTENDENT TO ADVERTISE FOR BIDS FOR A DUMP BOX, A V-BOX SALT-SANDER SPREADER AND FOR SNOW PLOW EQUIPMENT FOR A HEAVY DUTY HIGHWAY TRUCK**

BE IT HEREBY RESOLVED to authorize the Highway Superintendent to advertise for separate bids and the Town Clerk to place separate legal notices soliciting bids for a dump box for a heavy duty highway truck, for a v-box salt-sander spreader for a heavy duty highway truck and for snow plow equipment for a heavy duty highway truck for the Kendall Highway Department. The notices are to appear in the Hamlin Herald on April 19, 2009. Bids for all three will be opened at 10:00 am on Monday, May 18, 2009 at the Kendall Town Hall.

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

Councilman Gaesser moved that the claims be paid, as presented, seconded by Councilwoman Szozda; all ayes.

***PAYMENT OF CLAIMS***

General Fund	Abstract 003	\$ 28, 862.70	Vouchers 196,197, 199-209,
Highway Fund	Abstract 003	\$ 22,553.36	Vouchers 202,204,
Street Lighting 1	Abstract 003	\$ 380.23	Voucher 207
Street Lighting 2	Abstract 003	\$ 224.17	Voucher 207
Street Lighting 3	Abstract 003	\$ 122.79	Voucher 207

Street Lighting–Gen.	Abstract 003	\$	156.26	Voucher 207
Water District 3	Abstract 003	\$	328.12	Voucher 243
Water District 4	Abstract 003	\$	328.13	Voucher 243
Water District 5	Abstract 003	\$	538.80	Voucher 243
Water District 6	Abstract 003	\$	<u>318.96</u>	Voucher 198,209,238
			\$ 53,892.26	

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

**RESOLUTION 51-409 RESORE NY**

A resolution directing the Town Clerk to publish in the Medina Journal Register, a daily newspaper with a general circulation which includes the Town Of Kendall, public notice for three consecutive days those properties which will be considered as part of the Town’s application for the Restore NY Program Grant.

Discussion: Supervisor Gillman opened the floor to the public.

Donn Pritchard corrected the resolution to reflect the correct name of the Medina paper.

Allen Lofthouse asked how many parcels are involved. Councilwoman Szozda answered that there are four potential properties involved. 90% of the cost of the projects would be covered by the grant, the other 10% would be paid by the owners of the properties. Mr. Lofthouse stated that there are septic issues with at least some of the stated properties, and asked what the plans for the properties would be. Mrs. Szozda responded that the uses would vary, and would be up to the owners...office space, apartments, or retail space are some uses that have been mentioned.

Mr. Pritchard asked if a grant administer would be paid. Supervisor Gillman stated that he and Councilwoman Szozda are acting as the administrators, and there would be no cost to the Town incurred.

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

Following a discussion of pertinent timeframes and requirements,

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

**RESOLUTION 52-409 RESORE NY**

A resolution directing the Town Clerk to publish in the Medina Journal Register, a daily newspaper with a general circulation which includes the Town of Kendall, and the Hamlin-Clarkson Herald, the official newspaper for the Town of Kendall , a Notice of Public Hearing on April 30<sup>th</sup>, 2009 at the Town Hall in the Town of Kendall at 7:30 pm. The purpose of such hearing is to review those properties and proposed activities related to the Restore NY Program Grant. A listing of such properties shall appear as part of the public hearing notice.

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 52-409 SPECIAL MEETING**

Resolved, to hold a Special Meeting on April 30<sup>th</sup>, 2009, immediately following the Public Hearing

Supervisor Gillman called for a vote, resulting in all ayes; motion carried.

***OLD BUSINESS***

Section 125 Plan – Councilwoman Szozda has information on Core 125, which would set up a plan to pre-tax medical insurance payments of Town employees

Councilman Joseph contacted USA Payroll about this, and they have sent a proposal, which was distributed to the Board and to the bookkeeper. At no cost to the Town, this could be set into place by June 1<sup>st</sup>. He stated this has gone on too long. Supervisor Gillman asked Councilman Joseph to work with Councilwoman Szozda to accomplish this. Councilman Joseph responded that he would prefer to work with Councilman Gaesser, keeping Councilwoman Szozda informed, in order to expedite it. Councilwoman Szozda responded that was fine. Councilman Gaesser asked that more information be provided by USA payroll, and that the decision be made at a recessed meeting in two weeks, so that the plan could be in place by June 1<sup>st</sup>.

Judge Punch's 2007 decision on the Cemetery Trusts

Supervisor Gillman said he has the document in his office, but has not reviewed it, but has asked attorney Leone to review it. Councilman Joseph stated that he would like to know how to proceed so that the money in the trust funds can be put to use for needed maintenance and improvement of the cemeteries. Attorney Leone stated that he has not seen this document, but will review it, and provide his opinion as to how to proceed.

Hamlin-Kendall Water District unresolved issues

Supervisor Gillman thanked Mr. Pritchard for his willingness to participate in discussions about this issue. Mr. Pritchard asked if it would be discussed at this meeting. Supervisor Gillman did not think there was anything to discuss at this point. Councilman Joseph expressed that he disagreed. Mr. Pritchard asked to speak, and gave a synopsis of the history of the dissolution process of the Hamlin-Kendall Water Districts. In 2006, before the implementation of the respective agreements between Hamlin and the MCWA, and Kendall and the MCWA, the assets of the joint water districts were valued. Subsequently, some of those assets were acquired by the MCWA, some were sold, and others remain in limbo. Once the agreements were in place, Kendall was anxious to dissolve the district and return the significant monies to the water customers. Meetings with Hamlin were difficult to schedule, and became contentious when Kendall felt denied the right to due diligence. There have been no further

meetings, the joint water district has still not been dissolved, and the money has not been returned to the residents on the water lines.

Councilman Joseph brought up the ad valorem charges which Kendall pays each year. Mr. Pritchard suggested that is a relic of the joint district, and is another reason this issue should be resolved. Councilman Joseph would like to start a new dialogue with Hamlin. Mr. Pritchard stated that Kendall felt the valuation of the assets may have been low, and a division of assets was not addressed. There is now a different mix of people involved, and re-engagement may be productive. Councilman Joseph has proposed to Supervisor Gillman that a letter be sent to Hamlin to readdress this. Supervisor Gillman said that Hamlin has indicated to him that the money involved is minimal, and that this needs to be looked into. Supervisor Gillman will address this now. Councilman Joseph offered to draft the letter, with input from Mr. Pritchard. Councilman Joseph asked Attorney Leone at what point his opinion must be sought. Attorney Leone has not seen any documentation, and could not comment.

With there being no further business, Councilman Gaesser moved to recess until April 23<sup>rd</sup> at 7:30 p.m., seconded by Councilman Schuth; all ayes; meeting recessed at 10:02 p.m.

Respectfully Submitted,

Amy K. Richardson