

**TOWN OF KENDALL**  
**RECESSED TOWN BOARD MEETING**  
Thursday, April 17, 2008 6:00 P.M.

**CALL TO RECONVENE**

Supervisor Gillman reconvened the meeting at 6:02 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

**OTHERS PRESENT:** Highway Superintendent Warren Kruger, Murray Town Highway Superintendent Ed Morgan

**SUPERVISOR'S REMARKS**

Supervisor Gillman read Assessor Seaman's resignation letter, and Assistant Assessor Gene Massey's Qualification letter.

**CORRESPONDENCE**

Town of Murray letter re. Bicentennial celebration August 1<sup>st</sup> – 3<sup>rd</sup>.

**RESOLUTIONS**

Councilwoman Szozda proposed the following resolution, seconded by Councilman Schuth:

**RESOLUTION 86 - 408 ACCEPTING STEPHEN A. SEAMAN'S LETTER OF RESIGNATION AS ASSESSOR**

It is hereby resolved to accept Stephen A. Seaman, of 16174 Carr Road's letter of resignation as Assessor for the Town of Kendall, effective April 30, 2008. Said letter was received by the Town Clerk April 17, 2008.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilwoman Szozda proposed the following resolution, seconded by Councilman Joseph:

**RESOLUTION 87- 408 APPOINTING ARTHUR EUGENE MASSEY AS ASSESSOR**

Whereas Mr. Arthur Eugene Massey has received approval from the State of New York Office of Real Property Services as meeting the minimum qualification standards for sole appointed assessor as set forth in section 188-2.2 of the State Board's rule...

It is hereby resolved to appoint Arthur Eugene Massey of 2610 Kendall Road, Assessor for the Town of Kendall, to fill the remaining term, commencing on May 1, 2008 and ending on September 30, 2013.

There was a short discussion regarding Mr. Massey's pay agreement. Attorney Leone recommended that a confirming letter be drawn up and provided to Mr. Massey by the Town Supervisor.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 88-408 SALARY CORRECTION FOR HIGHWAY SUPERINTENDENT**

Be it resolved to pay the Highway Superintendent \$450.04 to correct an error which resulted in an underpayment of his salary in year 2007. This will be paid from account A5010.1 – Superintendent of Highways.

Councilman Schuth asked if this will result in this account being under-funded for the year. Supervisor Gillman said it would not. Councilman Schuth asked how this could be possible. Attorney Leone responded that he cannot answer for the accounting aspect, but from a legal perspective, it is a legitimate obligation. The budget issue must be resolved separately. Councilman Schuth expressed concern that this be done legally and professionally.

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

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

Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda

**RESOLUTION 89-408 TO ALLOW RAMSCO TO REMOVE ITS BID PROPOSAL FROM CONSIDERATION FOR CONTRACT F.**

WHEREAS, the Town Board, by and through its engineers LaBella Associates, P.C. (hereafter "Town Engineers") has solicited sealed competitive bids for the supply and delivery of necessary materials and items associated with the construction of Kendall Water District #6 Peter Smith Road, as follows:

CONTRACT F - 13 - Copper Tubing, Type K 3/4", 60 ft. Coil  
3 - Copper Tubing, Type K 1", 60 ft. Coil  
33 - 8" x 3/4" Tapping Saddle  
3 - 8" x 1" Tapping Saddle  
33 - 1/2" Curb Stop  
3 - 1" Curb Stop  
33 - 1/4" Corporation Stop  
3 - 1" Corporation Stop  
36 - Curb Box,

Said bids being returnable to the Town Clerk's office on April 3, 2008 to be publicly opened and read at that same date and for contract F and upon review and correction RAMSCO was the low bidder; and

WHEREAS, since that time RAMSCO has notified the Town, by and through its Town Engineers and by letter to Supervisor Gillman that as to contract F the bidder provided a lineal foot price instead of the total cost of the 60-foot roll of copper tubing for said copper tubing. The Town Engineers advise that this error is evident as the item price was the product of the estimated quantity, the lineal foot price bid and 60 feet, and upon correction of this error RAMSCO would not be the low bidder and therefore seeks to withdraw its bid; now therefore...

BE IT RESOLVED, that RAMSCO's request to remove its bid from consideration for Contract F set forth above is granted.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 90-408 TO ALLOW VELLANO BROTHERS, INC. TO REMOVE ITS BID PROPOSAL FROM CONSIDERATION FOR CONTRACT F.**

WHEREAS the Kendall Town Board, by and through its engineers LaBella Associates, P.C. (hereafter "Town Engineers") has solicited sealed competitive bids for the supply and delivery of necessary materials and items associated with the construction of Kendall Water District 6 - Peter Smith Road as follows,

CONTRACT F – 13 – Copper Tubing, Type K 3/4 “,60 ft. Coil  
3 – Copper Tubing, Type K 1”,60 ft. Coil  
33 – 8”x 1/4” Tapping Saddle  
3 — 8” x 1” Tapping Saddle  
33 1/4” Curb Stop  
3— 1” Curb Stop  
33 1/4” Corporation Stop  
3 – 1” Corporation Stop  
36- Curb Box,

said bids being returnable to the Town Clerk’s office on April 3, 2008 to be publicly opened and read at that same date and for contract F and upon review and correction it initially appeared that RAMSCO was the low bidder; and...

WHEREAS, since that time RAMSCO as requested that it be allowed to withdraw its bid for Contract F and such request was granted; and

WHEREAS, as a result of RAMSCO’s bid being withdrawn, Vellano Brothers, Inc. would appear to be the low bidder; and ...

WHEREAS, Vellano Brothers, Inc has notified the Town, by and through its Town Engineers and by letter addressed to Supervisor Gillman, that as to contract F the bidder provided a lineal foot price instead of the total cost of the 60-foot roll of copper tubing for said copper tubing. The Town Engineers advise that this error is evident as the item price was the product of the estimated quantity, the lineal foot price bid and 60 feet, and upon correction of this error Vellano Brothers, Inc. would not be the low bidder and therefore seeks to withdraw its bid; now therefore...

BE IT RESOLVED, that Vellano Brothers, Inc.’s request to remove its bid from consideration for Contract F set forth above is granted.  
The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 91-408 TO AWARD CONTRACT A PERTAINING TO THE TOWN OF KENDALL WATER DISTRICT #6 FOR THE INSTALLATION OF APPROXIMATELY 50 L.F. OF 18-INCH DIAMETER CASING PIPE BY HORIZONTAL BORING AND 8-INCH WATER MAIN CARRIER PIPE CROSSING THE STATE HIGHWAY TO SECORD AND SECORD IN THE AMOUNT OF \$21,500.00.**

WHEREAS, the Town Board, by and through its engineers LaBella Associates, P.C. (hereafter "Town Engineers") has solicited sealed competitive bids for the supply and installation of casing pipe for Kendall Water District 6, and said bids being returnable to the Town Clerk's office on April 3, 2008 to be publicly opened and read at that same date; and

WHEREAS, for Contract A, Secord and Secord duly submitted such a bid at such time and place in the amount of \$21,500.00; and

WHEREAS, the Town Engineers have tabulated and reviewed the bids and compared the specifications and finds the bids in full compliance therewith; and

WHEREAS, the Town Engineers have recommended the awarding of Contract A as listed above with the conditions that the Town retain bid securities from the low three bidders until the contract is signed, and that Secord and Secord provide all necessary insurance certificates and submittals; now therefore

BE IT RESOLVED, that pursuant to New York State Town Law the Town Supervisor is hereby authorized to purchase, in accordance with the provision of Article 5-A of the General Municipal Law said items set forth above in Contract A from Secord and Secord, the lowest responsible bidder, and shall further be authorized to enter into the necessary contracts to effectuate same with the following conditions, (1) all necessary documents shall be submitted, (2) all necessary insurance certificates shall be submitted, (2) the Town shall retain the low three bidders' securities until the contract is signed.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 92-408 TO AWARD CONTRACTS B,C,D,F AND G PERTAINING TO THE TOWN OF KENDALL WATER DISTRICT #6 TO THE LOWEST RESPONSIBLE BIDDERS AS FOLLOWS:**

CONTRACT B -TO RAMSCO IN THE AMOUNT OF \$66,501.20;  
CONTRACT C .TO BLAIR SUPPLY IN THE AMOUNT OF \$32,318.00;  
CONTRACT D .TO VELLANO BROTHERS, INC. IN THE AMOUNT OF \$48,800.90;  
CONTRACT F .TO BLAIR SUPPLY IN THE AMOUNT OF \$8,304.06; and  
CONTRACT G .TO KESTNER CONCRETE PRODUCTS TN THE AMOUNT OF \$22,071.23.

WHEREAS, the Town Board, by and through its engineers LaBella Associates, P.C. (hereafter "Town Engineers") has solicited sealed competitive bids for the supply and delivery of necessary materials and items associated with the construction of Kendall Water District 6-Peter Smith Road as follows:

CONTRACT B – 12,500 L.F. of PVC PIPE CLASS 150, DR 18  
80 L.F. of PVC PIPE CLASS 150, DR 18

CONTRACT C — 22 Hydrants - 5' Burial

CONTRACT D — 22 .6" Gate Valve, MJ MJ x Aquagrip  
23 .8" Gate Valve, MJ  
5 .6" Gate Valve, FE  
2 .2" Gate Valve Threaded  
45- Valve box and cover  
107— 8" Retainer Gland for PVC Pipe  
8 .8" 45 Degree Bend, MJ  
22 .8"x8" 6" Anchor Tee  
10 .6" MJ Solid Sleeve, 12" Long  
10 .6" Anchor Elbow  
2 .8" Straight Coupling  
2 .8"x6" Reducer, MJ  
1 .6" Elbow, FE  
3 .6" Tee, FE  
1 .6"x6"x4" Tee, FE  
1 .6" Pressure Reducing Valve  
1 .2" Pressure Reducing Valve

CONTRACT F – 13 Copper Tubing, Type K 3/4", 60 ft. Coil  
3 Copper Tubing, Type K 1", 60 ft. Coil  
33 8" x 3/4" Tapping Saddle  
3 8" x 1" Tapping Saddle  
33 3/4" Curb Stop  
3 1" Curb Stop

33 3/4" Corporation Stop

3 1" Corporation Stop

36 Curb Box

CONTRACT G – 1 Precast Concrete Vault

Said bids being returnable to the Town Clerk's office on April 3, 2008 to be publicly opened and read at that same date; and

WHEREAS for Contract B, RAMSCO duly submitted such a bid at such time and place in the amount of 66,501.20; and...

WHEREAS, for Contract C, Blair Supply duly submitted such a bid at such time and place in the amount of \$32,318.00; and ...

WHEREAS, for Contract D, Vellano Brothers duly submitted such a bid at such time and place in the amount of \$48,800.90; and...

WHEREAS, for Contract F, Blair Supply duly submitted such a bid at such time and place in the amount of \$8,304.06; and...

WHEREAS, for Contract G, Kistner Concrete Products duly submitted such a bid at such time and place in the amount of \$22,071.23; and ...

WHEREAS, the Town Engineers have tabulated and reviewed the bids and compared the specifications and finds the bids in full compliance therewith; and...

WHEREAS, the Town Engineers have recommended the awarding of the contracts as listed above upon the conditions that, (1) all bidders awarded a contract shall complete all federal forms, to be completed to the satisfaction of the Town Engineers and Town Attorney, and (2) all bid securities from all bidders shall be retained until the contracts are executed; now therefore

BE IT RESOLVED, that pursuant to the New York State Town Law the Town Supervisor is hereby authorized to purchase, in accordance with the provision of Article 5-A of the General Municipal Law said items set forth above in Contracts B, C, D, F, and G from the heretofore identified lowest responsible bidders, and shall further be authorized to enter into the necessary contracts to effectuate same with the following conditions: (1) all bidders awarded a contract shall complete all federal forms to be completed, (2) all bid securities from all bidders shall be retained until the contracts are executed, and (3) all necessary insurance certificates are submitted.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 93-408 TO REJECT ALL BIDS AS TO KENDALL WATER DISTRICT 6 CONTRACT E FOR 1 MASTER METER AND 36 WATER SERVICE METERS 5/8 by <sup>3</sup>/<sub>4</sub>**

WHEREAS, the Town Board, by and through its engineers LaBella Associates, P.C. (hereafter "Town Engineers") has solicited sealed competitive bids for the supply and delivery of necessary materials and items associated with the construction of Kendall Water District 6 as follows:

CONTRACT E .1 Master Meter  
36 Water Service Meters 5/8 by 3/4,

Said bids being returnable to the Town Clerk's office on April 3, 2008 to be publicly opened and read at that same date and for contract E; and...

WHEREAS, the Town Board upon the advice of the Town Engineers believes it to be in the public's best interest to reject and authorize re-advertising of the bid; now therefore...

BE IT RESOLVED, all bids for Contract E are hereby rejected and Contract E shall be re-bid.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

Councilman Joseph proposed the following resolution, seconded by Councilwoman Szozda:

**RESOLUTION 94-408 SCHEDULING OF PUBLIC HEARING WD-6 BONDING**

Be it hereby resolved that the Town Board of the Town of Kendall will hold a Public Hearing on May 8, 2008 at 7:30 pm. at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14476 to consider increasing the bond indebtedness for Water District 6 from \$120,000.00 to \$190,000.

Supervisor Gillman called for a vote, which resulted in all ayes. Motion carried.

(Clerk's note: Upon asking, Clerk Richardson was verbally authorized to place a legal notice in the Hamlin Herald as notification of the Public Hearing)

Councilwoman Szozda made motion for adjournment. Mr. Morgan asked if he could present information to the Board to review as a first step toward an Intermunicipal Agreement with the Town of Murray, did so, and requested a list from the Kendall Town Board of expectations as to such possible agreement.

Mr. Schaffron stated he had expected to discuss the Intermunicipal agreement, which was the reason for his attendance.

Supervisor Gillman apologized and explained that since Councilman Joseph had to leave for work, such discussion would have to be done at the next workshop.

Mr. Morgan outlined the current water agreements which Murray has with other towns in the area, and suggested Kendall consider its requirements.

Highway Superintendent Kruger stated that he had obtained all necessary signatures from the residents from whom easements are necessary for Water District 6.

Motion for adjournment was seconded by Councilman Schuth; all ayes; meeting was adjourned at 6:41 pm.

Respectfully Submitted  
Amy Richardson