

**TOWN OF KENDALL**  
**RECESSED TOWN BOARD MEETING**  
Thursday, May 28, 2009 7:30 P.M.

Supervisor Gillman reconvened the meeting at 7:30 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

Councilman Gaesser	present
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	excused
Supervisor Gillman	present

Also present, Deputy Code Enforcement Officer Paul Hennekey, Highway Superintendent Warren Kruger, Allen and Bev Lofthouse, Donald Pritchard, Stephen Seaman, Charles Patt, Lindsay Gaesser

**ACCEPTANCE OF MINUTES**

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

Regular Town Board Meeting April 9, 2009

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

Recessed Town Board Meeting April 23, 2009

**CORRESPONDENCE**

MVP Health Care, May 14, 2009 – regarding a retroactive increase in premiums

A discussion of the potential impacts on the town’s medical plan, the town employees, the “cafeteria plan”, and the budget, was led by Councilman Gaesser.

Orleans County Board of Ethics – invitation to meet the members of the Board of Ethics

Supervisor Gillman introduced Richard Ertel from Amato, Fox and Co., who presented an overview of the audit results for the Town of Kendall for the year ended December 31, 2008. Mr. Ertel presented copies of the audit report to the Board and Clerk, with copies of the audit of the Town of Kendall Municipal Court.

**PUBLIC PARTICIPATION**

Stephen Seaman, Carr Road – expressed concern that Eagle Creek Marina not making its repayments will adversely affect next year’s audit.

Supervisor Gillman suggested that be “addressed later”.

Mr. Seaman asked if is true that the Marina is not current in paying its bill.

Supervisor Gillman stated that he will not answer that question, because it relates to a “personal situation”.

Councilman Gaesser clarified that revenue coming to the town is public information; the financial status of a corporation in the town is a private matter. Councilman Gaesser suggested a legal opinion be obtained.

No further public participation

## **RESOLUTIONS**

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

### **RESOLUTION 57-509 WAIVER OF OPEN CONTAINER LAW**

Be it resolved that the Town of Kendall Open Container Ordinance be waived during the duration of the Kendall Firemen's Carnival in 2009 as follows:

Thursday	July 9	6:00 p.m. to midnight
Friday	July 10	5:00 p.m. to 2:00 a.m.
Saturday	July 11	12:00 noon to 2:00 a.m.

And, further that this waiver shall cover an area ¼ mile South and East of the intersection of Kenmor and Kendall Roads.

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

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

### **RESOLUTION 58-509 TO ACCEPT AND AWARD DUMP BODY AND HOIST BID**

Be it hereby resolved to accept the bid from Henderson Truck Equipment, in the amount of \$21,000.00 for a dump body and hoist for a heavy duty highway truck per formal bid specification opened and recorded on May 18, 2009. Be it further resolved the bid is awarded to Henderson Truck Equipment for the dump body and hoist the amount of \$21,000.00.

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

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

### **RESOLUTION 59-509 TO ACCEPT AND AWARD V-BOX SALT/SAND SPREADER BID**

Be it hereby resolved to accept the bid from Henderson Truck Equipment, in the amount of \$11,997.00 for a v-box salt/sand spreader for a heavy duty highway truck per formal bid specification opened and recorded on May 18, 2009. Be it further resolved the bid is awarded to Henderson Truck Equipment for the v-box salt/sand spreader in the amount of \$11,997.00

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

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

**RESOLUTION 60-509 TO ACCEPT AND AWARD SNOW PLOW EQUIPMENT BID**

Be it hereby resolved to accept the bid from Viking Cives in the amount of \$40,762.94 for snow plow equipment for a heavy duty highway truck per formal bid specification opened and recorded on May 18, 2009. Be it further resolved the bid is awarded to Viking Cives for the snow plow equipment in the amount of \$40,762.94.

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

**OLD BUSINESS**

Cemetery Trusts –in hands of the Attorney for the Town, no update

Hamlin-Kendall Water District unresolved issues - in hands of the Attorney for the Town, no update

Councilman Joseph requested a status report from the lawyer on both these issues.

Supervisor Gillman promised to provide that report by Tuesday, June 2nd to the council.

Councilman Schuth gave an update on the Welcome to Kendall signs, and went over the itinerary for the Memorial Day ceremonies.

**NEW BUSINESS**

Iberdrola Renewables – wind energy

Supervisor Gillman stated that there have been two meetings with this company regarding potential sites for windmills in Kendall.

Councilman Joseph said that none of the council members were aware of the meetings, and that he is disappointed in the lack of communication, particularly about such a potentially volatile subject. He expressed his commitment to open communication.

Councilman Schuth said the Planning Board acts as adviser, not decision maker for these issues. The Town Board needs to review all proposals. The current local law would need modification to allow any large numbers of wind towers.

Councilman Joseph requested that any future meetings to be open to the public and have minutes taken.

With there being no further business coming before the board, Councilman Schuth motioned for adjournment, seconded by Councilman Gaesser; all ayes. Meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk