

**KENDALL TOWN BOARD MEETING  
REGULAR TOWN BOARD MEETING  
Thursday, October 11, 2007 7:30 P.M.**

**Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476**

**PUBLIC PRESENT:** Ed Smith, Allen Lofthouse, Bev Lofthouse, Bob Nelson, K. Lillibridge, Gay Smith, Marianne Wilson, Vince Flow, Barb Flow, Sheryl Vick, Ellie Nelson, Stephen Seaman, Margaret Szozda, Jack Gillman, Toni Rivers, Nadine Hanlon, Lisa Stenshorn, Gary Smith, Scott Hardenbrook

**CALL TO ORDER**

Supervisor Vick called the meeting to order at 7:30 pm, and led the Pledge of Allegiance.

**ROLL CALL**

Councilman Gaesser	present
Councilman Pritchard	present
Councilman Schuth	present
Councilman Scroger	present
Supervisor Vick	present

**SUPERVISOR'S REMARKS**

- Supervisor Vick welcomed the public, and reminded them that the time for Public Participation is generally before resolutions begin; the Board reserves the right to answer questions or not, and emphasized that there is time set aside for public input, and that the Board takes these comments into consideration.
- Tentative Budget has been completed, and is in the hands of the Board Members and Town Clerk
- Copies of the September Supervisor's report are available
- Funds may be available for the library through grants
- SW-6 Water District (Petersmith Road) grant from Small Cities of \$400,000 has been received. Letters informing the affected residents have been prepared, and will be mailed. The project will be built using our own Highway Department.
- An executive session is necessary tonight, due to a need for discussion of possible litigation.
- Councilman Gaesser and Supervisor Vick have met with fiscal advisors regarding WD-6 grant administration; it may be advisable to have fiscal advisors on board. A bond resolution will be necessary.
- Eagle Creek Marina – the fact that the WD-6 grant was awarded indicates GOSC's approval of the Town's grant handling of the Eagle Creek Marina.
- Clean up of properties is expensive. Supervisor Vick asked for input from the public regarding this. Mr. Lemcke is to appear before Orleans County Judge Punch on October 29, 2007 to show cause why he should not clean up his property, or the Town will clean it up.
- Due to a delay in Orleans County court schedules, the decision on the disposition of the cemetery trust funds will also occur on October 29, 2007, in the Orleans County Supreme Court.
- Opportunities exist for grants to improve Town Court security
- Last year, liability insurance costs decreased, while coverage was improved.
- Workman's Compensation costs have increased, affecting the Town's and Fire Districts' budgets
- Budget goal is a very minimal increase through good management; affected by energy and insurance costs

**APPROVAL OF MINUTES**

Councilman Scroger moved that the minutes of the August 16, 2007 Public Hearing and Regular Town Board Meeting be approved, seconded by Councilman Gaesser; all ayes, minutes approved.

Councilman Scroger moved that the minutes of the August 23, 2007 Recessed Town Board Meeting be approved, seconded by Councilman Schuth; all ayes, minutes approved.

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

- Standing Committees
  - Public Safety/Emergency Services & Occupational Safety - C. Scroger, Chair – no report

- Highway - C. Scroger, Chair – **D. Gaesser will now be Chairman**
  - Buildings, & Grounds – W. Vick, Chair – Town Hall winterization is complete
  - Planning, Zoning & Agriculture - D. Schuth, Chair – members have attended training classes and the certificates have been filed
  - Community Relations – D. Schuth, Chair – Supervisor Vick thanked Becky Charland for her efforts with the community scarecrow contest
  - Human Resources and Ethics - C. Scroger, Chair – no report
  - Finance, Taxes & Special Districts - W. Vick, Chair – see Supervisor’s Remarks
  - Information Services - D. Pritchard, Chair – audit of systems, network and security under way; will be a long-term project; assessor’s, and recreation computers need particular attention
  - Employee Benefits - W. Vick, Chair – 10% increase in Health Insurance costs
  - Culture & Recreation – D. Pritchard, Chair – no report
  - Orleans County Representative – K. Rush – Mr. Rush not in attendance of meeting
- Boards
    - Planning Board - R. Nelson, Chair – all but one member have met training requirements; wind energy work is progressing
    - Zoning Board - K. Banker – no report

Department Heads

Assessor – S. Seaman – written report submitted – Assessor Seaman is an accredited assessor; he will be taking a refresher course in February  
 Code Enforcement - S. Hardenbrook – written report submitted  
 Highway - W. Kruger – written report submitted  
 Historian - J. Knapp – Mrs. Knapp would like to coordinate a community holiday display  
 Recreation - Barb Flow – written report submitted – new soccer goal has been ordered  
 Town Clerk – A. Richardson – written report submitted  
 Town Justice - R. Ernenwein & C. Lape – no report

***PUBLIC PARTICIPATION***

None

***PAYMENT OF CLAIMS***

General Fund	Abstract 010	\$ 11,687.25	Vouchers 623-649, 656,657,660
Highway Fund	Abstract 010	\$ 48,970.83	Vouchers 634,636,650-655, 658,659,661-664
Street Lighting #1	Abstract 010	\$ 397.95	Voucher 637
Street Lighting #2	Abstract 010	\$ 233.75	Voucher 637
Street Lighting–Gen.	Abstract 010	\$ <u>128.97</u>	Voucher 637
		\$ 61,418.75	

***RESOLUTIONS***

Councilman Gaesser moved the following resolution be adopted:

**RESOLUTION 110-1007 APPROVING EXPENDITURE FROM THE RECREATION RESERVE FUND**

Whereas the Recreation Department has requested approval to expend \$996.00 on a soccer goal for Youth Recreation and...

Whereas this cost is the lower of the two submitted bids and....

Whereas it is requested that funds for this purpose be taken from the Recreation Reserve Account A889, now

Therefore...The purchase of the soccer goal is hereby approved at an amount not to exceed \$996.00 including freight cost, with the expense to be charged to Recreation Reserve Account A889.

The motion was seconded by Councilman Scroger.

Supervisor Vick called for a vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

Councilman Pritchard moved the following resolution be adopted:

**RESOLUTION 111-1007 PAYMENT OF PRINCIPLE ON WATER DISTRICT USDA LOANS**

Whereas the amounts of \$6,000.00 and \$14,000.00 debt principle payments are due on Water Districts #3 and #4, respectively, now, therefore...

The Supervisor is hereby authorized to transfer \$6,000.00 from account SW3909 to SW3-9710.63 and transfer \$14,000.00 from account SW4909 to SW4-9710.63 for the purpose of paying the debt principle payments.

The motion was seconded by Councilman Gaesser.

Supervisor Vick called for a vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

Councilman Scroger moved the following resolution be adopted:

**RESOLUTION 112-1007 CREATION OF A RESERVE ACCOUNT FOR BICENTENNIAL DONATIONS AND REVENUES**

It is hereby resolved to authorize the Supervisor to create Reserve Account A888 Bicentennial Fund for the accumulation of donations, revenues, and future tax levy, received for the express purpose of funding the 2012 Bicentennial Celebration, and further...

That this action is to ensure that such funds are not co-mingled in general fund balance at the end of each ensuing year, and are retained for the express purpose of meeting expenditures required to pay for preparation and completion of the Bicentennial Celebration.

Expenditures from this fund are to be decided by the action of the Town Board, based upon the need as it shall perceive it, in concert with the advisement and request of the Bicentennial Committee.

The motion was seconded by Councilman Schuth.

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

Councilman Gaesser	Aye
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Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

Councilman Schuth moved the following resolution be adopted:

**RESOLUTION 113-1007 TRANSFER OF BICENTENNIAL FUNDS TO RESERVE ACCOUNT**

Whereas bicentennial donations and revenues have been and are being received and accumulated in Account A2611, and...

Whereas these funds must be reserved to preserve them for use for the purpose intended, now, therefore...

The Supervisor is authorized to transfer the current balance of funds in Account A2611 as of September 30<sup>th</sup> to Reserve Account A888.

The motion was seconded by Councilman Scroger.

Supervisor Vick called for a vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

The following motion was made by Councilman Gaesser:

**RESOLUTION 114-1007 RESOLUTION AUTHORIZING WATER DISTRICT #6 GRANT AGREEMENT**

It is hereby resolved to authorize Supervisor Vick to execute the New York State Small Cities Program Community Development Block Grant Agreement for grant funding for Water District #6 upon his review and satisfactory approval.

Supervisor Vick called for a vote, with the following results:

Councilman Gaesser	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared the motion carried.

***UNFINISHED BUSINESS***

Court Order – Code Enforcement – Supervisor Vick stated that it is not acceptable to put our Code Enforcement Officer or anyone else in danger for this. The Sheriff’s Department will not provide an officer for security until an incident occurs; it may be possible to hire an off-duty officer to be on-site during clean-up. Security is paramount, and no work will start on the Countyline Road property until Supervisor Vick is convinced it can be done safely. He will not put Code Enforcement Officer Hardenbrook or the firemen in harm’s way.

***NEW BUSINESS***

Water District 6 – A bond resolution must be made to seek bond anticipation notes to pay for the minority portion of this district which is not covered by the grant. There need to be five days public notice; the bond resolution must be formulated and passed; the notes must be sold and other steps coordinated to ensure the timeliness of the engineering services and construction. Bond Anticipation Notes must be in place to pay for professional services. Bids for materials, and the involvement of the Highway Department are next. The timing for the bidding of materials, particularly the pipe, is critical. January and March tend to be the best pricing times. Grant funds cannot be used to pay for professional services, nor to pay back the \$12,000 already invested that is owed to the General fund. Bond Anticipation Notes are needed in order to do that. Various types of loans are being researched. Fiscal advisors' involvement from the beginning makes sense to avoid problems.

819 Countyline Road – a recent fire scene; the Morton Fire Chief made the decision to put out the fire, due to possible insurance issues, and a neighbor's adamant concern about wind direction and possible damage to his property.

Councilman Scroger suggested that a resolution be drawn for the next meeting declaring a "Jerry and Alice Reamer Day" in Kendall, to honor these life-long residents, and to wish them well as they leave Kendall. Councilman Scroger will draw up this resolution. Supervisor Vick agreed that this would be an appropriate gesture, and asked for public input. There was none.

Councilman Scroger moved that the meeting be moved to executive session to discuss litigation matters. The motion was seconded by Councilman Gaesser. All ayes. Motion carried. Executive session at 8:37 p.m.

Meeting was moved out of executive session at 9:05 p.m.

Motion was made by Councilman Schuth to recess this meeting until October 25, 2007 at 7:30 p.m., seconded by Councilman Scroger. All ayes; recessed at 9:05 p.m.

**Scheduled Meetings:**

Recessed Town Board Meeting: October 25, 2007 at 7:30 P.M.

Regular Town Board Meeting: November 8, 2007 at 7:30 P.M.

Respectfully Submitted,

Amy Richardson  
Kendall Town Clerk