

**TOWN OF KENDALL
TOWN BOARD MEETING**
Tuesday, November 16, 2010, 7:00 P.M.

Supervisor Gaesser opened the Public Hearing at 7:00 pm, and led the Pledge of Allegiance.

ROLL CALL

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

PUBLIC HEARING – NOVEMBER 16, 2010 7:00 PM - LOCAL LAW 1 OF THE YEAR 2010, PROVIDING FOR THE LICENSING OF DOGS IN THE TOWN OF KENDALL, NEW YORK

Supervisor Gaesser explained the necessity of passing a local law for licensing dogs because New York State will no longer maintain this function.

There was no public comment.

Supervisor Gaesser closed the Hearing at 7:07 pm.

Supervisor Gaesser opened the second Public Hearing at 7:10 pm.

Supervisor Gaesser said action on this Local Law will not take place tonight, due to an omission in the wording of the public notice, and misunderstanding this may have caused.

PUBLIC HEARING- NOVEMBER 16, 2010 7:10 PM - LOCAL LAW 2 OF 2010, EXTENDING THE MORATORIUM ON DEVELOPMENT WITHIN HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT RESIDENTIAL ZONES, Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476

Councilman Schuth said this is an extension of the moratorium on accessory structures which is already in place. Work on the updated documentation continues and is nearly complete.

Due to the oversight in the resolution wording, an additional public hearing will be advertised and held.

Public Comment:

Mr. Daubney asked if this also affects commercial property. Councilman Schuth answered that it does.

Joyce Henry, Planning Board Member – stated that this may end in less than six months, if the new regulations are completed before this.

Supervisor Gaesser closed the public hearing at 7:22 pm.

REGULAR TOWN BOARD MEETING

Supervisor Gaesser called the meeting to order at 7:30pm.

Councilman Pritchard moved for the following minutes to be accepted, as presented, seconded by Councilman Schuth; all ayes:

Town Board meeting held October 19, 2010
Budget Hearing held November 4, 2010

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
Written reports submitted

Highway –Gaesser, Chair
CHiPS program is complete; drainage work continuing; trees taken by power company

Culture & Recreation –Pritchard, Chair
No report

Planning, Zoning & Agriculture –Schuth, Chair
Update on regulations is close to finished

Community Relations –Schuth, Chair
Girl Scouts have cleaned the medical equipment loan closet in the basement; there will be a scout recognition reception at the December meeting for three highest-rank local scouts; tree lighting ceremony on December 1; Community chorus concert on Friday; Scout Food Drive was successful – 2375 items were donated.

Human Resources and Ethics –Szozda, Chair
Employee Benefits –Szozda
Newsletter published – special thanks to Joyel Miesner for her help; meeting held with medical insurance broker, which resulted in a decision to try a Health Reimbursement Arrangement system for the next year. Supervisor Gaesser sees a potential for real savings with this plan. The goal will be to save enough to help manage the rising costs of medical insurance.

Finance, Taxes & Special Districts –Gaesser, Chair
The library trust fund has been transferred to the Bank of Castile, and enough interest will be realized to reinstate some of the library funding. With this exception, the Preliminary Budget stands as is.

Orleans County Representative – Ken Rush
Not present

Boards

Planning Board – P. Gray, Chair
Sole focus has been on updating regulations.

Zoning Board – K. Banker, Chair
No report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – L. Gursslin – Deputy Hennekey reported several building permits have been issued, and a variance application has been received

Highway - W. Kruger – the power company has been cutting the trees which are near power lines; road projects are complete; autumn mowing and clean-up of the cemeteries are underway; drainage work has been impeded by the wet weather; sign replacement continues; salt is stocked and the snow fleet is ready; the test pits can be dug for the school road project before winter; Supervisor Gaesser wants Superintendent Kruger to request Dan Schuth from Orleans County Soil and Water to survey that area. Sup. Kruger agreed.

Historian – J. Knapp – no report

Recreation – B. Flow – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justice - C. Lape & V. Maxon – written reports submitted

Supervisor – written report submitted

PUBLIC COMMENT

Al Lofthouse – questioned what voucher 817 to Crop Production Services was for. Mr. Kruger responded it is a company in Fancher which provided grass seed, hydraseed for mulch and fertilizer.

RESOLUTIONS

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

RESOLUTION 93-1110 – BUDGET TRANSFERS FOR LAWN MOWING

Be it RESOLVED, to make the following budget transfers for lawn mowing:

Transfer from account A1610.40, Building Contractual, the sum of \$934.92 to account DA5140.10, Miscellaneous Brush & Weeds, Personal Services, and,

Transfer from account A8810.40, Cemetery Contractual Mowing, the sum of \$4,242.63 to account DA5140.10, Miscellaneous Brush & Weeds, Personal Services, and,

Transfer from account A8810.40, Cemetery Contractual Mowing, the sum of \$1,870.00 to account DA9060.80, Hospital and Medical Insurance, and,

Transfer from account A7310.40, Youth Program Contractual From Fees, the sum of \$702.93 to account DA5140.10, Miscellaneous Brush & Weeds, Personal Services.

Discussion: This was necessary because an employee had a change in coverage early in the year, which increased the cost.

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

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

RESOLUTION 94-1110 – BUDGET TRANSFERS FOR NYS RETIREMENT- GENERAL

WHEREAS, the adopted budget for 2010 did not anticipate an increase in the Town of Kendall's General NYS Retirement obligation from \$9,600.00 to \$20,371.00,

Now, therefore, be it RESOLVED, to transfer from account A1220.14 Town Supervisor Bookkeeper, the sum of \$10,500.00 and from account A1990.40 Contingent Account, the sum of \$271.00 to account A9010.8 New York State Retirement, and, to authorize the Supervisor to prepay the invoice to NYS Retirement to save \$371.00 by taking a discount for prepayment.

Discussion: This increase was able to be managed within this budget. Next year will see another increase, due to the continuing recession and poor investment choices by NYS Retirement.

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

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

RESOLUTION 95-1110 – BUDGET TRANSFER AND BUDGET ADJUSTMENT FOR NYS RETIREMENT- HIGHWAY

WHEREAS, the adopted budget for 2010 did not anticipate an increase in the Town of Kendall's Highway NYS Retirement obligation from \$7,440.00 to \$18,057.00,

Now, therefore, be it RESOLVED, to increase revenue account DA2770 Miscellaneous (sale of scrap) from \$1,112.02 to \$11,685.24, and increase account DA9010.80 New York State Retirement from \$7,440.00 to \$18,057.00, and,

Be it further RESOLVED, to transfer the sum of \$44.00 from account DA1530.4 Machinery Contractual to account DA9010.80 New York State Retirement, and,

Be it further RESOLVED, to authorize the Supervisor to prepay the invoice to NYS Retirement to save \$371.00 by taking a discount for prepayment.

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

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

RESOLUTION 96-1110 – BUDGET TRANSFERS FOR HOSPITAL AND MEDICAL INSURANCE- GENERAL

Be it RESOLVED, to transfer sum of \$1,540.00 from account A1990.40 Contingent Account to account A9060.80 Hospital and Medical Insurance.

Discussion: Preferred Care GOLD had a larger increase than anticipated.

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

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

RESOLUTION 97-1110 – BUDGET ADJUSTMENT FOR CEMETERY SERVICES

Be it RESOLVED, to increase revenue account A2192 Charges for Cemetery Services from \$1,500.00 to \$2,500, and increase account A8810.41 Beechwood Cemetery Contractual from \$1,150 to \$2,150.

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

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

RESOLUTION 98-1110 - LOCAL LAW 1 OF THE YEAR 2010, PROVIDING FOR THE LICENSING OF DOGS IN THE TOWN OF KENDALL, NEW YORK

Whereas, the administrative aspects of dog licensing are being moved from the state level to the local level of government as signed into existence by Governor Patterson on June 22, 2010, and,

Whereas, a local law is necessary to provide for the licensing and identification of dogs in the Town of Kendall by establishing local license types and new fee structures as a result of the State of New York’s dissolved interest in dog licensing, except for administering the animal population control fees, and,

Whereas, the Town Board conducted a public hearing to consider adoption of proposed Local Law No.1 of the Year 2010 on the 16th day of November, 2010 at 7:00 p.m. in the Kendall Town Hall, 1873 Kendall Road, Kendall, New York 14476, at which time all persons wishing to be heard in favor or in opposition thereto were heard; and,

Whereas, this proposed Local Law was reviewed by the attorney for the Town, John Sansone, and his comments were considered,

Now, therefore, be it RESOLVED, that Local Law No. 1 of the Year 2010 of the Town of Kendall, Orleans County, New York, being a local law entitled “PROVIDING FOR THE LICENSING OF DOGS IN KENDALL, NEW YORK”, be adopted.

Discussion: Councilman Pritchard prefers to be able to change fees by resolution in the future. It is the recommendation of Attorney Sansone that those changes be made by Local Law. Supervisor Gaesser said that because changing the fees affects many in Town, he feels a Public Hearing would be worth the effort and minimal expense.

Supervisor Gaesser called for a roll call vote, which resulted in the following:

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

Supervisor Gaesser declared the motion carried.

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

RESOLUTION 99-1110 – TO INTRODUCE LOCAL LAW 2 OF 2010, EXTENDING THE TOWN OF KENDALL MORATORIUM ON ACCESSORY STRUCTURES IN EXCESS OF 900 SQUARE FEET WITHIN HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT RESIDENTIAL ZONES AND SET PUBLIC HEARING

Be it RESOLVED, that the Kendall Town Board introduces Local Law 2 for consideration by the Town Board and to allow for public input and Orleans County Planning Board comment, and ...

Be it further RESOLVED, that the Town Clerk is authorized to place a Legal Notice for a Public Hearing to consider adoption of this law, to be held on December 7, 2010 at 7:00 p.m., and to make the text of this local law available at the Kendall Town Clerk's Office for public inspection, and posted on the town website for public inspection.

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

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

RESOLUTION 100-1110 A RESOLUTION TO ESTABLISH A HEALTH REIMBURSEMENT ARRANGMENT (HRA) FOR THE TOWN OF KENDALL EMPLOYEES

WHEREAS, the Kendall Town Board has considered the value of establishing a Health Reimbursement Arrangement (HRA) for Town of Kendall employees; and

WHEREAS, the Town Board is required to comply with Federal regulations relating to the establishment of a Health Reimbursement Arrangement (HRA) under Section 105 of the Internal Revenue Service Code of 1986, as amended, and to operate in accordance with the provisions of the Internal Revenue Service Code and associated regulations which apply to health reimbursement arrangements,

THEREFORE, LET IT BE RESOLVED THAT the Town Board of Kendall adopt a Health Reimbursement Arrangement (HRA); and it is further

RESOLVED that the duly elected Town Board Members of the Town of Kendall hereby authorize the Town Supervisor to enter into an agreement with Benefit Resource, Inc. 2320 Brighton-Henrietta TL Road Rochester, NY 14623-2782, to execute all documents, with legal review, that may be necessary or helpful to implement the foregoing, at a cost not to exceed one thousand dollars (\$1,000.00), annually.

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 Gaesser declared the motion carried

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

RESOLUTION 101-1110 – AMENDING RESOLUTION 70-609 - THE TOWN OF KENDALL MEDICAL BENEFITS POLICY

BE IT RESOLVED, to adopt the following proposed changes effective December 1, 2010 to the Town of Kendall Medical Policy:

Change:

Section 1 - Definitions

Benchmark Medical Plan — is the medical plan(s) and subsequent cost of the medical plan the Town Board selects to offer to eligible elected officials and employees as set forth in this policy. The Benchmark Plan is MVP's EPO 25 (EPO Preferred-E0044S) Plan.

- Family Plan \$ 765.22 per month
- Two Person Plan \$ 565.73 per month
- Single Plan \$ 282.87 per month

Any employee wishing to upgrade his plan to the Trivantage EPO may do so at his own expense. Payments are to be made by payroll deduction.

To now read:

Section 1 - Definitions

Benchmark Medical Plan — is the medical plan(s) and subsequent cost of the medical plan the Town Board selects to offer to eligible elected officials and employees as set forth in this policy. The Benchmark Plan is MVP's HDHP EPO Preferred- NEHD07S Plan.

- Family Plan \$ 675.87 per month
- Two Person Plan \$ 502.32 per month
- Single Plan \$ 251.16 per month

Any employee wishing to upgrade his plan to the E0052S may do so at his own expense. Payments are to be made by payroll deduction.”

Supervisor Gaesser called for a vote, resulting in all ayes. Supervisor Gaesser declared the motion carried.

Supervisor Gaesser made, and Councilman Pritchard seconded, the following motion:

RESOLUTION 102-1110 – ADOPTION OF 2011 TOWN OF KENDALL BUDGET

Be it hereby resolved that the 2011 Preliminary Town of Kendall Budget, with the following changes, be adopted as the 2011 Town of Kendall Budget:

LIBRARY APPROPRIATIONS

- Increase L7410.40 Contractual – Holley to \$400.00
- Increase L7410.41 Contractual – Kendall to \$800.00
- Increase L7410.42 Contractual – Librarian to \$800.00

LIBRARY REVENUES

- Increase L2401 Interest and Earnings to \$1100.00

Supervisor Gaesser called for a roll call vote, which resulted in the following:

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

Supervisor Gaesser declared the motion carried.

Councilman Pritchard made a motion that the bills be paid, as presented, seconded by Councilwoman Szozda. A vote resulted in all ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 11	\$14,253.25	Vouchers 763-783,785-806
Highway Fund	Abstract 11	\$41,498.77	Vouchers 764,808-833
Street Lighting 1	Abstract 11	\$431.53	Voucher 770
Street Lighting 2	Abstract 11	\$252.33	Voucher 770
Street Lighting 3	Abstract 11	\$140.60	Voucher 770
Water District 6	Abstract 11	\$46.08	Vouchers 772,807
Library	Abstract 11	<u>\$164.97</u>	Voucher 784
		\$56,787.53	

With no further business being brought forward, Councilman Schuth motioned for adjournment, seconded by Councilman Pritchard; all ayes. Supervisor Gaesser adjourned the meeting at 8:29 p.m.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk