

KENDALL TOWN BOARD
Kendall Town Hall – 1873 Kendall Road, Kendall, New York
January 20, 2015 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:07 p.m and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	present
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Also present, Attorney Schubel, Clerk Richardson, CEO Hennekey, Orleans County Legislator DeRoller, Al and Bev Lofthouse, Recreation Director Flow, Robert Slocum, Jon Price

SUPERVISOR'S REMARKS

- Introduced Attorney Schubel as Attorney for the Town Meier's partner, who cannot attend.
- A meeting with the Engineer for the Town and Councilman Joseph and Supervisor Cammarata is planned, to review options for proceeding toward expanding public water.

Councilwoman Szozda motioned to accept the following minutes, seconded by Councilman Martin:

Town Board Meeting December 16, 2014 – all ayes
Special Meeting December 29, 2014 – aye – Joseph, Martin, Szozda, Cammarata, abstain – Newell

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety –Joseph
Buildings, & Grounds – Joseph
Information Services – Joseph

Building and Justices' offices have been re-keyed, and new policy of key procurement and record keeping has been established.

Considering Knox Box system for KFD access, in case of an unattended-hours emergency

Highway - Martin

Community Relations – Martin

The establishment of a committee for the betterment of the community has been suggested by three residents at a previous meeting, and the suggestion of a Town Board member being on that committee has been accepted. Mr. Martin is willing to act as a Board Liaison for that potential group, and has made phone calls to those who expressed the interest.

Supervisor Cammarata is in favor of such a committee, and envisions it as “a think tank opportunity of what the people want, and not focused on just the one area of property.” It will be called an “innovations committee,” focused on many needs. It is NOT a Town Board Committee. Councilman Joseph suggested that if such a committee is to be formed, that its existence and purpose be publicized to avoid the appearance of underhandedness or secrecy. An invitation to any resident should be extended. Supervisor Cammarata agreed. Councilwoman Szozda said her understanding is that the Town does not have anything officially to do with the formation of this group, and therefore would not be publicizing it. Councilman Joseph said if phone calls have been made, then there is already Board involvement, and choosing only specific people, thereby

excluding others, is not the right thing to do. Either the Board be involved, or the Board steers clear of this completely, not a middle ground.

Supervisor Cammarata said a flyer or ad to suggest contacting Councilman Martin would be appropriate, even though Carol D'Agostino would likely be the lead person. Councilman Joseph said that will be confusing to the public and appear to be a clique. Councilman Martin said his understanding was that he would simply be an ear for the Town Board if a team is formed. He called people who expressed interest to offer that.

Supervisor Cammarata said certain people want this team formed, and it will not be a Town-sponsored function. It should be done with a positive attitude, and not to stir up waters. An ad could be run, but not at taxpayers' expense. Councilwoman Szozda suggested it be put in the Town Newsletter, and it was agreed that was a good idea.

Culture & Recreation - Szozda

Human Resources & Ethics – Szozda

Employee Benefits – Szozda

Employee files have been updated.

Healthcare Consortium is progressing. Three plans have been formulated for further study.

Planning, Zoning & Agriculture – Newell

The Planning Board approved a Special Use permit for a Bed and Breakfast on Petersmith Road, and a parking variance for the same business has been approved by the Zoning Board of Appeals.

Finance, Taxes & Special Districts – Cammarata – no report

Orleans County Representative – DeRoller

The Tentative County Budget was passed as final. Mr. DeRoller gave an overview of the budget. Jim Bensley has replaced Wayne Hale as County Planning Director.

Due to statute changes regarding electronic waste recycling, there is an open-ended moratorium on the receiving of that waste...computers, televisions, etc. This is a real problem, and may result in roadside dumping of these materials.

Cottages at Troutburg – have new investors, and the wording of PILOT program has been re-vamped. The Town Supervisor will receive a signed letter with all details. Councilman Joseph expressed disappointment that the EDA does not seem to have Kendall's best interests in mind, and does not seem to solicit local input, even after the outcry of last year. Mr. DeRoller said that he had gone personally to Supervisor Cammarata's home to inform him of an article in the Batavia News, and that EDA meetings are open to the public. Councilman Joseph asked that information be disseminated before decisions are made, not after. Councilman Newell asked if any of the other language which originally concerned the Town regarding the PILOT program had been changed, and asked where he could obtain a copy of the current agreement. Legislator DeRoller said the Town Supervisor and the School District would be forwarded copies as part of a letter from the EDA. Councilman Newell asked that the letter be forwarded to the Board. Supervisor Cammarata agreed, and asked Legislator DeRoller ask the administrative assistant for the EDA to send him the agendas prior to each meeting.

Boards

Planning Board – Kludt, Chair - no report

Zoning Board – Bolton, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

The Code Officers are completing the survey of the town for abandoned properties. A source for the required placards for these buildings has been located, and those will be ordered, but the legal placement of those can lead to logistics issues.

Open building permits are being addressed.

The Kenmor Road property complained about at a recent meeting for maintenance issues was inspected during a meeting with Safeguard Properties (contractors for the owner) which is based in Ohio. Permission from the bank which owns the property is required for any action. The residence was declared uninhabitable, and placards were placed. Safeguard Properties has begun to remove combustibles and clear general clutter. This is a HUD home. The process is time consuming.

Code Enforcement responded to a house fire on Lakeland Beach Road. The home was sealed and is being repaired to enable habitation.

Supervisor Cammarata said he received a phone call from Mr. Mael, who was the Kenmor Road complainant, in which he acknowledged and expressed thanks for the clean-up process being begun at the Kenmor property, and thanked Mr. Hennekey for his labors.

Highway - W. Kruger – no report

Historian – K. Corcoran - no report

Recreation – B. Flow –written report submitted

Mrs. Flow expressed concern about the status of the town website during Councilman Joseph's absence, and has information which needs to be posted as soon as possible. She asked for clarification as to whether Councilman Joseph would continue to volunteer to run the website, thanked him for his work, and said it has become a vital part of communication for the recreation department. She said her recommendation is to have this done on a town computer, rather than a personal computer, and that others be trained to act as backup, should Councilman Joseph be unavailable.

Supervisor Cammarata said a letter he put in Department Head mail slots about the website was an effort to assure better communication, and that with Councilman Joseph no longer managing the website, there was no need to include a copy to him any longer. Failure to get information for the website to Councilman Joseph has been a source of distress.

Councilman Joseph said he will continue to manage the website, but has grown frustrated, because multiple legal notices and announcements and Planning and Zoning meeting minutes have not been sent to him for posting.

Mrs. Flow reiterated her recommendation for backup, and the safeguard of using a town computer. She reminded the Board that things often come up quickly which need to be advertised, and information has not been updated due to Councilman Joseph's illness.

Supervisor Cammarata said to follow the process laid out in the memo, and that he would like to learn how to manage the website, or get "one of the volunteers to work with Bart, so there is a backup."

Councilman Joseph said that the website could be outsourced, stated that with the other issues facing the Town Board, particularly the vouchers and the whole accounting system, the website is a very low priority.

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Drennan, S. Cliff – written reports submitted for December

Supervisor – A. Cammarata – written report submitted

PUBLIC COMMENT

Bob Slocum, Lakeshore Road, former Medical Advisory Committee member and Medical Office Oversight Board member, said he came before the Town Board a year and a half ago, at the time of the Lakeside Hospital's closing, to request that the Kendall Medical Office Oversight Board be re-established. The Kendall Medical Center's office building is titled to the hospital, and was left in limbo, due to the hospital's financial situation. There is a lease between Dr. Gaden and the hospital, which was drawn up with the Oversight Board's direction. The funds for that building came from contributions within the community, through the Committee. As part of the lease, the Town Board established a Medical Office Oversight Board, which had become inactive. This has been re-activated, and Mr.Slocum has contacted the attorneys for the hospital to inform them the committee is active and that ANY LEASE MODIFICATION MUST BE APPROVED BY THE MEDICAL OFFICE OVERSIGHT BOARD. Mr. Slocum has been informed by the attorney for the hospital that the bank has no lien on the building, but has taken the position that they should receive compensation from that building. Negotiations are underway to assure that will not happen. The Oversight Board's goal is to assure that the Kendall Medical Building stays where it is, as it is, and that eventually it will get transferred to some entity that will ensure it remains a medical center, permanently.

Supervisor Cammarata asked if Mr. Slocum will be working through the Attorney for the Town responded he will.

RESOLUTIONS

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

RESOLUTION 43-0115 CEMETERY RATES

Be it resolved that effective March 1, 2015 the cemetery rates for both Greenwood and Beechwood Cemeteries will be increased to \$500.00 for the opening of a grave for a full burial, \$500.00 for the purchase of each grave, and \$200.00 for a cremation opening.

Supervisor Cammarata called for a vote, which resulted in all ayes.

Councilman Newell made the following motion, seconded by Councilman Martin:

RESOLUTION 44-0115 CORRECTIONS TO ABSTRACT 14 of 2014, PAYMENT OF CLAIMS

Be it resolved to correct: Voucher 898 to Ana Brignoni from \$229.60 to \$208.00,

Voucher 903 to David Gaudioso from \$ 1082.83 to \$1053.34,

Voucher 920 to Warren Kruger from \$54.99 to \$49.99, and

Voucher 936 to Staples Business for \$167.98 from account A1670.4 to account DA1670.4;

Corrections totals result in a reduction in the General Fund payment of claims from \$ 13,965.83 to \$ 13,741.76, and an increase in the Highway Fund payment of claims from \$22,726.07 to \$ 22,950.14.

Supervisor Cammarata called for a vote, which resulted in all ayes.

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

RESOLUTION 45-0115 BUDGET TRANSFERS FOR THE YEAR 2014

Be it resolved to transfer from account A1990.4 Special Items, Contingency \$1080.84, to the following accounts: \$201.91 to Employee Benefits, account A9030.81, and \$878.93 to Employee Benefits, Social Security, account A9030.80

Discussion: Wayne Martin asked why this is necessary.

Councilman Joseph answered that these expenditure accounts were overdrawn, but that was overlooked in December by the auditing council members. A budget vs. actual report would reflect this, and must be used at each monthly audit.

Supervisor Cammarata called for a vote, which resulted in all ayes.

Councilwoman Szozda moved the following claims be paid, as presented, seconded by Councilman Joseph; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 1	\$ 34,964.21	Vouchers 1-6,8-22,24-34,55
Highway Fund	Abstract 1	\$ 29,705.44	Vouchers 6,11,25,36-54
Light District One	Abstract 1	\$ 508.35	Voucher 2
Light District Two	Abstract 1	\$ 293.59	Voucher 2
Light District Three	Abstract 1	\$ 166.39	Voucher 2
Water District Two	Abstract 1	\$ 3,850.00	Voucher 7
Water District Six	Abstract 1	\$ 1,259.90	Vouchers 8,23,35
Fire District	Abstract 1	<u>\$ 47,772.00</u>	Voucher 25
		\$118,519.88	

OLD BUSINESS

Water Expansion - no report

Codification – reviews by Planning Board and Attorney for the Town have been completed. General Code is in the process of making the changes which have been suggested. The next step will be Town Board review and enactment.

Natural gas line expansion - a preliminary estimate has been received. The numbers, after a quick review, seem much higher than expected. Further review and inquiry are needed.

Ad hoc committee for Healthcare Consortium – already reported on

Cemetery complaint regarding upkeep and records – no comment

Cemetery Committee - Councilwoman Szozda said she has to meet with the Town Clerk to see what the former committee achieved and what is currently in place for policies and records.

NEW BUSINESS

Councilwoman Szozda – would like to address a plan to take advantage of the grants being offered to rural communities for waste water systems, first deciding where such a system would make sense. Maybe this is a subject for the Innovation Committee.

Councilman Newell said in discussions he has had with Attorney Meier about the Zoning Codes, updating the Town's Comprehensive Master Plan was briefly discussed, and that may also be an area for the Innovation Group to include ideas.

Councilman Joseph brought up the bookkeeper's request for additional pay, and multiple bill-paying errors. Supervisor Cammarata sent an e-mail to the Board containing a proposal from the bookkeeper, who has been retained this year for \$8,000, raised from \$6,000 in 2014, to receive \$12,000 instead. There are numerous mistakes being made month after month on vouchers and payments. There is the capability and past experience of the bookkeeping being done in house, and certainly some basics, such as the standard data entry duties, and printing checks, can be done by the supervisor or a deputy clerk as part of the supervisor's extra help line, for \$11 per hour as opposed to the bookkeeper's assistant's proposed \$50 per hour. Each Town Board member needs to be diligent and observant while vouchering, while making electronic payments, and while auditing the draft Abstract and while reviewing the final Abstract and Payment of Claims each month. Councilman Joseph has been through State Comptroller Audits with both the Town and the Fire Department, and the system in place of multiple signatures and the auditing procedure is correct, legal and vital. Each month, the accounting has shown mistakes, many of which have gone as far as incorrect payment of claims being approved at meetings.

Supervisor Cammarata indicated the problems have been corrected.

Councilman Joseph said that much of the work currently being done by the bookkeeper and his assistants could be done for a fraction of the cost to taxpayers by taking the responsibility to learn the system. Bank reconciliations are to be completed by the Supervisor and a Town Board member. The ability to print checks in the office has not been utilized yet by the current administration. The reports necessary are readily available. Payroll is done through ADP – sending payroll information to them should not require a bookkeeper. These basic tasks being done in-house, as they have been in the past, could eliminate the need for a CPA, except perhaps quarterly, as an advisor and organizer. The January Abstract still has not been corrected to reflect proper 2014 charges for close-out. The \$12,000 requested is not acceptable.

Supervisor Cammarata said the bookkeeper, Mr. Hungerford, has requested \$12,000, based on his estimate of work.

Councilwoman Szozda said the \$12,000 is the bookkeeper's estimate, based on what he has been doing over the past year and the actual number of billed hours may reduce that amount. If the Supervisor and Board begin to do more of the accounting work independently, that would reduce that amount.

Councilman Joseph said running the reports for NYS Retirement and other perhaps complicated reports could be a bookkeeper responsibility, but the standard, memorized reports could be run without bookkeeper help. Town Law is very clear on responsibilities of the CFO and Board.

Supervisor Cammarata said Mr. Hungerford is not interested in the arrangement Councilman Joseph is suggesting, because his time spent on larger accounts brings him more revenue, and it is a matter of dollar and cents for him. Supervisor Cammarata asked, "Who would be doing these things? Bart is loaded right now. Who would do all the reports mandated by the County? The Jack Welch reports, the NYS Retirement reports?"

Councilman Joseph stated all the reports are available on the Supervisor's computer, and there is an extra help line included in the 2015 budget for the Supervisor, which would adequately cover data entry and basic report generating tasks. The responsibility for these functions is the Supervisor's. The taxpayers' money needs to be spent wisely. The increase to \$12,000 is not acceptable. The Chief Financial Officer of the Town being able to look and determine where we are is the highest priority.

Supervisor Cammarata said the options are 1) "take Tim's (the bookkeeper's) proposal and operate under that auspices" or 2) "look at Norm St. John, who would be willing to come on as a bookkeeper for us...paid at a rate of \$18.25 per hour, and would come in on Tuesday and Thursday nights and Saturdays and he could do those reports... These are our only two options at this time."

Councilman Joseph asked what reports Mr. St. John would do.

Supervisor Cammarata said he would be entering the vouchers. Councilman Joseph asked why it is necessary for a bookkeeper to enter voucher information, which is a simple data entry duty. The understanding at the time of budgeting for 2014, money was added to the budget - \$6,000 - to cover the cost of having to hire help with bookkeeping duties, to give the incoming Supervisor time to learn the system, and proper procedures as he began his term. Supervisor Cammarata stated that for \$6,000 it was not realistic to expect to get a CPA, and he said Mr. Hungerford did the Town a huge favor by accepting the bookkeeper position last year. Councilman Joseph reiterated that it does not require a bookkeeper to perform data entry or generate reports, and that the numerous errors and problems make it clear the methods are not working.

Councilman Newell cited an e-mail sent by Town Clerk Richardson earlier in this claims cycle, and comments in her report to the Board this month about repetitive errors, and asked what the source of the errors is.

Clerk Richardson responded with examples of some of the corrections needed on the January Abstract - 2014 charges were not delineated using the charge number provided by the State Comptroller's Office for previous year expenses, which affected a third of the vouchers. This was mentioned to the Supervisor, put in writing, and suggested to the bookkeeper's assistant before the audit, but was disregarded. Accounts were overdrawn without budget adjustments or transfers being noted as necessary before approval, several vouchers were approved previous to the abstract being submitted or actual vs. budget reports being generated. Last month, changes to the draft abstract were not passed on to the Clerk for correction on the final, and an uncorrected abstract was approved at the meeting. It seems no working system is in place to get the bills paid and accounted for correctly. The responsibility is the Town Board's, and ultimately the Supervisor's, to ensure that bills are paid properly.

Councilman Newell asked for clarification as to what the audit fully checks.

Councilman Joseph explained how previous year claims are accounted for, and reviewed audit parameters - including checking reports of budget vs. actual balance. Councilman Joseph said the procedure is not difficult; it just takes each Board member to be more aware and involved in the process and stick to the voucher policy and that throwing more money at a problem caused by lack of understanding and involvement will not solve the problem. The diligence mandated by the elected positions and those hired would suffice. There are too many incidences of careless errors, and excuses made. The Chief Financial Officer needs to learn the accounting system, and could then have his extra help line cover data entry, at great savings to the taxpayers. To go from zero to \$6,000 to \$8,000 to \$12,000 when the service has been disappointing is unacceptable as stewards of taxpayers' money.

Councilman Newell asked if a Deputy Clerk would have time to do the data entry.

Clerk Richardson said that the task would be scheduled by Supervisor Cammarata, and most part-time people welcome extra hours. This is a data-entry task, similar to the creation of the abstract, and does not involve judgement or decision-making. Those who prepare vouchers and those who examine them during the audit process are responsible, by law, for that.

Councilman Newell stated, “the process, as I have observed it over the past year that I have been on the Board just seems immensely complicated, with a huge number of hands in the process and the explanation, when I have raised the question before has been ‘well, we need to have checks and balances’...there is a limit on the effectiveness of checks and balances and we get to the point where we are creating the potential for more errors than you are really confirming that things are correct.” Councilman Newell expressed concern that with elected positions and the subsequent possibility of fairly rapid turnover of personnel on the Board, and even more so in the position of Supervisor, there should be discussion about how the overall process can be made more effective, and eliminate the errors. Councilman Newell said it is difficult to maintain the schedule of four meetings a month plus a Saturday, which he is responsible for, and questioned whether it is necessary to have so many people involved in the payment of claims.

Councilman Joseph outlined the legal requirements of each elected official as to bill payment.

Supervisor Cammarata asked why Councilman Joseph thinks some other towns hire a bookkeeper. Mr. Hungerford has done a lot for the Town, and has “saved this town a lot of money”, and his efforts are appreciated. If the Board does not want to accept his proposal, the other alternative is Norm St. John, who is the bookkeeper for the Town of Hamlin, to step in as bookkeeper.

Councilman Joseph stated that in the Town of Kendall, all this, and payroll, has been done in-house by the CFO and all reports were up to the minute. The past year should have been spent by the new members in learning and taking over more responsibility in order to get back to that point.

Supervisor Cammarata said, “I am opposed to doing it in-house. I am on record for that.”

Councilman Joseph said, “In that case, you will have my letter of resignation,” and left the meeting.

Councilman Newell said in Mr. Hungerford’s proposal, there is no breakdown of expected hours for him or for his assistant. Councilman Newell would like to see that estimate. If the assistant’s role is one of data-entry only, \$50 per hour seems too high. We do not need two accountants.

Supervisor Cammarata said he would get further information from Mr. Hungerford, and Mr. St. John’s information, and pass that on to the Board. Mr. St. John is not a CPA. Mr. Hungerford is a CPA, and gives financial advice to Supervisor Cammarata.

Supervisor Cammarata said if Councilman Joseph does resign, the Board will now have to hire someone to do the website.

Clerk Richardson expressed concern that Mr. Joseph’s leaving will leave many more serious issues to address than the website, considering the involvement he has demonstrated.

With no other business brought forward, Councilwoman Szozda motioned for adjournment, seconded by Councilman Martin; all ayes; meeting adjourned at 9:19 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk

