

## KENDALL TOWN BOARD

Tuesday, October 18, 2016 7:00 p.m.

Kendall Town Hall ó 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

### ROLL CALL

|                      |         |
|----------------------|---------|
| Councilwoman Flow    | present |
| Councilman Martin    | present |
| Councilman Newell    | excused |
| Councilwoman Szozda  | present |
| Supervisor Cammarata | present |

### SUPERVISOR'S REMARKS

Partyka Farms has donated \$350.00 (proceeds from the ice cream contest) to the Town, for the express use of cemetery restoration projects. The Town is grateful for Partyka's generosity. Doors for the chapel at Beechwood will be considered.

The meeting at the school regarding öpromoting Kendallö went well. Focus groups came up with several ideas to expand opportunities for residents. A lake-access park was suggested.

The Town will switch its bank accounts to FiveStar Bank. It caters to municipalities, and the fees at Key Bank are cost prohibitive. This process will begin immediately, and the switch should be complete by year end.

The Preliminary Budget is nearly complete.

### CORRESPONDENCE

Partyka Farm ó donation to cemetery funds

Schumer ó museum grant money

Aletamarie Martin, Innovations Committee representative, regarding abandoned utility poles, asking for a Board resolution to press the electric company to action in removal.

Association of Towns ó Personnel Management School in February

### ACCEPTANCE OF MINUTES

Councilwoman Flow made a motion to accept the following minutes, with one correction suggested for the July meeting, seconded by Councilwoman Szozda; all ayes:

Regular Meeting July 19, 2016

Regular Meeting August 16, 2016

### PUBLIC COMMENT

None

## REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

### Standing Committees

Public Safety/Emergency Services & Occupational Safety ó Martin  
Buildings, & Grounds ó Martin  
Highway ó Martin  
No report

Community Relations ó Flow  
Community Band will be performing on November 22 to support the Kendall Food Cupboard, and the nursing home in Albion on November 8.  
The Concordia Lutheran Church now provides a clothing closet for those in need from infant through age 18.  
Ham dinner at Morton Baptist Church is October 22.

Culture & Recreation ó Flow  
Director Werth is going to begin online registration for the recreation programs.  
There is a need for a swimming instructor.  
The Scarecrow Festival was well attended and excellent. Thank you to all who worked to make it successful.

Information Services ó Flow  
A link will be added to the website for Kendall Central School.

Human Resources and Ethics ó Szozda  
Employee Benefits ó Szozda  
The healthcare plan is changing. The highway employees will be notified of a meeting to explain the new coverage. Clerk Richardson asked that the general town employees affected also be notified.

Planning, Zoning & Agriculture ó Newell  
No report

Finance, Taxes & Special Districts ó Cammarata  
Budget work is ongoing

Orleans County Representative ó DeRoller  
No report

### Boards

Planning Board ó A. Kludt, Chair  
E-mail submitted. Solar energy legislation work continues with review of the template provided by Orleans County.  
A Special Use permit for a kennel on Center Road has been rescinded due to failure to comply with stipulations.  
Zoning Board ó P. Bolton, Chair  
No report

### Department Heads

Assessor ó G. Massey  
No report

Code Enforcement ó P. Hennekey  
No report

Highway - W. Kruger

Drainage work is underway. Culvert and tree work is scheduled to be addressed before winter weather comes.

Sand is arriving and snow removal equipment is being prepared in anticipation of winter.

The Snow and Ice Agreement is due. The Board will need to address this in November.

The Scarecrow Festival went well.

Cemetery stones and grounds have been cleaned.

NYS DOT filing for CHiPs is complete. Payment should arrive in December.

A used truck was purchased for a good price.

Historian ó H. Koch

No report

Recreation ó M. Werth ó written report submitted

Town Clerk ó A. Richardson ó written report submitted

Town Justices ó D. Drennan, D. Gaudioso ó written reports submitted

Supervisor ó A. Cammarata ó written report submitted

## **RESOLUTIONS**

Martin made the following motion to institute the following new policy, seconded by Szozda; upon advice of Attorney Meier it was not read aloud:

### **RESOLUTION 102-1016 ADOPTING ON-LINE BANKING POLICY.**

Be it resolved that the following Online Banking Policy be adopted in its entirety:

#### **TOWN OF KENDALL ELECTRONIC BANKING POLICY**

The Town Board recognizes the use of various electronic banking transactions as a faster, easier, and more efficient substitute for paper transactions. Electronic banking uses computer and electronic technology to streamline the processing and recording of receipts and disbursements, while reducing the cost of processing these transactions. Receipts, disbursements and transfers in proper circumstances can be processed via electronic funds transfer (EFT) services, whether transferring funds from a savings to a checking account at the same bank, or making a payment to a vendor's bank across the country. Internal controls, such as written policies and procedures, authorizations, segregation of duties and monitoring, however, are still important in the new technological world.

The Town Board shall authorize the use of electronic banking in accordance with all applicable laws and regulations including General Municipal Law Section 5-a authorizing the use of electronic or wire transfers and in conformity with the guidelines established by this policy.

The Town Board also recognizes that most banking institutions no longer provide cancelled paper checks to their customers, but instead offer an electronic image obtained online or on a CD. As such, the Board of Education authorizes the acceptance of these electronic images in lieu of cancelled checks as required by statute.

## Scope

Electronic banking activities will be used for, but not limited, to the following:

1. Online banking services (reviewing account balances, retrieving bank statements, downloading copies of cancelled checks, making stop payment orders, etc.)
2. Check fraud prevention services (Positive Pay- Payables Web Services)
3. Electronic depositing of checks received
4. ACH vendor payments (payroll and/or accounts payable)
5. EFT or wire transfers
6. Electronic Federal Tax Payment System (EFTPS)
7. Electronic State Tax Payment System (prompt Tax)

Online Banking Services are recognized as standard practice and procedure for maintaining an effective cash management program. Access to any of the Town's online bank accounts will be managed by the Town Supervisor to allow other users restricted access as necessary for banking functions as needed. (Examples of various online banking functions include monitoring account balances, issuing stop payment orders, retrieving copies of cancelled checks, ordering deposit slips, etc.).

Check Fraud Prevention Services - To help protect against the threat of check fraud, a file of all cash disbursement payments made by paper checks will be uploaded to the bank's web payables check fraud prevention system. This process provides details about checks the Town has written and compares that information to checks being processed to the bank for payment. The benefits include reducing the risk of check fraud by providing the Town with the ability to monitor and control checks presented against any Town account so only authorized items are paid

Electronic Funds Transfers (EFT's) and wire payments can only be initiated by the Supervisor or Deputy Supervisor. The recording of such transactions will be captured manually by the Town Bookkeeper through the use of journal entries. Bank call back features will be utilized when available.

Payroll ACH Payments are restricted to Payroll related deduction payments to authorized third party administrators of the Town and are authorized by the Town Supervisor after standard processing of payroll. Such Transfers are completed by the Supervisor. Recording of such transactions will be captured manually by the Town Bookkeeper through the use of journal entries.

Accounts Payable ACH Payments are authorized by the Supervisor after standard processing and recording through the accounts payable transaction cycle and claims auditing process. Recording of ACH vendor payments will be the responsibility of the Town Bookkeeper through the standard posting of the monthly cash disbursements journal. All payments made through this process are subject to the same claims audit process as exists currently with paper drawn checks. Release of payments is made by the Supervisor only after the completion of the approval and claims audit process.

## Revenue Collection

1. Electronic Deposits of Checks by means of utilizing a secure banking check scanning device for checks received are authorized as delegated by the Town Supervisor. The use of an electronic scanning device helps improve security, efficiency and cost effectiveness of making deposits. Recording of such deposits will be the responsibility of the Town Bookkeeper through the standard posting of the cash receipts monthly journal.

2. Electronic payments received from customers are acceptable and may be recorded via manual journal entries or through the regular cash receipts transaction journal and the discretion of the Town Bookkeeper.

**Monitoring**

The Town Supervisor is responsible for implementing adequate internal controls for each of the electronic banking methods utilized. An effective internal control system includes, but is not limited to, segregation of duties, proper authorization, and adequate documentation for all electronic transactions.

Discussion: Supervisor Cammarata said this has been reviewed by the Attorney, Mr. Hungerford, and Mr. St.John. Some adjustments were made in the wording to give the bookkeeper more leeway and authority for some of the electronic banking practices.

The Town Clerk asked if this policy gives or denies any permissions or practices to the Clerk and/or Justices in their banking procedures, and explained what accounts are held by each. The Attorney for the Town said this policy is for Payment of Claims only, and does not pertain to the accounts of the Justices or Clerk. A separate policy should be considered to address those. Supervisor Cammarata said this is for the Board and bookkeeper banking responsibilities.

Supervisor Cammarata called for a vote, resulting in all ayes.

Szozda made the following motion, seconded by Flow; reading aloud was dispensed with:

**RESOLUTION 103-1016 ADOPTING WORKPLACE VIOLENCE REPORTING POLICY**

Be it resolved, that the following Workplace Violence Reporting Policy be adopted in its entirety:

**TOWN OF KENDALL  
WORKPLACE VIOLENCE  
& INCIDENT REPORTING**

The Town of Kendall is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All Town personnel are responsible for notifying the Town Supervisor of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Attached is a model incident report, to be filled out by the Town Supervisor upon incident.

WORKPLACE VIOLENCE INCIDENT REPORT

Today's Date \_\_\_\_\_ Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

Employee Name \_\_\_\_\_ Title \_\_\_\_\_

Workplace Location \_\_\_\_\_

What was the employee doing just prior to the incident?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide information on preventative actions that the public employer has taken or is considering as a result of the incident to prevent against further like occurrences:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

After the occurrence of a workplace violence incident, the public employer shall consider global (all public employer worksites) prevention enhancements, which may be necessary to properly protect employees. The employer is responsible for maintaining copies of reports which shall be used when the policy is reviewed and updated.

Discussion: Attorney Meier said a policy template was provided by the auditor, Ray Wager, which the attorney modified for the Town of Kendall's use. The Clerk asked that the full policy be provided to her office in order to update the policy handbook.

Supervisor Cammarata called for a vote, resulting in all ayes.

Flow motioned, seconded by Martin:

**RESOLUTION 104-1016 BUDGET TRANSFER**

Be it resolved, to decrease account A1620.40 Buildings Contractual by \$200.00, and increase account A8310.40 Water Administration-Hwy Bldg. by \$200.00.

Supervisor Cammarata called for a vote, resulting in all ayes.

Martin motioned, seconded by Flow:

**RESOLUTION 105-1016 TRANSFER FROM HIGHWAY SAVINGS ACCOUNT DA5359 TO GENERAL SAVINGS ACCOUNT A3244.**

Whereas New York State Revenue Sharing Money of \$21,299.00 was incorrectly deposited by New York State into the highway savings account DA5359, so then,

Be it Resolved to transfer \$21,299.00 from account DA5359 to general account A3244.

Supervisor Cammarata called for a vote, resulting in all ayes.

Szozda motioned, seconded by Flow:

**RESOLUTION 106-1016 BUDGET ADJUSTMENT TO REFLECT REIMBURSEMENT OF EXPENSES PAID IN ADVANCE FOR STATE SNOW AND ICE OPERATIONS.**

Be it Resolved, to increase highway revenue account DA2302 snow removal other government, by \$56,609.61, from \$15,212.00 to \$71,821.61 and also,

To increase highway appropriations account DA5142.10 snow removal personal services by \$22,000.00, from \$88,100.00 to \$110,100.00, and also,

To increase highway appropriations account DA5142.40 snow removal contractual expenses by \$20,000.00, from \$71,250.00 to \$91,250.00, and also,

To increase highway appropriations account DA5130.2. machinery equipment by \$3,000.00 from \$4,000.00 to \$7,000.00, and also,

To increase highway appropriations account DA5130.4 machinery contractual expense by \$11,609.61 from \$52,000.00 to \$63,609.61.

Supervisor Cammarata called for a vote, resulting in all ayes.

Flow motioned, seconded by Martin:

**RESOLUTION 107-1016 BUDGET ADJUSTMENT TO CAPITAL PROJECTS ACCOUNTS**

Be it resolved, to increase highway revenue account DA3501 Consolidated Highway by \$15,135.70, from \$66,309.00 to \$81,444.70, reflecting the PAVE-NY funding appropriation made by New York State under special legislation enacted in 2016.

Be it further resolved, to increase highway appropriation account DA5112.2 Capital Improvements Contractual to \$140,985.70. And be it further resolved this resolution reflects the same adjustment to the 2016 284 Agreement.

Supervisor Cammarata called for a vote, resulting in all ayes.

Martin motioned, seconded by Szozda:

**RESOLUTION 108-1016 REQUEST TO THE DEPARTMENT OF TRANSPORTATION TO UPDATE THE TOWN OF KENDALL HIGHWAY INVENTORY LISTING**

Be it resolved, to authorize the Highway Superintendent to request the New York State Department of Transportation to revise the Town of Kendall's local highway inventory listing to include Mill Road, (formally known as the Hooks Mill Road). 1,025 feet of Mill Road, running between Kendall Road and Center Road, is active town road.

Supervisor Cammarata called for a vote, resulting in all ayes.

Szozda motioned, seconded by Flow:

**RESOLUTION 109-1016 GENERAL BUDGET ADJUSTMENT TO ACCOMMODATE DONATION TO CEMETERY**

Whereas Partyka Farms has donated \$350.00, raised from proceeds of dinners served at the Kendall Homegrown Days, and has requested the donation be used for improvements to the Town of Kendall cemeteries, be it hereby

RESOLVED, to make the following budget adjustments:

Increase Revenue Account A2770 Other Unclassified Revenue by \$350.00, and to

Increase Expenditure Account A8810.41 Beechwood Cemetery by \$175.00, and to

Increase Expenditure Account A8810.42 Greenwood Cemetery by \$175.00.

Discussion about possible expenditure of this money, and dividing it between the cemeteries or not, and that it must be spent before year end.

Supervisor Cammarata called for a vote, resulting in all ayes.

Flow motioned, seconded by Martin, after some discussion about the date being realistic, and a need to be fluid, as both the bank and the account owners have many tasks to achieve finalization:

**RESOLUTION 110-1016 RENAMING BANK OF DEPOSIT**

Be it hereby resolved, to rescind RESOLUTION 18-0116, and to designate FIVE STAR BANK as the Town of Kendall's bank of deposit, on or about December 1, 2016, as determined by the Supervisor and for the remainder of 2016.

Supervisor Cammarata called for a vote, resulting in all ayes.



Martin motioned, seconded by Szozda:

**RESOLUTION 111-1016 AUTHORIZING SUPERVISOR TO SIGN THIRD PARTY CUSTODY AGREEMENT WITH M&T BANK**

Resolved, to authorize the Supervisor to sign a Third Party Custody Agreement with M&T Bank, subject to review and approval by the Attorney for the Town as to form and content.

Discussion: Two Board members asked what this means. Supervisor Cammarata said it is part of the process of switching to FiveStar Bank. Attorney Meier said it is a complex process, and suggested the Board review the agreement to understand it.

Supervisor Cammarata called for a vote, resulting in all ayes.

Szozda motioned, seconded by Flow:

**RESOLUTION 112-1016 DISPOSAL OF OFFICE FURNITURE**

Whereas the Town of Kendall has surplus office furniture, specifically a credenza, which has no usefulness to the offices in the Town Hall, and no monetary value, be it

Resolved, that the Town Board of the Town of Kendall deems the furniture to be surplus, and authorizes its disposal.

Supervisor Cammarata called for a vote, resulting in all ayes.

Flow motioned to pay the claims, as presented on Abstract 11. Motion seconded by Szozda. All ayes.

**PAYMENT OF CLAIMS**

|                      |             |                    |                          |
|----------------------|-------------|--------------------|--------------------------|
| General Fund         | Abstract 10 | \$ 15,672.50       | Vouchers 679-700,702-706 |
| Highway Fund         | Abstract 10 | \$ 48,290.14       | Vouchers 682,702,707-737 |
| Light District One   | Abstract 10 | \$ 436.72          | Voucher 692              |
| Light District Two   | Abstract 10 | \$ 258.99          | Voucher 692              |
| Light District Three | Abstract 10 | \$ 138.16          | Voucher 692              |
| Water District Six   | Abstract 10 | <u>\$ 1,678.96</u> | Vouchers 693,701,703     |
|                      |             | \$ 66,475.47       |                          |

**OLD BUSINESS**

Defibrillators ó availability and training ó no report

Kendall's Finest ó Plaque will be done this week. Pictures will have to be downsized to fit the frames. The Board would like a ceremony when the project is officially begun. Avenues of notifying those who may want to provide a picture, and how the Board will be notified when the service men/women are no longer active were briefly discussed.

NYS Affordable Solar Program ó Community Distributed Solar Discussion ó no report

Policy Updates ó on-going, to comply with NYS Law. A õwhistleblowersõ policy is not necessary.

Troutburg ó current residents of this Planned Development will be notified that the owners plan to expand to a four season community.

Flow motioned to RECESS this meeting until November 1, 2016 at 7:00 p.m., seconded by Szozda; all ayes. Recess called at 7:59 p.m.

Respectfully Submitted,

Amy Richardson,  
Kendall Town Clerk