

TOWN OF KENDALL
RECESSED TOWN BOARD MEETING
Thursday, January 24, 2008 7:30 P.M.

PUBLIC PRESENT:

Al Lofthouse, Bev Lofthouse, Harry Butler, Dot Butler, Gary Smith, Marianne Wilson, Assessor Stephen Seaman, Wendy Balka, Skip Scroger, Nadine Hanlon, Gert Hauck, Mary Mann, Don Mann

Supervisor Gillman reconvened the meeting at 7:33 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

ACCEPTANCE OF MINUTES

A motion was made by Councilman Gaesser to accept the minutes of the December 27 Recessed Town Board Meeting, seconded by Councilman Schuth. Councilman Joseph said he listened to the audiotape of the meeting, and his vote will reflect that. Supervisor Gillman called for a vote, with the following results:

Councilman Gaesser	AYE
Councilman Joseph	AYE
Councilman Schuth	AYE
Councilwoman Szozda	ABSTAIN
Supervisor Gillman	AYE

December 20, 2007 minutes will be reviewed again by Councilmen Gaesser and Joseph, prior to submittal for acceptance.

PUBLIC PARTICIPATION

Allen Lofthouse – requested that the Board retain Attorney Sansone as Attorney for the Town, citing his experience in Municipal Law, his accessibility, and that he is currently working on four major issues for the Town of Kendall – Water District 6, the Cemetery Fund, Site Clean-ups, and the Eagle Creek Marina issues.

Councilman Joseph said that Attorney Leone is the Deputy Attorney for the Town of Irondequoit, has a reputation as an arbitrator, and that his group practice could provide strength.

Wendy Balka – Asked why a change in attorney is necessary.

Supervisor Gillman responded that every administration has a right to select its attorney.

Mrs. Balka asked if there was a problem with the current attorney.

Supervisor Gillman said no; that there is disagreement among Board members.

Councilman Joseph stated that after the election, Mr. Leone's name was brought to Mr. Joseph's attention. Both candidates were looked at, and for the good of the town, this decision has been weighed carefully.

Mrs. Balka wants to know if minutes are available, particularly anything concerning Eagle Creek Marina. Clerk Richardson offered to mail Mrs. Balka copies of any minutes with issues pertaining to the Marina, as they are accepted.

An unidentified woman from the audience asked if minutes to be accepted would be available at the meetings. Supervisor Gillman answered affirmatively. (Clerk's note: minutes will not be released for public perusal until Board acceptance has occurred.)

Nadine Hanlon – asked if it is a conflict of interest concern that Attorney Sansone is 1st District Attorney for Orleans County, and also Attorney for the Town of Kendall.
Supervisor Gillman responded he would take that question into consideration.

Councilman Gaesser outlined Attorney Sansone's experience, and stated that this experience is vital to this inexperienced Town Board. Attorney Sansone has represented the Town well, and has an established reputation at the county level. Councilman Gaesser read a letter addressed to the Town Board by Clerk Richardson, in justification of retaining Attorney Sansone. Councilman Gaesser said he feels strongly that John Sansone should be kept as the Attorney for Kendall.

Supervisor Gillman asked Nadine Hanlon, Clerk of the Orleans County Legislature, to explain the Animal Control Contract presented to the Town of Kendall for renewal, to maintain current services. Mrs. Hanlon did so. Councilman Schuth asked that the Board be given time to review this agreement.

Allen Lofthouse – asked why the “old business” list was not addressed at the last board meeting. Supervisor Gillman responded that the Board was not prepared to address all those issues.

Councilwoman Szozda asked if failure to renew the animal control contract would result in more expense to the Town of Kendall, due to having to sustain a local animal control officer and shelter. Mrs. Hanlon replied that in her opinion, it would be more expensive, and that the contract with the County is a good deal for the Town, and that all townships in the County, other than Kendall, have returned their contracts.

Councilman Joseph said that the code enforcement issue regarding the Lemcke property was put on hold until questions by the new board members could be answered, regarding any hazardous materials possibly present, absolute assurance of the ownership of the property, and the Court Order wording as to “abandoned” vehicles, among others. Mr. Lofthouse commented that the clean-up costs will become extravagant, and the Town of Kendall will suffer financially, if the Board chooses to go to such extremes.

Councilman Gaesser asked if there is a problem with not signing the animal control contract tonight. Mrs. Hanlon replied that the Orleans County Legislature would like to pass a resolution for all the towns simultaneously, if possible. A five minute recess was called at 8:10 p.m. so that Orleans County Legislature Clerk Hanlon could try to clarify the contract wording and percentages. Supervisor Gillman resumed the meeting at 8:17 p.m.

RESOLUTIONS

The following resolution was moved by Councilwoman Szozda, seconded by Councilman Joseph:

RESOLUTION 42-0108 Authorizing Supervisor Gillman to enter into agreement through contract with Orleans County for Animal Control Services

Supervisor Gillman asked for a vote, which resulted in all AYES; motion carried.

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

RESOLUTION 43-0108 Appointing John Sansone as Attorney for the Town of Kendall for 2008.

Whereas the Kendall Town Board has considered and inquired with two attorneys about their interest in representing the Town of Kendall, and,

Whereas the members of the Kendall Town Board have interviewed those interested attorneys, therefore be it,

RESOLVED, that the Kendall Town Board hereby appoint John Sansone of Ottaviano and Sansone, LLP., 172 East Avenue, Lockport, New York 14095 as the Attorney for the Town for the year 2008, commencing these responsibilities effective February 1, 2008.

It is further resolved that, as a condition of this appointment, the Kendall Town Board and John Sansone will, prior to Commencement of his duties, enter into a legal services agreement. Said agreement will be made part of this resolution. This agreement is contingent upon the satisfaction of the Kendall Town Board.

Councilman Schuth stated that retaining John Sansone would provide a smooth cross-over to the new Town Board, that his fees are the same, that his involvement with Kendall has resulted in progress on many still continuing issues, and would continue without disruption, and that John Sansone has been fair to the Town of Kendall.

Supervisor Gillman asked for a roll call vote, with the following results:

Councilman Gaesser	AYE
Councilman Joseph	NO
Councilman Schuth	AYE
Councilwoman Szozda	NO
Supervisor Gillman	NO

There was no declaration by Supervisor Gillman.

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

RESOLUTION 44-0108 Appointing Michael P. Leone as Attorney for the Town of Kendall for 2008.

Whereas the Kendall Town Board has considered and inquired with two attorneys about their interest in representing the Town of Kendall, and,

Whereas the members of the Kendall Town Board have interviewed those interested attorneys, therefore be it,

RESOLVED, that the Kendall Town Board hereby appoint Michael P. Leone of Harris, Chesworth, O'Brien, Johnstone, Welch, and Leone, LLP., 300 Linden Oaks, Suite 100, Rochester, New York 14625 as Attorney for the Town for the year 2008, commencing these responsibilities effective February 1, 2008.

It is further resolved that, as a condition of this appointment, the Kendall Town Board and Michael P. Leone will, prior to Commencement of his duties, enter into a legal services agreement. Said agreement will be made part of this resolution. This agreement is contingent upon the satisfaction of the Kendall Town Board.

Supervisor Gillman asked for a roll call vote, with the following results:

Councilman Gaesser	NO
Councilman Joseph	AYE
Councilman Schuth	NO
Councilwoman Szozda	AYE
Supervisor Gillman	AYE

Supervisor Gillman declared the motion carried.

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

RESOLUTION 45 -108 TRANSFER FUNDS

IT IS HEREBY RESOLVED TO transfer \$440.00 from A1990.4 Contingency to A7550.4 Celebrations. This transfer is necessary in order to cover the expense of Holiday Banners purchased.

Supervisor Gillman asked for a vote, which resulted in all AYES; motion carried.

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

RESOLUTION 46 - 108 AUTHORIZING SUPERVISOR GILLMAN TO REQUEST AN EXTENSION FOR COMPLETION OF THE EAGLE CREEK MARINA PROJECT (591ED522-05) FROM THE GOVERNOR'S OFFICE FOR SMALL CITIES

Councilman Gaesser asked that it be on record that this is a six month extension, expiring at the end of July.

Supervisor Gillman asked for a vote, resulting in all AYES; motion carried.

Councilman Gaesser reminded the Board that an assessor succession plan is necessary, and needs action as soon as possible, and suggested legal advice be sought on how to create the position of assistant assessor.

Councilwoman Szozda moved for adjournment, seconded by Councilman Joseph; all in favor of adjournment at 8:20 p.m.

Respectfully Submitted,

Amy K. Richardson
Kendall Town Clerk