

**KENDALL TOWN BOARD
MEETING**

Tuesday, March 16, 2021 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:08 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilwoman Flow	present
Councilman Martin	absent
Councilman Newell	but participating by phone
Councilwoman Szozda	present
Supervisor Cammarata	present

It was agreed to accept the minutes of February 16, 2021.

SUPERVISOR'S COMMENTS

- The Annual Update Document has been completed and sent to NYS Comptroller's Office
- The internal annual audit will begin on March 30, 2021
- Many webinars have been held and attended.
- The Town of Kendall will be the lead agency for the wastewater project.

PUBLIC COMMENT

Truda Slocum, Lakeshore Road, said the Kendall Medical Center Committee has not heard from the involved Lakeside (Strong West) attorneys. All members of that committee wish to continue serving.

Mrs. Slocum also asked if there was any progress on creating new water districts. Supervisor Cammarata explained that the decision was made to wait for the results of the 2020 census. Those results may eliminate the need to conduct income surveys in order to qualify for grants and low interest loans.

Mrs. Slocum asked if there was an update from the State on plans for the Parkway.

Councilman Newell directed her to the website, and said public comment is being accepted until March 31st.

Bob MacGregor said this is the first town meeting he has attended. He asked for information regarding the proposed solar farm. Supervisor Cammarata said there are two projects being considered. There is a public hearing regarding the project on West Kendall Road next week before the Planning Board, and perhaps the information of interest will be covered.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings & Grounds – Martin

Highway – Martin

A heating and cooling expert will be in to meet with Amy, Bruce and Ken Spohr about possible improvements to the building's system.

The highway building has had a thorough cleaning and some areas are being painted.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

Church/Lions Club fundraisers have gone well, and more are planned.

Some travel recreation programs have begun, and more things are opening up.

Movie nights are being planned by the recreation department.

Youth and youth volunteers can be nominated for recognition until next week.

The wifi available for free to the public will be extended.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Sexual harassment webinars are available for all employees on NYMIR University. Annual training is expected.

Planning, Zoning & Agriculture – Newell

The Zoning Board of Appeals held a public hearing to gather input about a requested area variance to do with the solar farm proposed on West Kendall Road. No decision was made.

Finance, Taxes & Special Districts – Cammarata

AUD done

An internal audit is scheduled.

Water district restorations will be starting next month.

REDI sewer project is being worked on by the engineer.

Boards

Planning Board – A. Kludt, Chair – no report

Zoning Board – P. Bolton, Chair – no report

Department Heads

Assessor – L. Ames – no report

Code Enforcement – P. Hennekey

Many building permits are being issued.

Two new homes are being planned, in addition to those in the Troutburg area.

Two additional variance applications have been received.

The Cottages at Troutburg have roads which have changed names, uncharted roads and roads which were never built as laid out in its approved site plan. The site plan was not resubmitted with changes. This is causing issues for emergency responders and in package delivery. Supervisor Cammartata is confused as to who

changed the names and when. CEO Hennekey is working with emergency response coordinators to fix the issue and provide a map. Package delivery with private roads may be a difficult situation. GPS does not recognize the roads. The Highway Superintendent will be contacted to see if the roads are listed anywhere with their correct names.

Highway - W. Kruger – no report

Historian – K. Corcoran – no report

Recreation – M. Werth – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Kluth, D. Gaudioso – written reports submitted

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

Councilwoman Flow made the following motion, which was seconded by Councilwoman Szozda:

RESOLUTION 47- 0321 TOWN OF KENDALL REDI WASTEWATER INFRASTRUCTURE PROJECT SEQRA RESOLUTION – NEGATIVE DECLARATION

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Kendall announced its intent to serve as Lead Agency on January 19, 2021, to conduct an environmental review of public wastewater infrastructure improvements within the Towns of Kendall and Hamlin. The project will involve the replacement of inadequate or failing septic systems with public sanitary sewer infrastructure. The purpose of the project is to improve water quality and address public health concerns that have resulted from untreated or partially treated sewage reaching the ground surface, groundwater, or surface water bodies like Lake Ontario, nearby creeks, and wetlands.
- 2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project are located in Orleans County and Monroe County Agricultural Districts.
- 3) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

- 4) On January 25, 2021, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Kendall Town Board serving as Lead Agency for this project. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.

- 5) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Kendall declares that it is serving as Lead Agency for the wastewater infrastructure improvements proposed in the Towns of Kendall and Hamlin; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

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

Councilwoman Szozda made the following motion, which was seconded by Councilwoman Flow:

RESOLUTION 48-0321 RESOLUTION OPPOSING THE ADDITION OF SECTION 575-B TO THE REAL PROPERTY TAX LAW IN THE 2022 NEW YORK STATE BUDGET

WHEREAS, the New York Real Property Tax Law – Section 487 – provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a town does opt out of the current Section 487, it can require the wind or solar project to enter into a Payment In Lieu of Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, towns have the ability to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS, through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide, standardized approach for real property tax assessment for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and

WHEREAS, the Town of Kendall holds strongly to the right of home rule established in Article 9 of the New York State Constitution, particularly with regard to land use and real property taxation, and

WHEREAS, Section 575-b, introduced in this year's budget bill, would effectively abolish the Town of Kendall's ability to assess real property used for renewable energy projects and effectually eliminate any local control currently provided by Section 487, so then be it hereby

RESOLVED, the Town of Kendall is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 NYS budget, and be it further

RESOLVED, the Town of Kendall calls upon you, as our elected representative, to oppose Section 575-b of the Real Property Tax Law and to prevent its enactment through the budget process.

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

Councilwoman Flow made the following motion, which was seconded by Councilwoman Szozda:

RESOLUTION 49- 0321 ACCESS TO WIFI FOR RESIDENTS AT THE KENDALL PARKING LOT

BE IT RESOLVED, that the Kendall Town Board authorizes Supervisor Cammarata to approve a one-time charge from C & H PC, 11089 Park Avenue, Medina, New York for \$209.99 (two hundred nine dollars and ninety nine cents), for the continuation of public use of WIFI, in the Kendall Town Hall Parking Lot.

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

Councilwoman Szozda made the following motion, which was seconded by Councilwoman Flow:

RESOLUTION 50- 0321 INCREASES SAVE TIME CLEANING WEEKLY CLEANING CHARGES TO \$70.00.

BE IT RESOLVED, to increase the wage for each regular weekly cleaning of the Kendall Town Hall by Save Time Cleaning from \$50.00 to \$70.00, beginning April 6, 2021 and to continue that remuneration until further notice.

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

Councilwoman Flow made the following motion, which was seconded by Councilwoman Szozda:

RESOLUTION 51-0321 ACCEPTING THE RESIGNATION OF ANDREW KLUDT AS CHAIRMAN OF THE TOWN OF KENDALL PLANNING BOARD

WHEREAS, Andrew Kludt has served as Chairman of the Kendall Planning Board and as our county representative on the Orleans County Planning Board in a thoughtful and excellent manner for over eight years, and,

WHEREAS, Mr. Kludt has submitted his resignation, effective as of February 23, 2021, so now the Kendall Town Board

RESOLVES, to thank and acknowledge Andrew Kludt for his perspective and the leadership he has shown in his efforts to guide the town of Kendall while maintaining its rural integrity and character, and also

RESOLVES, to accept, with regret, Mr. Kludt's resignation and extend its best wishes to him in his future endeavors.

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

Councilwoman Szozda made the following motion, which was seconded by Councilwoman Flow:

RESOLUTION 52-0321 APPOINTING PATRICIA PFISTER AS CHAIRPERSON OF THE PLANNING BOARD

WHEREAS, there is now a vacancy in the position of Chairman on the Kendall Planning Board, and

WHEREAS, Planning Board member Patricia Pfister has agreed to fill that vacancy, so now

BE IT RESOLVED, to appoint Patricia Pfister as Chairperson of the Kendall Planning Board, effective immediately, and for a term which will expire on December 31, 2021.

Discussion: Councilman Newell said the position was accepted with some hesitation and it is imperative that the Town Board actively seek a replacement for not only a vacancy, but the chair position as soon as is possible. Clerk Richardson asked if the vacancy should be advertised. Supervisor Cammarata said the board will address this tonight.

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

Councilwoman Flow made the following motion, which was seconded by Councilwoman Szozda:

RESOLUTION 53-0321 ACCEPTING THE HONORABLE DAVID GAUDIOSO'S RESIGNATION AS TOWN JUSTICE

WHEREAS, Judge Gaudioso has served the Kendall community as Town Justice for more than five years, with the support of the voting public, and

WHEREAS, Judge Gaudioso has continuously shown respect and fairness to those he has interacted with, and by exemplary bearing and unwavering determination to make just and considered decisions, has set a high standard of conduct for other elected officials, and

WHEREAS, Judge Gaudioso has tendered his resignation to the Town Clerk and to the Chief Administrative Judge of the NYS Unified Court System, effective as of April 5, 2021, so now the Kendall Town Board hereby

RESOLVES, to thank Judge Gaudioso for his exceptional service to the community at large, and does, with regret, accept his resignation, and wish him well in his future endeavors.

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

Supervisor Cammarata made the following motion, which was seconded by Councilwoman Szozda:

RESOLUTION 54-0321 ADVERTISING THE VACANCY ON THE KENDALL PLANNING BOARD

Whereas the Kendall Planning Board currently has a vacancy, the Kendall Town Board hereby authorizes the Town Clerk to place an advertisement in the official newspaper seeking a new member to serve the on the Planning Board. The advertisement will run for at least two weeks.

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

Discussion: Councilman Newell said the remaining members of the planning board declined the Chairship.

Councilwoman Szozda made a motion to pay the claims, as presented. Motion seconded by Councilwoman Flow. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 3	\$ 19,086.02	Vouchers 116-145
Highway Fund	Abstract 3	\$ 20,289.23	Vouchers 119,145-171
Light District One	Abstract 3	\$ 348.53	Voucher 134
Light District Two	Abstract 3	\$ 220.43	Voucher 134
Light District Three	Abstract 3	\$ 108.43	Voucher 134
Water District Six	Abstract 3	\$ 51.69	Vouchers 144,172
Water District Eight	Abstract 3	\$ 8,523.74	Vouchers 173,174
Water District Ten	Abstract 3	<u>\$ 9,275.54</u>	Vouchers 175-177
		\$ 57,903.61	

OLD BUSINESS

Lake Ontario State Parkway Advisory Committee -
Public Hearing held. Comments can be submitted until March 31st.

LWRP Amendment Committee – nothing new to report

VRBO/Airbnb rental – there are several lakefront property owners who are willing to work on this issue and provide input to the Town Board. At a future date, owners of the property renters and those not on the lakefront will also provide input.

Solar Projects – already discussed

PENDING ISSUES

Morton Union Cemetery – One half of the grant money has been received, an amount just over \$18,000, which will be used for surveying the property, the repair of monuments, and pay a certain percentage of a new lawn mower.

Clean Energy Community – Kendall now has this designation, which may enable us to receive grant funding for various projects, such as an upgraded ventilation system at the highway garage.

Sewer District being formed – already discussed

Cemetery mapping – the firm surveying Morton Union Cemetery will be contacted for estimates for completing surveys at our other cemeteries.

NEW BUSINESS

A new phone system is being considered.

With no further business being brought forward, Councilwoman Flow made a motion for adjournment, which was seconded by Councilwoman Szozda; all ayes. Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Amy K. Richardson, Kendall Town Clerk