

**KENDALL TOWN BOARD  
MEETING**  
Tuesday, July 20, 2021 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

The following minutes were accepted:  
Special Meeting – June 1, 2021

**SUPERVISOR’S COMMENTS**

American Rescue Plan funds can be used for broadband expansion and upgrades, public water expansion or sewer system expansion. The Board is leaning toward using it all for water expansion.

The County will be paying for the necessary expansion of broadband service to those currently excluded.

John Fitzak, currently a member of the Carlton Town Board, is running for the County Legislator seat held by Ken DeRoller. Mr. DeRoller is not seeking re-election.

**REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS**

**Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

The Highway Department is still focused on the culvert portion of the REDI projects.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

A family movie night is planned for this Friday at dusk, behind the Town Hall.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Medical benefits cost will see an increase across the board.

\ NYS Retirement has instituted new requirements for elected and appointed officials' reporting.

Planning, Zoning & Agriculture – Newell

The Planning Board has been focused on the solar projects. The Center Road solar project will be reviewed by the county planning board this month and public hearings are scheduled for both projects on July 27<sup>th</sup>.

The Zoning Board of Appeals denied, with a vote of 3 to 2, against granting a variance for an accessory structure on Bald Eagle Drive.

An area variance (set-back distance) was approved for a property on Knapp Shores.

Finance, Taxes & Special Districts – Cammarata

All audits have been completed, and the court audit report should be completed this month.

There is one approval still pending from Monroe County having to do with the proposed sewer project along the lakefront.

## **Boards**

Planning Board – P. Pfister, Chair – no report

Zoning Board – P. Bolton, Chair – no report

## **Department Heads**

Assessor – L. Ames – no report

Code Enforcement – P. Hennekey

Property maintenance issues are being addressed. Several parked campers are an issue. An “order of remedy” is sent. If it is a state violation, the situation is to be remedied within 30 days, and if local, the wording is “timely” remedy. Often the people are ignorant of the ordinances, and the infraction is a one-time occurrence.

Councilman Newell asked about a concrete pour on Norway Heights. CEO

Hennekey said the DEC is involved with the situation, but the Army Corps of Engineers is not involved because the concrete does not extend into the water.

Highway - W. Kruger – no report

Historian – K. Corcoran – no report

Recreation – M. Werth - nor report

Town Clerk – A. Richardson – written report submitted

Town Justice – D. Kluth – written report submitted

Supervisor – A. Cammarata – written report submitted

## **RESOLUTIONS**

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

### **RESOLUTION 72-0721 BUDGET TRANSFER**

Be it resolved to decrease General Account A1990.40, Contingent Account, by \$3,000.00 and Increase General Expenses Account A7310.40, Youth Program Contractual Expenses, by \$3,000.00.

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

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

### **RESOLUTION 73-0721 BUDGET AMENDMENT**

Be it resolved to increase General Revenue Account A2555, Buildings & Alterations Permits, by \$2,016.00 and Increase General Expense Account A7310.40, Youth Program Contractual Expenses, by \$2,016.00.

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

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

### **RESOLUTIONS 74-0721 CANCELLING WORKSESSION AUGUST 3, 2021**

Be it resolved the Town Board of Kendall, New York, hereby cancels its scheduled work session scheduled for August 3, 2021. Notifications will be placed in the Hamlin Herald and on the Town's webpage.

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

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

**RESOLUTION 75-0721 ABOLISHING THE POSITION OF TOWN JUSTICE**

WHEREAS, the Town of Kendall presently has two Town Justices; and

WHEREAS, Town Justice David Gaudioso resigned his office of Town Justice effective April 5, 2021, thereby creating a vacancy in that office; and

WHEREAS, any person elected to fill such vacancy at the 2021 general election will be elected to a new, four-year term commencing January 1, 2022; and

WHEREAS, the term of office of Justice Debra L. Kluth will also expire effective December 31, 2021, such that there would otherwise be two Justices elected to four-year terms commencing January 1, 2022; and

WHEREAS, the Town Board desires to reduce the number of Town Justices from two to one and abolish one office of Town Justice effective December 31, 2021,

NOW, THEREFORE, be it

RESOLVED, that pursuant to Town Law §60-a (2), and in the best interests of the Town of Kendall and its residents, the Town Board of the Town of Kendall hereby reduces the number of Town Justices from two to one and abolishes the office of Town Justice now vacant and formerly held by Justice Gaudioso, effective December 31, 2021; and be it further

RESOLVED, that pursuant to Town Law §90, this resolution is subject to permissive referendum, and that the Town Clerk is hereby authorized and directed to post and publish a notice of adoption of this resolution as required by law.

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

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

**RESOLUTION 76-0721 APPROVING DECOMMISSIONING AGREEMENT WITH DG NEW YORK CS III, LLC**

WHEREAS, DG New York CS III, LLC has proposed the construction of a certain solar facility (the "solar installation") situated at 1770 Center Road, Kendall, NY, 14476 (the "Premises"), and

WHEREAS, as a condition of approval of the project by the Planning Board, the developer is to enter into an agreement with Town of Kendall relative to the decommissioning of the solar installation situated upon the Premises at the end of its useful life,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute and deliver the attached Decommissioning Agreement on behalf of the Town of Kendall.

Discussion: Supervisor Cammarata said he will not sign the agreement until the Kendall Planning Board approves this, and upon the recommendation of the Code Enforcement Officer.

CEO Hennekey asked if this is the correct address. It will be needed for EMS. Councilman Newell and Supervisor Cammarata said this is the listed address on the site plan and in the published legal notice.

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

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

**RESOLUTION 77-0721 APPOINTMENT OF NYS CERTIFIED OPERATOR FOR WATER DISTRICT EIGHT**

Whereas, the construction of the improvements for the Town of Kendall Water District No. 8 Project have been substantially completed and approved by the NYS Department of Health, so then,

Be it resolved that a NYS certified operator, Steve Trotta (NYSDOH Certificate #NY0036227), will operate the water system pursuant to the Agreement between the Town of Kendall and the Monroe County Water and Sewer Authority.

Discussion: Supervisor Cammarata said this is required by the USDA.

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

**PAYMENT OF CLAIMS**

General Fund	Abstract 7	\$ 23,378.28	Vouchers 414-438,440-458
Highway Fund	Abstract 7	\$ 60,687.34	Vouchers 419,456,460-493
Light District One	Abstract 7	\$ 331.60	Voucher 447
Light District Two	Abstract 7	\$ 209.67	Voucher 447
Light District Three	Abstract 7	\$ 100.57	Voucher 447
Water District Six	Abstract 7	\$ 50.33	Vouchers 457,494
Water District Ten	Abstract 7	\$ 4,900.00	Voucher 495
Library	Abstract 7	<u>\$ 346.24</u>	Voucher 459
		<b>\$ 90,004.03</b>	

## OLD BUSINESS

Lake Ontario State Parkway Advisory Committee - complete  
LWRP Amendment Committee – still at a standstill

## PENDING ISSUES

Morton Union Cemetery – monument work is nearly complete.

Clean Energy Community – the \$ 5,000 has been received. A mini split may be purchased to upgrade our heating/cooling process. Energy audit is next.

Short-term rental properties -  
Councilman Newell and Supervisor Cammarata have been holding discussions with the Attorney for the Town, and he will capture their ideas into a first draft of a local law pertaining to short term rentals.

## NEW BUSINESS

TextmyGov information is provided. This communication tool would be beneficial. The pricing will increase in October. A quote will be forwarded for consideration.

There is a discussion about charging stations scheduled at the Hoag Library in Albion.

With no further business being brought forward, Councilman Newell motioned for adjournment. Motion seconded by Councilwoman Szozda; all in favor, and the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,  
Amy K. Richardson,  
Kendall Town Clerk