

**KENDALL TOWN BOARD
MEETING**
Tuesday, June 15, 2021 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:06 p.m., and led the Pledge of Allegiance.

ROLL CALL

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

ACCEPTANCE OF MINUTES – all ayes

Special Meeting – May 4, 2021

Meeting – May 18, 2021

SUPERVISOR’S COMMENTS

The Town will be receiving \$290,000 from the American Rescue Plan. It will be determined what allowable expenditures are, and what would benefit the residents of Kendall the most.

Water expansion options will be determined by the 2020 census results, indicating whether or not income surveys are necessary.

REDI projects: culverts currently under construction

Thompson Drive will be next.

Wastewater project is still awaiting approvals from various agencies.

Justice audit will be completed this month.

CORRESPONDENCE

Orleans County Legislature – resolution regarding mortgage tax distribution

Phil D’Agostino, KFD – request to suspend the open container ordinance for carnival

UNIVERA – expected medical insurance rate increase

Gary Kludt, KFD – request for fireworks permit for carnival

Letter from Town Board to Tim Hungerford re.auditors

PUBLIC COMMENT

George Barrett, Thompson Drive, asked if the town has a way to know which properties are short term rental properties.

Councilman Newell responded that officially, no. There is no registration requirement. A search on sites such as Airbnb and VBRO does yield information. Orleans County says there at least 68 in the county.

Mr. Barrett asked if the town receives any money from these businesses.

Councilman Newell said it does not.

Mr. Barrett wondered if other towns have been consulted as to if or how they are dealing with this issue.

Councilman Newell said a myriad of research is being done, including reviewing other municipalities' regulations.

Mr. Barrett thanked the Board for its efforts, and asked if any outreach to the companies such as Airbnb has been tried, in order to perhaps lodge complaints against specific rentals.

Councilman Newell responded it has not. Cooperation has not been forthcoming with larger cities which have tried, and lawsuits are common, so that is not an avenue which has been explored.

Jim Locicero, Bald Eagle Drive – thanked the Board and Highway Superintendent for the efforts made to save lakefront properties from flooding in past years.

He said renters of a home on Bald Eagle Drive were running on the rocks and breakwalls by neighboring houses. He was afraid they would be injured.

Pete Forte, Thompson Drive - reported that a bachelor party of more than twenty men from Pennsylvania took place next door to him. The attendees broke a sign in the driveway on their way onto the road, were playing on the rocks, were seen urinating on the lawn, and played loud music late into the night, even after being asked to quiet down. There was a great deal of drinking.

Supervisor Cammarata asked if Mr. Forte called the Sheriff, and said the sheriff's department wants to know when issues arise, and then it is documented if recurring. Mr. Forte did not notify the police, but will from now on. He feared retribution against his property if the party goers knew he called. He asked if the property owners can be contacted through the mail.

Councilman Newell said he has spoken with the Sheriff, who is aware of problems with some short term rental properties and is concerned with maintaining residents' quality of life. The complaints can be recorded and tracked and if there is a pattern, the property could be considered a nuisance property and steps could be taken against the owner. Mr. Forte asked if there is a noise ordinance, and was told, "no", and asked then what could the sheriff really do. Councilman Newell said his understanding is that those issues can be addressed as a public nuisance.

Liz Kovall, Knapp Shores - she has had short term renters from the house next door to her repeatedly cross her lawn, and show no consideration of boundaries.

Councilman Newell emphasized that calls to the sheriff are taken seriously, and although a trespassing issue may not always be the highest priority, each complaint does become a record and establishes a history of nuisance.

Mrs. Patterson, Norway Heights - said that a Norway Heights Airbnb has had issues with the clients bringing dogs which bark, and loud music being played at all hours, which has been annoying, and especially to the many elderly people on the street. One set of renters was rude in response to a resident asking them to get off the dangerous rocks in front of her house. Mrs. Patterson emphasized that she does not feel entitled to any special treatment, but does love her home and wants the tranquility of the neighborhood preserved so that residents can continue to enjoy their homes. As neighbors leave or pass away, more properties are being purchased as rental investments, and this is worrisome. She thanked the Board for its concern and efforts to address this.

Bob McGregor, West Kendall Road – stated the owners, regardless of their location, are and should be held responsible for these issues.

Supervisor Cammarata said this is why a new law is being drafted, so that the owners are held more accountable and there will be enforceable rules. He asked that the incidents be reported to the sheriffs so that a case can be built.

Mr. McGregor asked about the mortgage tax which comes to the Town through the County. Supervisor Cammarata and Councilman Newell explained that revenue line.

Jim Locicero said he has posted his property and suggests others do so, in order to provide some prevention of trespassing and some assurance that people know they are not welcome to cut across properties.

Mrs. Patterson asked whether the new law being drafted will eliminate or regulate the short term rental businesses.

Supervisor Cammarata said at this junction, the goal has been regulation, but there are places which have tried to ban them altogether. Councilman Newell added that many of the vacationers are considerate and not even noticeable. The characteristics of a “good” renter are being explored. It is not the intent to destroy the ability of owners to rent, but to eliminate the nuisances caused by inconsiderate owners and renters.

Mrs. Kondakov, Norway Heights – asked what a reasonable timeframe is to expect this new law to be enacted.

Councilman Newell outlined the steps necessary to enact a new local law. Each step must be undertaken carefully. He gave the example that the shoreline vista law took a year from drafting to enacting. The various boards do have more energy on this issue, and it will be pursued diligently. Supervisor Cammarata reiterated that a law must be enforceable, and not open to lawsuits.

Jim Locicero stated that for the private roads, their Homeowners' Associations can hold its owners accountable, and take action according to their bylaws. He encouraged the Associations to act in the meantime, while waiting for a blanket ordinance.

Liz Kovall said the owners have fined renters for broken rules, but that has not helped the neighbors.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

Air Conditioners have been temporarily repaired

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

There will be a movie night behind the Town Hall on Friday.

The boy scouts will be adding and improving the welcome to Kendall signs.

Soccer season has begun.

The library computer has been fixed.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

No updates

Planning, Zoning & Agriculture – Newell

The solar projects are being reviewed by the Planning Board.

The Zoning Board of Appeals has not rendered a decision on the variance request for a large accessory structure on Bald Eagle Drive. The law says this is not allowed, but the situation of an owner having many acres was never considered in the drafting of the law, so the situation is unusual. More neighbor input is being sought.

Finance, Taxes & Special Districts – Cammarata

No report

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 – no report
Highway - W. Kruger – no report
Historian – K. Corcoran – no report
Recreation – M. Werth – no report
Town Clerk – A. Richardson – written report submitted
Town Justices – D. Kluth – written reports submitted
Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

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

RESOLUTION 64-0621 CORRECTION TO ABSTRACT FIVE PAYMENT OF CLAIMS

Whereas, the USDA sent an erroneous invoice regarding Water District Eight, and the Town Board, unaware of the error, did approve the invoice upon Voucher 321 of Abstract Five of 2021, and

Whereas, the error was subsequently discovered, and before payment was made, and now needs correction, so then,

Be it RESOLVED, to delete Voucher 321 from Abstract Five, bringing the total of Water District Eight expenses to \$ 0, and the Abstract Total for May to \$ 80,779.93.

Be it also RESOLVED, the corrected invoice will be addressed in Abstract Six, 2021.

Discussion: A reminder debit notice was sent by the USDA about an auto withdrawal. It was not taken. There has been a change in personnel at the USDA, an error was made, and the invoice did not match the amortization schedule.

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

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

RESOLUTION 65-0621 WAIVER OF OPEN CONTAINER LAW

Be it RESOLVED that the Town of Kendall Open Container Ordinance be waived during the Kendall Firemen's Carnival in 2021 as follows:

Thursday, July 15 from 6:00 p.m. to 12:00 midnight

Friday, July 16 from 4:00 p.m. to 2:00 a.m.

Saturday, July 17 from 12:00 noon to 2:00 a.m.

And, that this waiver shall cover an area ½ mile South and ½ mile East of the intersection of Kenmor Road and Kendall Road, and

Further, such waiver is in effect only on the specified dates and time set for herein and only in the geographical area described herein.

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

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

RESOLUTION 66-0621 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT

WHEREAS, the Kendall Fire Department has submitted an application for a permit for public display of fireworks to the Kendall Town Clerk, and,

WHEREAS, said application has been reviewed by the Code Enforcement Officer, and it is the recommendation of the Town of Kendall Code Enforcement Officer to the Town Board to approve a conditional permit, subject to receiving a copy of a valid certificate of competency as a pyrotechnician and insurance, so therefore...

Be it RESOLVED that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York and the New York State Fire Code Section 3308.1, to the Kendall Fire Department for a fireworks display commencing at 10:30 p.m. on Saturday, July 17th.

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

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

RESOLUTION 67-0621 BUDGET TRANSFER

Be it resolved to decrease General Account A1355.12 Assessor Personal Services \$\$800.00 and Increase General Expenses Accounts: A1355.40, Assessor Contractual Expenses, \$200.00 and Increase A1910.40, Unallocated Insurance, \$600.00.

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

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

RESOLUTION 68-0621 AUTHORIZING A CHANGE TO INSURANCE COVERAGE

Be it resolved, the Town Board of Kendall, New York authorizes Supervisor Cammarata to sign an agreement with the Albion Insurance Agency, 30 N. Main Street, Albion, N.Y. 14411, to increase the Town of Kendall's current insurance deductibles from \$1,000.00 to \$2,500.00, for coverage for vehicles, equipment, buildings and business property. This will result in a saving of \$499.00 for the remainder of the policy term.

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

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

RESOLUTION 69-0621 AUTHORIZING AGREEMENT WITH HOVER TELEPHONE NETWORKS

Be it resolved, the Town Board of Kendall, New York, authorizes Supervisor Cammarata to sign a three year agreement with Hover Networks for its All Inclusive Option, for full phone-equipment warranty, monitoring, support, moves-changes, software upgrades, service calls, taxes, fees, and surcharges for town phones within the town hall. Cost of this phone system and services will not exceed \$610.00 per month.

Discussion: This will not include the highway department phones, at the request of the Highway Superintendent. This system should cut down on the number of calls requiring redirection, and calls can be forwarded to cell phones in an emergency situation or remote work situations.

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

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

RESOLUTION 70-0621 AUTHORIZING REPLACEMENT OF CANVAS ROOF ON TOWN HIGHWAY SALT BARN

Whereas the canvas roof at the Town of Kendall's Highway Salt Barn needs to be replaced due to normal wear, and

Whereas Hybrid Building Solutions, 850 Main Street, Corfu, N.Y. 14036, is the sole source supplier of Cover-All Products, so

Be it resolved, that the Town Board of Kendall, New York authorizes Highway Superintendent Warren Kruger, to purchase a Cover All, 13.9-ounce HDPE canvas fabric, including all parts required for installation, with a 20 year warranty, to be delivered to the Kendall highway garage. The cost is not to exceed \$6,945.00.

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

Councilwoman Flow made a motion to pay the claims as presented on Abstract 6. Seconded by Councilwoman Szozda. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 6	\$ 182,301.88	Vouchers 325-350,352-368
Highway Fund	Abstract 6	\$ 69,712.73	Vouchers 331,365,369,370,372-406,408,409
Light District One	Abstract 6	\$ 329.03	Voucher 353
Light District Two	Abstract 6	\$ 208.13	Voucher 353
Light District Three	Abstract 6	\$ 100.24	Voucher 353
Water District One	Abstract 6	\$ 4,502.32	Voucher 412
Water District Two	Abstract 6	\$ 11,345.45	Vouchers 410,411,412
Water District Three	Abstract 6	\$ 15,970.95	Vouchers 410,411,412
Water District Four	Abstract 6	\$ 47,985.95	Vouchers 410,411,412
Water District Five	Abstract 6	\$ 21,161.09	Vouchers 410,411,412
Water District Six	Abstract 6	\$ 46.98	Vouchers 351,367
Water District Eight	Abstract 6	\$ 20,227.50	Voucher 414
Water District Ten	Abstract 6	\$ <u>14,798.95</u>	Vouchers 371,407,413
		\$ 388,691.20	

OLD BUSINESS

Lake Ontario State Parkway Advisory Committee – final report is available online.
LWRP Amendment Committee – The Town of Yates has questions about Home Rule issues, so stalled.

PENDING ISSUES

Morton Union Cemetery

Survey will be conducted after monument repair

Clean Energy Community

The Board decided to pursue the next steps in the community choice aggregation.

No check has been received yet.

Sewer District being formed

Nothing new to report

Short-term rental properties

First draft will be done as soon as possible. The Board has decided to ask the Attorney for the town to write this for them. Some residents would like to see them banned; most simply want them controlled. Another issue is that every home sold as a short term rental is one that will not be sold to a family which may contribute to the community.

The Town Board unanimously agrees this is matter of urgency, and that the objective of this new legislation will be to protect the “quality of life” of the residents of Kendall.

Solar Projects

In the hands of the Planning Board

NEW BUSINESS

Energy Audit – National Grid

Audit is coming up. There are opportunities for improvements.

With no further business brought forward, Councilman Martin motioned for adjournment. His motion was seconded by Councilwoman Szozda, and Supervisor Cammarata adjourned the meeting at 8:27 p.m.

Respectfully Submitted,

Amy K. Richardson,
Kendall Town Clerk