

**KENDALL TOWN BOARD
MEETING**

Tuesday, May 18, 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	excused
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

The following minutes were accepted:

Special Meeting – March 30, 2021

Meeting – April 6, 2021

Meeting – April 20, 2021

SUPERVISOR’S COMMENTS

- REDI projects have been approved by DASNY and work will begin on four culverts as soon as weather permits.
- Kick plates have been installed on the interior doors in the town hall.
- Memorial Day observance will be on Mat 30th at 7:00 p.m. at the gazebo.
- The town has been awarded clean energy community status, which may make us eligible for grants. There will be energy audits conducted at the town buildings. Charging stations may be installed, if feasible.
- A phone system upgrade is being reviewed.
- The final audit results are still pending.

PUBLIC COMMENT

Several lakefront residents attended to reiterate the opinions in a letter sent to the Town Board regarding the increasing number and nature of properties being used for short term rentals.

Karen Patterson, Bald Eagle Drive – expressed unhappiness with the short term rental arrangements occurring on her street. She is concerned that the quiet, quaint neighborhood atmosphere they enjoy may devolve into a vacation-feel area. Many of her neighbors agree.

Some renters have been driving too fast down the narrow private road, and may endanger pets and children. She considers the homes being rented as businesses, and fears it might erode the residential nature of her street.

Brenda Gainer, Bald Eagle Drive - passed the Town Board a packet containing answers to a survey she collected from many unidentified lakefront owners on several of the lake roads in Kendall. Many contain comments. Absentee owners seem to be the problem. These cottages are

not being used as bed & breakfast homes. Some owners are in Canada, even, and are very hard to contact if there are issues to be addressed. This leaves the residents feeling as though they have to police their property and their neighbors'. Noise has been a recurring issue, as has strangers walking on the breakwalls.

Peter Forte, Thompson Drive – Mr. Forte loves his street and neighborhood. Two years ago, a neighbor, John Page, began using his lake home as an Airbnb. He set and posted rules as to number of cars (no more than four) and number of people (no more than ten), but the rules are rarely followed, and it has been advertised as avenue for parties. Mr. Forte has counted more than sixty people on the property at one time for a wedding. Guests sometimes park on others' property, including Mr. Forte's and it is frequently noisy after 10:00 p.m. He believes there are 4 or 5 Airbnb's now, and he is fearful of approaching these people, who may have alcohol or drugs or weapons. He does not want to be in a position to police his neighborhood.

Liz Covall, Thompson Drive – Expressed concerns if a visitor were to fall off the rocks on neighboring properties, or were hurt on shared pathways and were injured, that the full time residents may have some legal liability.

John Patterson, Bald Eagle Drive – Retired here and loves his home. Speeders put pets and children in danger. Parking on neighbors' properties is an issue. Quantities of garbage accumulate and sit until pickup day. Mr. Patterson feels a residential area should not be inclusive of what he views as a business. Strangers being in the area are a concern.

Sandy McAllister, Bald Eagle Drive – She expressed concern that speeding by renters unfamiliar with the area put children and dogs in danger.

George Barrett, Thompson Drive – Said the option is to call the Sheriff if parties seem too wild, but he hates to bother them with that kind of call, but also fears approaching people who are drinking and may be unpredictable to ask them to quiet down.

Brenda Gainer spoke again saying they are enjoying seeing new families move into the area, especially those with young families. She feels the places sold as short term rentals do not contribute significantly to the local community, as they claim. The owners make money, but she does not think the tourists are spending or contributing much to the economy here.

Bruce Newell, Norway Heights resident and Town Councilman – thanked everyone who attended tonight, and acknowledged the work which has been started by a citizens' committee to organize and address these concerns. Much investigation and research is to be done, and this committee will provide ideas to the Town Board. This has been a growing concern for the past

two years. How other municipalities have managed this will also be considered. Please take the time to read the comments included with the survey answers.

Councilman Newell left to attend the concurrently running Planning Board meeting.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

Flags are placed in the cemeteries.

Kick plates are nearly finished.

Mini splits for foyer are being considered.

Flags for the Memorial Day service will be placed by the Boy Scouts.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

No reports

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

No reports

Planning, Zoning & Agriculture – Newell

No report

Finance, Taxes & Special Districts – Cammarata

Carlton has paid for its share of the Assessor.

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 61-0521 RESOLUTION 61 0521 BUDGET TRANSFERS

Be it resolved to decrease General Account A9040.80 Worker Compensation by \$168.98 and

Increase General Expenses Accounts A8010.40 Zoning Contractual, by \$126.65 and A8160.40 Refuse and Garbage, by \$42.33.

Be it also resolved to decrease General Expense Account, A 1110.12, Town Justice 2, by \$5,255.00, and

Increase General Expense Account A1420.40, Attorney Contractual, by \$5,255.00.

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 Martin:

RESOLUTION 62 0521 REQUESTING THE TRANSFER OF 1.685 ACRES OF LAND FROM NEW YORK STATE PARKS, RECREATION AND HISTORIC PRESERVATION COMMISSION FOR HIGHWAY USE.

WHEREAS, Thompson Drive in the Town of Kendall is dependent on the cul de sac at its end, which is located on land belonging to NYS Parks, and

WHEREAS, pursuant to Section 34 of the Public Lands Law (PLL Sec. 34), land will be used for highway purposes, and will be properly improved and maintained for such purpose.

WHEREAS, said cul de sac on Thompson Drive is severely damaged by the erosion which occurred during the 2017 Lake Ontario high water emergency and is in need of repair, and so the Town of Kendall is requesting the transfer of 1.685 acres of land as described below, from the New York State Parks and Historic Preservation, Genesee Region for highway purposes:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Kendall, County of Orleans, and New York State, being part of Lot 1, Township 4, of the 100,000 Acre Connecticut

Tract, as shown on a map entitled Survey of Part of Lot 1, Township 4, 100,000 Acre Connecticut Tract, Town of Kendall, Orleans County, New York, prepared by GPI Engineering, Landscape Architecture & Surveying, LLP, dated January 6, 2020, bounded as described below:

BEGINNING at the southwest corner of subplot no. 16 of the **Transit Site Subdivision or Tax Parcel 9.05-1-1.1** at the easterly bounds of Thompson Drive;

THENCE S 03°-07'-18E a distance of 50.00 feet of said Thompson Drive;

THENCE S 86°-52'-02W a distance of 198.00 feet of said Thompson Drive;

THENCE N 85°-36'-40W a distance of 402.98 feet of said Thompson Drive;

THENCE N 00°-53'-34W a distance of 89+/- feet to the top of bank of Lake Ontario;

THENCE easterly along the top of bank of Lake Ontario a distance of 601.6 +/- feet to a point;

THENCE S 03°-07'-18E a distance of 167 +/- feet to the point or place of beginning Containing 1.685 acres of land.

Therefore, be it Resolved, to authorize Supervisor Cammarata to pursue the acquisition of this property.

Discussion: This was passed in January, but required additional wording, as per the engineering firm.

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

Councilman Martin moved that the claims be paid, as presented on Abstract 5. Seconded by Councilwoman Szozda; all ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 5	\$ 21,250.08	Vouchers 247-255,257283,324
Highway Fund	Abstract 5	\$ 33,896.30	Vouchers 250,251,280,284-318
Light District One	Abstract 5	\$ 336.84	Voucher 268
Light District Two	Abstract 5	\$ 213.00	Voucher 268
Light District Three	Abstract 5	\$ 103.97	Voucher 268
Water District Six	Abstract 5	\$ 1,423.45	Vouchers 281,319,320
Water District Eight	Abstract 5	\$7,168.77	Voucher 321
Water District Ten	Abstract 5	\$ 23,445.00	Vouchers 322,323
Library	Abstract 5	<u>\$ 111.29</u>	Voucher 256
		\$ 87,948.70	

OLD BUSINESS

Lake Ontario State Parkway Advisory Committee

LWRP Amendment Committee

VRBO/Airbnb rental

Solar Projects

Phone system – a salesman will attend the next work session to demonstrate a system for consideration.

PENDING ISSUES

Morton Union Cemetery – Monument repair is to commence soon, and a new mower has been purchased using grant money.

Clean Energy Community

Sewer District being formed

Cemetery mapping – The caretaker is working on improved mapping.

Councilman Newell returned to the meeting and spoke about the Clean Energy Community, and encouraged all to view the available video, and said a decision must be made as to pursuing this. An asset list is being compiled for CLEAR committee, of the assets in Kendall which fall in the coastal areas.

Councilman Newell said the Planning and Zoning Boards need direction from the Town Board. A current law addresses accessory structures at the lake properties, but bigger lots were not considered when the law was written. Perhaps the law should be modified, allowing bigger and more structures on the larger lots.

With no further business being brought forward, the meeting was adjourned by Supervisor Cammarata at 8:25 p.m.

Respectfully Submitted,

Amy K. Richardson,

Kendall Town Clerk