

**KENDALL TOWN BOARD
MEETING**

Tuesday, October 19, 2021 7:00 p.m.

Supervisor Cammarata called the meeting to order at 7:05 and led the Pledge of Allegiance.

ROLL CALL

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

The following minutes were accepted, as presented:

August 17, 2021
September 21, 2021

SUPERVISOR'S COMMENTS

Water District Ten customers will be receiving monies back as the project came in under budget. Permission for this reimbursement has been given by Rural Development.
REDI projects continue, despite the rain.
2022 Budget Hearing is scheduled for November 4th at 7:00 p.m.

CORRESPONDENCE

NY Dept. of Public Service re. broadband survey dissemination – this will be added to the webpage.

PUBLIC COMMENT

Peter Forte, Thompson Drive – asked if there has been progress made on the regulation of short term rentals. He cited other municipalities' regulations. He suggested the issues tend to be with weekend rentals, which tend to be partiers, rather than weeklong rentals, which tend to be families.

Councilman Newell said the work is in full swing. A second draft of a possible local law will be discussed later in this meeting. The process is being complicated by NYS government pushing affordable housing issues. The Town must be cautious to avoid STR regulations being so restrictive that the owners resort to building affordable housing structures, possibly including additional structures, on these lakefront properties in order to maintain profitability. This may result in much more impactful consequences for those neighborhoods. The county planning department has given input. There are two attorneys involved in the review. Work continues.

Truda Slocum, Lakeshore Road – asked what criteria are being used to determine who will benefit from the next planned water line.

Supervisor Cammarata said ideally the rest of the town would be done as one final district, but the engineer for the town, LaBella Associates, is currently looking at various options for feasibility. There needs to be interest, and affordability. Need based on quantity and quality of water is also considered. The board would like to get water for as many remaining residents who want public water. Guess on timeframe is difficult now, but even if things go smoothly, it will be months of paperwork before the physical work begins. Criteria are petitions received, need and cost feasibility. American Rescue Plan funds can be used toward this.

Liz Covall, Knapp Shores – asked if the money discussed for getting water contravenes using money for the lakefront residents to obtain sewers.

Supervisor Cammarata said, “no.” The money for offsetting most of the cost of sewers is from the fund to address lakefront flooding issues, and the money to help somewhat with the water project would come from the American Rescue Plan (federal). The increase in material costs and supply issues have slowed the sewer project. There have been four million dollars in increases since the first estimates. Obviously, this is not affordable for those users, and would not be approved by the State Comptroller. Grants are being sought, and it is hopeful that material costs may decrease, and the engineers are trying to work new plans to control costs. The project is planned and approved, but is delayed by these unforeseen circumstances.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

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

Energy audit results will be in next week.

The gutters have been cleaned. Prevention of buildup will be researched.

The water spigot will be addressed in the spring.

An exterminator will be treating the building for ant and bee infestation.

Community Relations – Flow

The search for a new school superintendent has narrowed to three candidates.

Culture & Recreation – Flow

The community band will have a concert on Thursday, November 4th.

Information Services – Flow

Election night spaghetti dinner will be drive through only this year.

Recreation reports and paperwork need to be completed.

MBC is holding a ham dinner this Friday.

The website will be edited this week.

The new phone system is nearly in place. Old numbers will be retired soon.

Human Resources and Ethics – Szozda
Employee Benefits – Szozda

Two medical policies have been explored. The current plan is better coverage. The price will increase by 8.4 %. The deductibles have also been raised. The budget should include the tentative budget proposed amount to be realistic. Supervisor Cammarata said that will be considered.

Planning, Zoning & Agriculture – Newell

The planning board approved the solar farm applications for special use permits, with some stipulations. The decommissioning agreement has not been signed yet. It is waiting for planning board approval. The Special Use Permit is approved by the planning board.

Finance, Taxes & Special Districts – Cammarata

Budget is nearly done.
Waiting for AIM money.

Boards

Planning Board – P. Pfister, Chair

Zoning Board – P. Bolton, Chair

The zoning board approved two variance applications.

Department Heads

Assessor – L. Hewitt

Code Enforcement – P. Hennekey

Jack Howitt wants assurance that he can continue to rent the two rental properties at Troutburg regardless of STR regulations being put into place. This will be discussed.

Highway - W. Kruger

Historian – K. Corcoran

Recreation – M. Werth

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 Flow:

RESOLUTION 88-1021 CANCELLING NOVEMBER WORKSESSION

Whereas the General Election is scheduled for November 2, 2021 and will be held at the Kendall Town Hall, and

Whereas that is the date on which the Kendall Town Board Work Session Meeting is scheduled, so now therefore,

Be it resolved to cancel said work session.

Further, this cancellation will be noticed in the Town's official newspaper, on its website and posted on the Town Clerk's notice board.

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

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

RESOLUTION 89-1021 SETTING THE 2022 BUDGET HEARING

Be it resolved, that the Town Board of the Town of Kendall will meet and review a Preliminary Budget for 2022 and hold a Public Hearing thereon at the Kendall Town Hall at 7:00 p.m. on Thursday, the 4th of November, 2021. Any person may be heard in favor or against any item contained therein.

Notice of this hearing will be published on the town clerk's notice board, on the town's website, and in its official newspaper.

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

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

RESOLUTION 90-1021 BUDGET TRANSFER

Be it resolved, to decrease General Account A8030.40, Research Contractual Expense, by \$280.00 and increase General Account A8310.40, Water Expense Contractual, by \$280.00.

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 91-1021 BUDGET AMENDMENT

Be it resolved, to increase Highway Revenue Account DA2302.00, Snow Removal Other Government, by \$49,509.00 and to increase Highway Expense Account DA542.40, Snow Removal Contractual, by \$49,509.00.

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

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

RESOLUTION 92-1021 BUDGET AMENDMENT

Be it resolved, to increase Highway Revenue Account DA3502.00, DASNY REIMBURSEMENT, by \$200,000.00., and to increase Highway Expense Accounts DA5110.40, Maintenance of Streets, by \$150,000, and DA5112.20, Capital Improvements, by \$50,000.00.

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

Councilwoman Flow moved to approve the payment of claims, as presented. Councilman Martin seconded, and all were in favor.

PAYMENT OF CLAIMS

General Fund	Abstract 10	\$ 8,456.28	Vouchers 634-652,698
Highway Fund	Abstract 10	\$ 149,639.61	Vouchers 636,651,653-694
Light District One	Abstract 10	\$ 343.72	Voucher 644
Light District Two	Abstract 10	\$ 217.41	Voucher 644
Light District Three	Abstract 10	\$ 101.67	Voucher 644
Water District Six	Abstract 10	\$ 2,632.00	Vouchers 652,695,696
Water District Seven	Abstract 10	\$ 2,138.13	Voucher 697
Water District Nine	Abstract 10	<u>\$ 1,155.95</u>	Voucher 695
		\$ 164,684.77	

PENDING ISSUES

- Morton Union Cemetery and cemetery mapping – nothing new to report
- Clean Energy Community – nothing new to report
- Sewer District being formed – discussed earlier
- Short-term rental properties – discussed below

Solar Projects – discussed earlier
Energy Audit – National Grid – in progress
American Rescue Plan – water expansion

NEW BUSINESS

Councilman Newell passed out a Draft of the vision for CLEAR (Coastal Lakeshore Economy and Resiliency) in Niagara and Orleans counties. This group is looking how to build infrastructure to help deal with high water situations. Possible ideas are going toward more sloped and beached erosion control, or physically raising homes on stilts or instituting “sacrificial first floors”, for instance. Planning and town boards will need to be forward thinking in their regulations, and discuss costs. There are occasional public hearings held by this assembly and ideas are welcomed.

Short term rentals – Councilman Newell passed out a new version of the proposed standards for STRs in Kendall. The strategy being focused upon is one of requiring registration and permitting of rentals throughout the town, and the instituting of penalties for infractions against stipulations of the permits and significantly affecting others’ way of life. Any penalties would be levied against the property in the tax bill. The process will have to be very well defined in order to guard against the denial of due process, and litigation against the Town.

CEO Hennekey asked if the county would need to approve the new law, since it would be administering the levies and be responsible financially for unpaid penalties on tax bills.

Legal input is necessary to craft the process. It may be that the Town Board could fine owners without court involvement. More work is necessary before it is presented to the attorneys again. If this were to be done through a special use permit process, the steps are already in place. Any new legislation would need to take into account the ability to enforce any regulations.

Some considerations are limiting the time to rent to at least one week, and perhaps limit rentals to one a month, have limits on the number of guests and visitors, and limit the number of cars which can park.

Complaints would still be made to the Sheriff’s department. That would trigger any process of penalizing the owner of the property by the Town Board.

Councilman Martin is in favor of specific rules regarding encroaching on others’ property and disturbing the peace, but feels there may be too much here, and is not sure

Councilman Newell suggested that the rights of residents of the town should take priority over the rights of visitors to the town in the drafting of these additions and changes to the regulations. The regulations are necessary to give substance to enforcement procedures when there are problems and disruptions to neighbors.

Clerk Richardson said that a property owner on Bald Eagle Drive, Nancy Lyon, called to say she and her husband have used their cottage as a vacation home for themselves and as a short term rental for many years. They are registered with the county, and have never had complaints filed against them. Mrs. Lyon is concerned that any new regulations may injure that business. She was unable to attend tonight's meeting, but was encouraged to come to a meeting or contact any board member or to submit her concerns in writing. Councilman Newell will welcome her input.

The consensus of the board is the desire to regulate, NOT eliminate short term rentals.

Councilwoman Flow thanked Councilman Newell for the amount of time he has put into this.

CEO Hennekey said the enforcement end of code violations may already be addressed in other State and Town codes. This would add additional layers, and enforcement may be by law enforcement or the town board or the planning board or the CEO, depending on the specific infraction.

With no further business being brought forward, Councilman Newell made a motion to recess this meeting until November 4th, at 7:00. Councilwoman Flow seconded that, and all were in favor. Meeting closed at 8:37 p.m.

Respectfully Submitted,
Amy Richardson,
Kendall Town Clerk