

KENDALL TOWN BOARD
Tuesday, January 18, 2022, 7:00 p.m.
Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

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

ROLL CALL

Councilwoman Flow	present
Councilman Jennings	present
Councilman Martin	absent
Supervisor Cammarata	present

The following minutes were accepted, as presented:

October 19, 2021
November 4, 2021
November 8, 2021 (not attended by Clerk)

SUPERVISOR’S REMARKS

As we enter 2022 the Town of Kendall has two major initiatives as our goals for this year:

Our Wastewater Project (REDI) is not fully funded to meet our needs to fulfill this project. We are about \$4.5 M dollars short. In the coming months, we expect the federal government to offer grant opportunities and we will be submitting our application. In addition, in the month of February, the Monroe County Legislature will have on their agenda to vote on our request to use their waste water treatment plant.

Water District 11 - LaBella Associates will be providing to the Kendall Town Board their recommendations for the creation of a new water district in our town. The town has received approximately \$265,000 dollars from the American Rescue Plan. These funds will be incorporated to help with the cost reduction for this new district.

There will be free COVID tests available from the federal government, via mail. As information is received, it will be posted to the website.

CORRESPONDENCE

Association of Towns – email stating this year’s Local Officials Training will be held virtually.

PUBLIC COMMENT

Truda Slocum – At the last meeting, it was stated that approximately 250 houses will be involved in the next water district. Where are those homes and what are the criteria to meet for consideration to be one of those chosen?

Supervisor Cammarata- Said the number quoted was \$250,000 which will be available to help offset costs. LaBella is currently preparing recommendations as to how to best proceed. Councilwoman Szozda said the engineer is trying to see how many can be serviced by expanding already existing water lines. Offering public water to all those not currently served is cost prohibited. The best option going forward will be determined by the Town Board in the next few months.

Bob McGregor – asked for a review of the project being discussed. Supervisor Cammarata gave an overview of the sewer and water projects.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings & Grounds – Martin
Highway – Martin
No report

Community Relations - Flow
Culture & Recreation – Flow
Information Services – Flow
Euchre tournament against Hamlin is scheduled.
Basketball is in season.
C&H PC will give a cyber security presentation.

Human Resources and Ethics – Szozda
Employee Benefits – Szozda
Benefit Resources is all set for 2022.

Planning, Zoning & Agriculture – Jennings – no report

Finance, Taxes & Special Districts – Cammarata
REDI annual report has been submitted.
Taxes are being collected and payments have been turned over.

Boards

Planning Board – B. Newell, Chair

Revised draft of STR law will be submitted soon.

Some planning board meetings may be held over zoom. Public access to those meetings will be facilitated.

Chairman Newell needs to be set up as PB Chair for email.

Zoning Board – P. Bolton, Chair – no report

Department Heads

Assessor – L. Hewitt – no report

Code Enforcement – P. Hennekey

End of year reports have been completed.

The Zoning Board has discussed, through text messages, the changes proposed for the camping regulations.

The Planning Board has tabled its discussion about Troutburg due to the Chairman change.

Highway - W. Kruger – no report

Historian – L. Jayne – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written report submitted

Town Justice – D. Kluth – written report submitted

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

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

RESOLUTION 44-0122 TO DECLARE ZONING IMMUNITY FOR DEVELOPMENT OF TOWN PARK

WHEREAS, The Town of Kendall wishes to develop a public park along Lake Ontario at the end of Thompson Road (the “Project”), and

WHEREAS, the Town has received certain lands from the State of New York to facilitate the development of the Project, and

WHEREAS, for the project to proceed, the Town must render a decision as to whether it is immune from local zoning regulations, which do not include “public parks” as a permitted use in the zoning district where the Project will be situated,

NOW, THEREFORE, be it RESOLVED, that upon due consideration of the factors set forth in Matter of County of Monroe v. City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702, the Town of Kendall hereby makes the following determinations:

1. The instrumentality seeking immunity is the Town of Kendall, a municipal entity organized under the laws of the State of New York.
2. The Town of Kendall is vested with the authority to develop public parks under various sections of Town Law, General Municipal Law, and Home Rule Law, in its pursuit of the public health, safety and general welfare.
3. The function resulting from the intended land use will be Public Park accessible to all residents of and visitors to the Town of Kendall.
4. The current land use regulations applicable to the parcel would not otherwise permit the development of the project.
5. There are no other viable alternative locations for the Project that have less restrictive zoning than the parcel in question and which would be as ideally situated as this parcel on the shores of Lake Ontario.
6. The Project would not result on any adverse impacts upon legitimate local interests, and would advance the public health, safety and general welfare.
7. There are no other viable methods of providing the proposed improvement that would sufficiently enhance legitimate public interests and promote the public health, safety and general welfare.
8. The Project would serve the public interests by providing the public a safe, welcoming and accessible park area along the shores of Lake Ontario, and would promote the development of recreation and tourism anchors within the Town.
9. There has been significant Intergovernmental participation in the Project development, the land for which was donated to the Town by the State of New York for the purpose of developing a public park. Further, a grant from the New York State Resilience and Economic Development Initiative (REDI) in the amount of \$131,000 has been awarded. The public has had the opportunity to be heard at public board meetings, all of which include a public comment period;

And be it further RESOLVED, that based upon the balancing of all considerations recited herein, and upon due deliberation, the Town of Kendall determines that a finding of zoning immunity would best serve the interests of the residents of the Town of Kendall, and is hereby declared.

Supervisor Cammarata called for a vote, which resulted in all ayes.

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

RESOLUTION 45-0122 APPOINTING TERRI JENNINGS TO THE BOARD OF ASSESSMENT REVIEW

Whereas a vacancy exists on the Kendall Board of Assessment Review and,

Whereas Terri Jennings has agreed to fill this vacancy, so now

BE IT RESOLVED, to appoint Terri Jennings to serve the Town of Kendall Board of Assessment Review for the remainder of the vacated position, the term to expire September 30, 2023.

Supervisor Cammarata called for a roll call vote, with the following results:

Councilwoman Flow	aye
Councilman Jennings	abstain
Councilman Martin	aye
Supervisor Cammarata	aye,

and declared the motion carried.

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

RESOLUTION 46-0122 APPOINTING JON GAINER TO THE KENDALL PLANNING BOARD

Whereas a vacancy exists on the Town of Kendall Planning Board and,

Whereas Jon Gainer has agreed to fill this vacancy, so therefore,

BE IT RESOLVED to appoint Jon Gainer to the Kendall Town Planning Board for a term that will expire December 31, 2023.

Supervisor Cammarata called for a vote, which resulted in all ayes.

Councilwoman Szozda made the motion to pay the claims as presented on Abstract 1, as presented. Motion seconded by Councilwoman Flow. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 1	\$ 20,273.74	Vouchers 1-14,36,37
Highway Fund	Abstract 1	\$ 33,406.31	Vouchers 1,9,15-33
Light District One	Abstract 1	\$ 364.74	Voucher 8
Light District Two	Abstract 1	\$ 230.77	Voucher 8
Light District Three	Abstract 1	\$ 108.30	Voucher 8
Water District Six	Abstract 1	\$ 2,022.90	Voucher 34
Water District Eight	Abstract 1	\$ 110.00	Voucher 35
Fire District	Abstract 1	<u>\$ 25,791.00</u>	Voucher 9
		\$ 82,307.76	

PENDING ISSUES

- Morton Union Cemetery – survey is 80% complete
- Clean Energy Community – Rob Richardson has been contacted to study administration choices.
- Sewer District being formed
- Short-term rental properties - ongoing
- Solar Projects – decommission plan has not been signed.
- American Rescue Plan – water expansion – already discussed

NEW BUSINESS

- Office rearrangement – meeting on Wednesday
- Cyber Security – not covered under our current insurance policy. We are awaiting a quote.

With no further business being brought forward, Councilwoman Szozda made a motion for adjournment, which was seconded by Councilman Jennings. All ayes. Meeting adjourned at 7:39 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk