

**KENDALL TOWN BOARD  
REGULAR MEETING  
Tuesday, June 21, 2022, 7:00 p.m.  
Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476**

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

**ROLL CALL**

|                      |         |
|----------------------|---------|
| Councilwoman Flow    | present |
| Councilman Jennings  | present |
| Councilman Martin    | present |
| Councilwoman Szozda  | present |
| Supervisor Cammarata | present |

**OPEN PUBLIC HEARING – LOCAL LAW 2 of 2022 – A LOCAL LAW TO ADOPT A  
COMMUNITY CHOICE AGGREGATION PROGRAM**

The public hearing was opened at 7:07 p.m. Councilman Jennings read the legal notice and gave a background of this proposed law, which will enable the Town to offer residents the ability to save money on electric bills by acting in aggregate to negotiate terms. Participation in these programs also earns clean energy points toward grant applications.

Supervisor Cammarata called three times for any public comments. No one made comments or asked questions. The public hearing was closed at 7:11 p.m.

The following minutes were accepted for filing and publication:

Public Hearing March 30, 2022  
(April minutes were accepted at last meeting)  
Meeting May 19, 2022

**SUPERVISOR'S REMARKS**

This past Friday June 17, the deadline application for the Environmental Facilities Corporation (EFC), application for funding for our wastewater sewer project had to be uploaded and received in order for us to be considered for grant funding. I am very pleased to announce that our application was submitted and confirmed by EFC. Now we have to wait and see if we are approved and how much we will be receiving in grant funding. Let's hope it will be for the maximum, which I believe it to be 49% of Kendall's portion of the project, or about \$3.5MM Dollars.

Another concern is 5G cell towers and other wireless facilities being placed as close as 150 feet in residential neighborhoods, or on front lawns, and or side lawns. This is happening because

local laws are not in place to prevent this from occurring. Kendall's zoning law is in place currently, but I will be asking our planning board and code enforcement to review it along with our attorney for the town to ensure we do not have to amend it.

## **CORRESPONDENCE**

- IRS – mileage rate increase
- Assemblyman Hawley – notes on legislative session and patriot trip information

## **PUBLIC COMMENT**

Karen Patterson, Bald Eagle Drive – said that twenty months ago, she brought short term rental concerns, and currently she has collected forty four signatures on a statement requesting that STRs be banned completely in the lakefront areas of the Town of Kendall. She did provide the Town Clerk with the statement and signatures.

John Patterson, Bald Eagle Drive – asked for an update on any work being done to address the issue of STRs. Supervisor Cammarata answered that the Boards – town, zoning, and planning, have spent a great deal of time on this. In addition, the code enforcement department, and the attorney for the town as well as additional attorneys have been hired and given input. A final draft of new legislation will be submitted and a public hearing will be held between that time and any adoption of that legislation.

Violet Lotto, Norway Heights – expressed that she loves her community, but since the STRs have become popular, she is bothered by traffic – foot, bicycle and car – and strangers being present and passing by. More of these will be popping up, and it is ruining the peace.

James Locicero, Bald Eagle Drive – stated he lives next door to an abandoned property, and fears it will become a short term rental if it sells. He thinks it might decrease his home's resell value if that happens. He cuts the grass for this abandoned home. He and his family would leave if it becomes an STR. He expressed fear of speeding cars on the private road, and asked that the Board quickly address this growing business sector and consider eliminating STRs completely.

Sandy McAllister, Bald Eagle Drive – has concerns posed by the short term renters for children who may be living in or visiting the permanent residents.

Mr. Kondakov, Norway Heights – said STR owners tend to expand their businesses and perhaps overfill the safe capacity of the rentals. It is conceivable that guests could be housed in inadequate accessory structures.

Pat Dorney, Norway Heights – has raised her family here, and now has grandchildren being raised in Kendall. Norway Heights is a private road, not public, and therefore pays its own costs of upkeep. The STR owners may not care as much to share the costs. She would like to see families raising children here be the ones to buy available properties. The potential sewer district will only make the area more attractive to STR owners. The future will depend on permanent residents making their homes here, and asks that the members of the resident community be heard. She would like to see STRs banned.

Roger Novak, Bald Eagle Drive – Said he has raised his large family here and loves his neighborhood, but worries that the large house next to him might become an STR and be overfilled and be similar to a campground. He would feel forced to leave.

Don Pfister, Bald Eagle Drive – asked why STRs are not automatically banned in residential-zoned areas because they are businesses. Also, are they then following business codes and safety practices?

Mr. Bauman, Bald Eagle Drive – A lifelong resident and wants the street to stay quiet and private.

Mrs. Patterson asked about a timeline as to when legislation will be presented. New STRs seem to be opening as each month passes. Supervisor Cammarata cannot provide a hard timeline, but can assure this group that it is being worked on every day. A law which is enforceable and defensible is necessary. The Town will be in litigation the taxpayers cannot afford, otherwise. The vision of the Board is also to encourage families and those who truly join the community to move here. Councilwoman Flow said that since former Councilman Newell brought this situation up, there has been consistent, painstaking work being done. These things are not simple and take a great deal of thought and time.

Violet Lotto cited the town code section regarding special permits and no businesses being allowed on private roads. If these STRs are clearly making money, are they not defined as businesses? Attorney Meier said that short term rentals can be argued as being a residential use, just as any home rental property is, by definition. The zoning use is residential. A simple redefining of “business” to outlaw these will not pass constitutional muster, and cannot be defended in court. The process must be thorough from a judicial perspective.

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

### **Standing Committees**

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

Bathroom locks and the air conditioners will be put in this week.

Generator maintenance has been done.

Parking lot is started. It will be sealed and striped next week.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

KFD carnival is July 14-16

Summer day camps for the kids are in progress

Minutes need to be brought to date

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

There are two resolutions for the NYS Retirement System on this agenda, to be certified and sent.

Planning, Zoning & Agriculture – Jennings  
Two area variances have been sought and approved.

Finance, Taxes & Special Districts – Cammarata  
Justice audit is done.  
Water district debt has been paid.  
Sewer district application for funding was sent timely.

### **Boards**

Planning Board – B. Newell, Chair – no report  
Zoning Board – P. Bolton, Chair – no report

### **Department Heads**

Assessor – L. Hewitt – no report  
Code Enforcement – P. Hennekey – no report  
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**

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

#### **RESOLUTION 71- 0622 APPOINTING MINDY ZYRA TO THE KENDALL PLANNING BOARD**

Be it resolved that the Kendall Town Board appoints Mindy Zyra, residing at 16753 Banner Beach Road in the Town of Kendall, N.Y., as an alternate to the Kendall Town Planning Board effective July 1, 2022. This term will expire December 31, 2027.

Supervisor called for a vote, resulting in all ayes; motion carried.

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

#### **RESOLUTION 72-0622 CANCELING WORKSESSION JULY 5, 2022**

Be it resolved the Town Board of Kendall, New York, hereby cancels its scheduled work session on Tuesday, July 5, 2022. Notifications will be placed in the Hamlin Herald and on the town's webpage.

Supervisor called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 73 0622 WAIVER OF OPEN CONTAINER LAW**

Be it resolved that the Town of Kendall Open Container Ordinance be waived during the Kendall Fireman's Carnival in 2022 as follows:

Thursday July 14 from 6:00 pm to 12:00 midnight

Friday July 15 from 4:00 pm to 2:00 am

Saturday July 16 from 12:00 noon to 2:00 am., 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 times set for herein and only in the geographical area described herein.

Supervisor called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 74-0622 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT**

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

Be it Resolved, that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Conditional Public Display of Fireworks Permit, Pursuant to the 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 fireworks display commencing at 10:30 pm, on Saturday, July 16, 2022. Permit will be granted after review by the Code Enforcement Officer, and receipt of a map of detonation area, waivers from surrounding property owners, and certificates of insurance and competency as pyrotechnicians from Young Explosives.

Supervisor called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 75-0622 MITSUBISHI DUCTLESS SYSTEM FOR KENDALL TOWN HALL**

WHEREAS the Town of Kendall has received a JCAP Grant in the amount of \$6,437.50 and \$4,637.00 as an incentive for a street light conversion to LED Streetlights, and

WHEREAS the Kendall Town Hall is in need of mini splits for the court room entrance way and the Kendall Town Clerk's Office, and

Whereas the Town Board of the Town of Kendall has obtained three (3) quotes for the above, therefore,

Be it Resolved, that the Kendall Town Board authorizes Supervisor Cammarata to sign an agreement with TRIPLE – O, 6520 N. Lake Road, Bergen, New York 14416, to install one (1) new Mitsubishi 36K standard heat condenser with two (2) new eighteen (18) cassette style evaporators, at the agreed quoted price not to exceed \$14,958.83.

Supervisor called for a vote, resulting in all ayes; motion carried.

Szozda made the following motion, which was seconded by Jennings:

**RESOLUTION 76-0622 TOWN OF KENDALL ADOPTING LOCAL LAW 2 OF 2022**

WHEREAS, the Town Board of the Town of Kendall, having duly called and held a Public Hearing on the 21st day of June, 2022 on the enactment of Local Law No. 2 of 2022 of the Town of Kendall, entitled A Local Law to Adopt a Community Choice Aggregation Program Law of the Town of Kendall, and

WHEREAS, at such hearing, all those for and against said local law were heard,

NOW, THEREFORE, be it Resolved, that Local Law 2 of 2022 of the Town of Kendall is hereby enacted as originally presented, and shall be effective upon its filing with the New York State Department of State.

Supervisor called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 77-0622 BUDGET AMENDMENT**

Be it Resolved, to increase highway revenue account DA5305.00 by \$80,000.00, and to increase highway expense account DA5110, Maintenance of Streets Contractual, by \$50,000.00, and to increase highway expense account, DA5130.20, Machines Equipment, by \$30,000.00.

Supervisor called for a vote, resulting in all ayes; motion carried.

Jennings made the following motion, which was seconded by Martin:

**RESOLUTION 78-0622 ESTABLISHING STANDARD WORK DAY FOR SPECIFIED TITLES**

Be It Resolved, that the Town of Kendall, Location Code 30127, hereby establishes the following as standard work days for the employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted.

| Title                           | Standard Work Day<br>(Hrs/Days |
|---------------------------------|--------------------------------|
| Court Clerk                     | 6                              |
| Deputy Code Enforcement Officer | 6                              |
| Recreation Director             | 6                              |
| Town Clerk                      | 6                              |
| Town Justice                    | 6                              |
| Web Manager                     | 6                              |
|                                 |                                |

Supervisor called for a vote, resulting in all ayes; motion carried.

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

**RESOLUTION 79-0622 STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS**

BE IT RESOLVED, that the Town of Kendall, Location Code 30127, hereby establishes the following standard work days for these titles and will report the results to the New York State Retirement System based on time keeping system records or their record of activities:

| Elected Officials       | Standard Work Day (HRS./day) | Names          | Current Term Begin & End Dates | Record of Activities Result(ROA) | Not Submitted (ROA) | Participates Hourly time keeping |
|-------------------------|------------------------------|----------------|--------------------------------|----------------------------------|---------------------|----------------------------------|
| Town Clerk              | 6                            | Amy Richardson | 1/1/22-12/31/26                | 10                               |                     |                                  |
| Town Justice            | 6                            | Debra Kluth    | 1/1/22-12/31/26                | 5.21                             |                     |                                  |
|                         |                              |                |                                |                                  |                     |                                  |
| <b>Appointed</b>        |                              |                |                                |                                  |                     |                                  |
| Deputy Code Enforcement | 6                            | Dan Strong     | 1/1/22-12/31/22                | 4.35                             |                     |                                  |
| Court Clerk             | 6                            | Jessica Maier  | 1/1/22-12/31/22                | 3.08                             |                     |                                  |
|                         |                              |                |                                |                                  |                     |                                  |

Supervisor called for a vote, resulting in all ayes; motion carried.

Szozda made a motion to accept the payment of claims, as presented on Abstract 6. Motion was seconded by Jennings; all ayes.

**PAYMENT OF CLAIMS**

|                      |               |                     |   |
|----------------------|---------------|---------------------|---|
| General Fund         | Abstract 6    | \$ 22,343.14        | Vouchers 303,304,306-328,330,331,333,335, 336,338-345,347-360,362,364 |
| Highway Fund         | Abstract 6    | \$ 44,675.24        | Vouchers 307,329,362,365-398  |
| Light District One   | Abstract 6    | \$ 338.49           | Voucher 347   |
| Light District Two   | Abstract 6    | \$ 214.21           | Voucher 347   |
| Light District Three | Abstract 6    | \$ 99.93            | Voucher 347   |
| Water District One   | Abstract 6    | \$ 4,502.32         | Voucher 361   |
| Water District Two   | Abstract 6    | \$ 1,290.45         | Voucher 361   |
| Water District Three | Abstract 6    | \$ 1,653.45         | Voucher 361   |
| Water District Four  | Abstract 6    | \$ 3,183.45         | Voucher 361   |
| Water District Five  | Abstract 6    | \$ 1,070.46         | Voucher 361   |
| Water District Six   | Abstract 6    | \$54.82             | Vouchers 346,364  |
| Water District Ten   | Abstract 6    | \$ 10,798.02        | Vouchers 334,337,363  |
| Sewer District One   | Abstract 6    | <u>\$ 57.93</u>     | Voucher 305   |
|                      | <b>TOTAL:</b> | <b>\$ 90,281.91</b> |   |



## **PENDING ISSUES**

### Morton Union Cemetery

Fencing quotes are around \$34,000, which is a large increase in the past year. Councilman Martin will walk the cemetery to finish the mapping.

### Clean Energy Community

Law is passed. Next step is to choose an administrator.

### Short-term rental properties

Next step is the Planning Board will vote on and present recommendations to the Town Board. A draft law has been circulated to the Planning Board. A complete ban on already existing STRs is not constitutional. Incremental steps are what can be taken.

### Solar Projects

Waiting for decommission agreement, and PILOT to be approved.

### American Rescue Plan – water expansion

The second half of the money has not been received yet. Census results information should be available in October.

## **NEW BUSINESS**

July work session cancellation

5G Zoning Law – our current code is quite restrictive

Thompson Drive Park – needs a name

With no other business being brought forward, Martin motioned for adjournment, with Jennings seconding; all in favor. Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk