

KENDALL TOWN BOARD
Tuesday, August 16, 2022, 7:00 p.m.
Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:03, and led the Pledge of Allegiance.

ROLL CALL

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

There were twenty four members of the public present.

SUPERVISOR'S REMARKS

Mindy Zyra has just recently been appointed to the Kendall Planning Board. Mindy is also on the Board of Assessment Review. I am pleased to announce that there is no conflict of interest so Mindy may remain on both boards. Thank you, Amy Richardson, for looking into this and providing the board with your findings.

Tonight we have in front of us a resolution for a special meeting to be held on September 1, 2022 at 8:00 p.m. at the Kendall Town Hall. This special meeting is very important in the process of the REDI project for Wastewater. Both the Towns of Hamlin and Kendall have formed their respective sewer districts, and now we need to pass a resolution on September 1st, for funding our portion of Sewer District One. Once the resolution is passed, it will be sent to engineers LaBella Associates, who must include it with the official application for the proposed funding. Then we wait probably until January 2023, to receive the results.

ACCEPTANCE OF MINUTES

June 21, 2022 – accepted as written

CORRESPONDENCE

- resignation of Kim Corcoran
- Joule – presentation of community choice aggregate program and question and answer session scheduled on September 20th.
- 2021 Justice Audit draft has been received

PUBLIC COMMENT

Glenn Stuckless, Norway Heights – Stated he has heard some information, which may be rumors only, that the Board is considering restricting or trying to eliminate short term rentals, and would like to know the Town Board position on this and any progress made. Supervisor Cammarata said no decision has been made by the Board. A special attorney, who specializes in STR legislation, has been hired. His recommendations have not been received yet.

When a draft is submitted, the Board will review it, make desired changes and schedule a Public Hearing. No law can be passed without a hearing.

Mrs. Stuckless, Norway Heights – asked who the special attorney is.

Supervisor Cammarata responded that it is Charles Malcomb.

Gail Grigg, Norway Road – asked if last month’s minutes are on the website. Clerk Richardson responded that minutes are not sent for publication until approved, but that all notes and draft minutes are available upon demand.

Ms. Griggs complained that the minutes are not posted timely.

Attorney Meier said minutes are a record of board action, and require attendance, motions made, votes, and outcomes. They may contain more detail, but that is not required. They are not a transcript of the discussions. Meeting attendance is the best way to obtain information.

Ms. Griggs asked if the agendas are published online ahead of meetings. Clerk Richardson responded that she often does not have the agenda items submitted by the Board members until Monday evenings – less than 24 hours from the meeting - and agendas are assembled and sent to members on meeting day. The website administrator is not onsite. Agendas are normally available by request, in person or e-mail, by 4:00 p.m. on the day of the meeting.

Mr. Stuckless asked why an extra and “special” attorney is deemed necessary. He asked if there has been negativity about the short term rentals in Kendall.

Supervisor Cammarata said he specializes in writing laws to regulate STRs, and there has been a lot of negativity. Many people have complained, and the board has been working on addressing this for more than a year. He also said this is not a situation unique to Kendall; people nationally and internationally are regulating STRs, for a variety of reasons. Problems are perceived here.

Attorney Meier said the concerns expressed have been taken seriously, and that this board has been listening and formulating its direction to take on these concerns aggressively. The board wants a law tailored to the specific needs of Kendall. This involves considering property use rights, tax implications, and other complicated issues. Outside counsel has been retained to avoid missteps and future litigation.

Chris McCarthy, East Lomond Shores – asked if the problems Supervisor Cammarata referred to were addressed by those reporting them. Were offending owners or renters ticketed or arrested?

Supervisor Cammarata replied he should ask the Sherriff’s Department that.

Mr. McCarthy pointed out that in a small, close community, that if there were many or serious problems rising to the level of official complaints, it would be known.

Supervisor asked if he doubted there are issues of “incorrect and unneighborly behavior”.

Mr. McCarthy responded that he has never had a complaint brought to his attention, that his lodgers are well-vetted and nice people who leave everything in good order.

Supervisor Cammarata stated there was a murder in Pittsburgh at an Airbnb after renters left, which resulted in an Airbnb regulation change. He said he is not going to discuss this because there is nothing to discuss at this point, until he gets input from the attorney.

Mr. McCarthy said that seems to lack transparency to taxpayers. If this has been a “hot topic” for well over a year, there would be more recorded discussion, and public input sought. It appears quite one-sided as far as soliciting public comment.

Supervisor Cammarata said everyone could have been at every meeting and work session, and that the only reason people are here tonight is because they heard rumors and conjectures, with no factual data whatsoever, and then showed up to accuse the Board of backdoor politics. The Board will listen to views, and when a draft is received from the attorney there will be a public hearing scheduled, at which anyone can speak.

A man was recognized and addressed the Board, asking how many of the current Town Board members are lakefront residents. Since two are, and this is being approached as a lakefront-only issue, and there seems to be strong personal involvement in the issue, perhaps those board members should recuse themselves from the issue.

Supervisor Cammarata said he would not recuse himself. The short term rentals having issues are not on his street, which is the same road Councilman Jennings lives on. He also said he has no opinion yet because there is not enough information.

Angela Bobzin, West Kendall Road – asked if the house next door to the supervisor was recently purchased by a Canadian family which may also use the property for short term rentals. Supervisor Cammarata said he has no idea.

Mrs. Bobzin said she has spoken with his new neighbors, who have expressed trouble with neighbors since they moved here.

Supervisor Cammarata said that is because they were doing some things which were not very neighborly.

Nancy Lyon, Bald Eagle Drive – asked Councilman Jennings if he had an influx of e-mails this week.

Councilman Jennings responded that he has.

David Bentley, Norway Road – asked if those who have attended meetings with complaints about STR’s had any “factual data”.

Supervisor Cammarata said yes.

Mr. Bentley asked what form the data took, such as police reports or photos of damages.

Supervisor Cammarata said there were complaints of urination on lawns and other incidents.

Mr. Bentley said that sounds like hearsay, not evidence.

Supervisor Cammarata responded that this is not a court, so their concerns are being addressed, just like the concerns Mr. Bentley are expressing will be addressed.

Ms. Grigg asked to submit an extensive journal of comments left by those who have enjoyed her short term rental for many years. The comments of the vacationers are significant. They have loved staying here in Kendall, and have found it restorative. These visitors would not have ever had the opportunity to experience our town without the short term rentals being available for accommodation. One family actually moved into Kendall after falling in love with the area during a short term stay. There are so many comments from awesome people, enjoying our community. This is factual information.

Mr. McCarthy said when he bought his property thirty two years ago, the Town welcomed his initiative of encouraging tourists to the area, and in all that time, he has never once had a complaint – from a visitor, from a neighbor, from anyone in authority. If someone is actually a careless owner, ticket them for infractions and collect fines as a revenue source. Good people come to stay – often for funerals or weddings or class reunions – and are only a positive. Many fishermen from Tennessee and Florida return annually and appreciate convenient and well maintained places to stay. Our county gets its bed tax for each rental; those staying are buying out of state fishing licenses, as well as food and souvenirs from local farm stands and markets. Those who own these properties keep them in good shape and upgraded in order to be competitive and welcoming, which helps the tax base. They hire local contractors, local firewood suppliers, and local cleaning services. The economic impact is far reaching, and with the current state of our economy, that should weigh very heavily on this Town Board. If there are cases of problem properties, fine them to correct the situations, but do not punish those who have established excellent reputations over decades of providing a good service.

Ms. Lyon also submitted a book of guests' comments from those she has hosted, as well as her rules and policies she posts to be followed by her guests. She also read two examples of the e-mails sent to Councilman Jennings regarding properly managed short term rentals. She respectfully requested that the boards consider protecting the right of those taxpayers and residents who have properly managed their STRs, which are the great majority.

Rob Malin, Norway Heights – pointed out that although you may have an occasional bad actor in a short term rental, they are vetted. Full time neighbors are not. There will always be issues with people. That is not a legitimate reason to create restrictions on those who abide by the rules.

Bob McGregor – asked what rule of order the Boards function under. He clarified by asking what governs the rules for minutes, votes and procedures of the Town Board.

Town Clerk Richardson said NYS Town Law governs some aspects, and the Roberts Rule of Order was adopted by a Kendall Town Board many years ago.

Mr. McGregor said minutes should be complete.

Clerk Richardson said the minutes are required to contain attendance of board members, motions and votes thereon, and payment of claims information, and the Clerk's signature. She includes more detail than that, but at her discretion, and at the direction of the Board. Also, the audio recordings of meetings are available for approximately 40 days after a meeting, and it has been her intent, not obligation, to record all meetings. Any member of the public is welcome to request copies. Minutes are not sent to the website administrator until the Board has accepted them, but draft minutes can be posted without approval.

Mr. Stuckless wanted to point out that nearly three years ago, a survey was sent to some people, by a group, which was worded in a way to be skewed toward opposition to short term rentals. Most STR owners have chosen to “turn the other cheek”, in order to continue good neighbor relations. Now that it appears that this group has influenced local government to consider a new law regarding STRs and the owners' livelihoods are being affected, they must now have their voices heard. Mr. Stuckless asked if this special attorney is representing the interests of all sides of this issue or only those of the complainers. Has he been retained for the purpose of

eliminating short term rentals? Do the owners of these properties need to retain their own attorney? Are those in favor of short term rentals being a part of this community being represented?

Supervisor Cammarata asked three times if Mr. Stuckless really wanted the answers to that questions. He said that when he was elected, it was to represent every constituent. He tries to do his best to make decisions which are correct for the majority of the people of Kendall. The board tries to improve the life and safety of this community. He listed some accomplishments of the board, and the work done for the sewer district.

Councilman Jennings stated he is new to this board, and until this week he had only heard of the problems associated with STRs from others living nearby them. This is the first meeting at which the owners of the STRs have spoken about the benefits of the STRs. He thanked those in attendance for coming. He will do his best to try to balance the needs of both. He hopes this is not an “us” versus “them” situation. Nothing will be done by him without consideration of public input, or behind anyone’s back. Any solution will be done for the greater good.

Mr. Stuckless thanked him for his perspective and appreciated not feeling under attack.

Councilwoman Flow said this is the first defense of the short term rentals she has heard, and she appreciates hearing these comments. She had only heard the negative comments. The matter is complicated. The board has been trying to sort options, and this other point of view is helpful.

Ms. Grigg was recognized and commented that she appreciates Councilwoman Flow’s expression, but is given pause by Attorney Meier’s comment earlier in the meeting when he said the board is seeking to “develop a thoughtful and aggressive law”. She cautioned the board to please base its decisions on actual evidence, not hearsay and complaints from those who simply do not like STRs. Data needs to be collected. Complaints need to be supported by police reports, or tapes of disturbances, or photos of illegal activity. Communication must include how these incidents were addressed. Were the offenders approached? Were owners notified? Were authorities notified? Was there resolution? That is the data which should be considered.

Mr. McCarthy asked if there is a form filled out when a person comes in with what appears to be a legitimate complaint, so that the landlord is notified so he can respond.

Supervisor Cammarata answered if it involves a code violation, yes. Otherwise, complainants are directed to notify the Sherriff’s office.

Mr. Lyon thanked the board for its work on the potential sewer project. It is appreciated.

Greg Stuckless - stated that he offered three years ago, to then Councilman and now Planning Board Chair Newell, to meet with the group against STRs, the board and those interested to show how to properly run an STR, but was not taken up on that offer. He is from Canada, and was unable to travel to and enjoy his cottage during the COVID shutdown. His number of renters much increased during that time, as places of respite were sought. He enjoys his time in Kendall, and appreciates what this area offers to visitors. His neighbors have kept an eye on his property for him. The money he spends is kept here in Kendall and reinvested in this community’s local economy.

Dave Oschmann, Kendall Road – said when he started his business, the Town was helpful in maneuvering through the hoops necessary, and urged patience on everyone’s part.

Deputy Code Enforcement Officer Strong added that this issue is a widespread one, and legislation is being considered in many nearby communities.

Supervisor thanked those in attendance, and invited all to stay for the business portion of the meeting.

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

The plumber will fix the outside spigot and issue in the kitchen in September.

Carpet replacement quotes are being sought.

Minisplit installation is complete.

Parking lot repavement is complete.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

Garden Club will hire someone to weed around the community boxes.

The school taxes will not have an in-person option, again this year, which is unfortunate.

The “Little Green Button” security system seems worth the money.

Recreation programs have been well attended this summer.

Minutes from each Board should be posted as written, labelled as draft, even before acceptance, in an effort to have them posted as soon as possible after the meeting.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

A new employee has been on boarded.

A 12% increase in medical care costs is expected for 2023.

Planning, Zoning & Agriculture – Jennings

A subdivision plan was presented to the Planning Board and approved.

Our local tower legislation was reviewed and it was determined that it is sufficient to prevent worst cases of intrusive tower construction. It will be reviewed in more detail for possible updating.

A variance seeking to allow a new double –wide trailer was denied, as the law is clear about preventing new trailer homes.

A variance seeking to replace an existing trailer was granted.

Finance, Taxes & Special Districts – Cammarata

Budget work has begun. Year to date reports are available for department heads.

Boards

Planning Board – B. Newell, Chair – no report submitted

Zoning Board – P. Bolton, Chair – no report submitted

Department Heads

Assessor – L. Hewitt – no report

Code Enforcement – P. Hennekey

The final site plans for the commercial solar projects have been submitted. The building permits being issued is the next step. The decommissioning agreement can be signed once the permits have been issued.

A neglected home was recently purchased, and will be refurbished by the new owner, which is good news for all.

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

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

RESOLUTION 87-0822 RESIGNATION OF KIM CORCORAN

Be It Resolved that the Kendall Town Board accepts, with regret, the resignation of Kim Corcoran effective July 26, 2022, as Deputy Town Clerk. The Kendall Town Board extends to Kim Corcoran best wishes in all her future endeavors.

Supervisor Cammarata called for a vote. Results were all ayes. Motion carried.

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

RESOLUTION 88-0822 ADVERTISING TO FILL THE VACANCY IN THE POSITION OF DEPUTY TOWN CLERK.

Whereas the Kendall Town Clerk currently has a vacancy for a Deputy Town Clerk position, The Kendall Town Board hereby authorizes the Kendall Town Clerk to place an advertisement in the official newspaper and on the Town website. The advertisement will run for at least two weeks.

Supervisor Cammarata called for a vote. Results were all ayes. Motion carried.

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

RESOLUTION 89-0822 SCHEDULING SEPTEMBER 1, 2022 SPECIAL MEETING

Be It Resolved the Kendall Town Board will schedule a special meeting to be held on September 1, 2022 at 8:00 p.m., at the Kendall Town Hall, 1873 Kendall Road, Kendall N.Y., for the purpose of considering the adoption of a resolution for Sewer District One, and to take other actions in connections therewith. The Kendall Town Board authorizes the Kendall Town Clerk to have this published in the official newspaper and on the town webpage.

Discussion: A special meeting is necessary because the sewer district funding application is time sensitive.

Supervisor Cammarata called for a vote. Results were all ayes. Motion carried.

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

RESOLUTION 90-0822 APPOINTMENT OF REED HEIDEMANN TO THE ZONING BOARD OF APPEALS

Be It Resolved that the Kendall Town Board appoints Reed Heidemann to the Kendall Zoning Board of Appeals, with a term to expire December 31, 2026.

Supervisor Cammarata called for a vote. Results were all ayes. Motion carried.

Councilman Jennings made a motion to pay the claims as presented on Abstract 8. Motion seconded by Councilwoman Szozda. All ayes.

PAYMENT OF CLAIMS

General Fund	Abstract 8	\$23,278.49	Vouchers 467-502,514,529
Highway Fund	Abstract 8	\$ 62,771.87	Vouchers 471,499,503-506,508-512, 514-528, 530-535
Light District One	Abstract 8	\$ 339.53	Voucher 484
Light District Two	Abstract 8	\$ 214.81	Voucher 484
Light District Three	Abstract 8	\$ 100.34	Voucher 484
Water District Two	Abstract 8	\$ 1,985.00	Voucher 538
Water District Three	Abstract 8	\$ 4,230.00	Voucher 538
Water District Four	Abstract 8	\$ 16,557.50	Voucher 538
Water District Five	Abstract 8	\$ 5,968.13	Voucher 538
Water District Six	Abstract 8	\$ <u>1,498.99</u>	Vouchers 500,536,537
	TOTAL:	\$ 116,944.66	

Orleans County Legislator Fitzak said the county EMS Task Force has been meeting to discuss ambulance service options. Also, the REDI Dredging Council has met to develop an ongoing dredging plan. It will be officially recognized at a ceremony next week.

PENDING ISSUES

Morton Union Cemetery

Different fencing options are being researched.

Councilman Martin will finish the mapping of the cemetery in September.

Clean Energy Community/Community Choice Aggregation Program

Joule has been invited to address the Board in September.

Short-term rental properties

No further discussion

Thompson Drive Park

The \$60,000 left in the REDI fund can be used for benches, tables, grills and a pavilion. Supervisor Cammarata has checked with the engineering firm. Signage will be chosen. Rules have not been set yet.

NEW BUSINESS

Brush, Weeds & Trash Law

The attorney has written this law. The Planning Board has it now, to review and send to the Orleans County Planning Board. Then, the Town Board will consider whether to proceed.

With no further business being brought forward, Szozda motioned for adjournment. Second by Jennings. All ayes. Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Amy K. Richardson,
Kendall Town Clerk