

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

Supervisor Cammarata called the meeting to order at 7:04 and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR’S REMARKS**

The Kendall Fire Department announced that on December 31, 2022 at midnight, they will no longer be offering an ambulance service. This is due to a lack of staffing and lengthy transport times. They are no longer able to offer a service that lives up to the standards they believe Kendall and surrounding communities deserve.

What does this mean? Effective 01-01-23, if you call 911, with a medical emergency, the Kendall Fire Department personnel will still respond and start treatment, an ambulance will still respond and you will be transported to a hospital. However, the Town of Kendall is at a strategic inflection point. Who will be providing the ambulance service and at what cost? I have been attending meetings along with several other town supervisors representing communities in central and eastern Orleans County. Tomorrow evening another meeting has been scheduled and I hope to know more. Currently, there is no line item on our 2023 budget for ambulance services. Once I have more factual data, then the town board will have to make a decision on how to proceed. None the less, we have to have an ambulance service for the Town of Kendall.

Councilman Jennings spoke about the current situation with difficulty in getting enough volunteer medics and drivers to scenes in a timely manner, and the decision to still provide immediate stabilizing medical care by use of ‘fly cars’, equipped and ready, but using outside transport services. Nothing has been decided on which ambulance service will be utilized.

The following meeting minutes were accepted, as presented:

August 16, 2022  
September 1, 2022

**CORRESPONDENCE**

- Office of the State Comptroller – fiscal analysis
- Kendall Fire Department – Transporting ambulance service discontinued at year end, but basic life support services will still be provided.

**PRESENTATION BY JOULE, regarding community energy aggregate**

Shannon, a representative from Joule, presented what an administrator is responsible for and how it will educate, market, and support the community in its communication, to integrate the program. Opt-out is a choice by individuals at any time during the contract period.

## **PUBLIC COMMENT**

Karen Patterson, Bald Eagle Drive – praised her neighbors, and reiterated that she wants short term rentals outlawed, in order to preserve her neighborhood.

Mike and Karen Sinopoli, Norway Heights – bought land in August, which is next door to their home. It has been used as a road turnaround in the past, but they want to use that as a front lawn. The Town should establish a different designated turnaround. When will that be accomplished?

Supervisor Cammarata said that Mr. Whitehair, who owns the last property on the private road, has agreed to allow the Town to establish a turnaround on his property, as long as all legal liability is waived. The Highway Superintendent will complete the project on his own schedule. Mr. Sinopoli said he was told by Mr. Whitehair that he has not agreed to this arrangement. Supervisor Cammarata said they can do as they wish with their property.

Jim Locicero, Bald Eagle Drive – opposed to short term rentals. They are businesses. Proximity to neighbors should be considered. Small lots in close areas are not conducive to STRs.

David Bentley, Norway Road – lives right next door to his own short term rental, and has had no troubles at all with guest behavior. Last month, the STR owners were told they were overreacting, but the Board should remember it is spending public money on attorneys, and the public has a right to know the content of the discussions with those attorneys. He asked what the content of the attorney correspondence consisted of.

Supervisor Cammarata said this is a comment session, not a question and answer period.

Jim Locicero said he has ten parties a year, which are day light time, quiet and supervised. Not having supervision is the difference between residents' parties and STR parties.

Greg Stuckless asked if it is possible to get an update as to what has been presented to the Planning Board or discussed with the attorney about the pending STR legislation.

Supervisor Cammarata said a draft has not been provided by the attorney. When it is provided, the Town Board will decide if it wants to proceed with it as written or request changes, then hold a publicized public hearing, and then pass the law by resolution at a public meeting.

Mr. Stuckless asked about a timeline from presentation to passage, so that his attorneys will have time to review it.

Supervisor Cammarata answered that it will not be an overnight thing.

Clerk Richardson answered that a minimum of ten days' notice is required for a public hearing, and the notice will not be published until a copy of the proposed law is in the Town Clerk's office. Also, the Town Board must be presented with the law at a public meeting, at which time it becomes available to the public.

James MacMaster, Norway Heights – asked if the changed Norway Height turnaround right of way, assuming Mr. Whitehair allows it, would remain if he were to sell his property.

Supervisor Cammarata does not know details about the turnaround.

He also expressed that he has no problem whatsoever with short term rentals next door to him. The only speeders down his street he has witnessed are delivery trucks.

Michelle Malin, Norway Heights – asked where a piece of paper being distributed tonight signed by Sheila Frye came from.

A woman who did not identify herself interjected that she passed them out.

(Clerk's comment: this document was not provided to the board members or the clerk).

Mrs. Malin asked if she could provide letters to be passed out at meetings.

Clerk Richardson commented that the official channel by which to have letters become part of official record is by delivering them to the Town Clerk and requesting they be read at a meeting, or submitted as part of the record. Letters not received through, or forwarded to, the Clerk are not official. That being said, anyone is always welcome to submit comments in writing to become part of the record, and the Clerk will provide copies upon request.

Mrs. Malin commented that it seems ironic that the Town is promoting a public park at the end of Thompson Drive, encouraging unvetted "strangers" to enjoy the lakefront setting, on the same road which has complaints about well-vetted "strangers" renting homes, and the board seemingly discouraging STR activity. With the public park being free to the public, it may well attract riff-raff and unsavory activity, and appears much more risky than short term rental clients.

Greg Stuckless commented that he had listened to the audio tapes from the June meeting, in which the attorney for the town mentioned a draft of an STR law, and discussed the constitutionality of banning this use of property. Mr. Stuckless would like to see the draft referred to in that comment, so that his own attorney can have time to read it.

Supervisor Cammarata said he already addressed this by saying he does not have a draft yet. He does not know what it will say.

Mr. Stuckless asked if he will have a copy before the hearing.

The Clerk said it will be in her office a minimum of 10 days before the hearing, and an abstract of the law will be published in the newspaper, and the entire law will be posted to the town website as soon as it is filed.

Trudy Slocum – asked if the census information for Water District 11 is available.

Supervisor Cammarata said the results of median income levels will not be out until 2023. The Board is trying to procure USDA loans, and is trying to find alternate methods of funding. It has been a frustrating process.

Debra Stuckless asked if the audio tape of the last meeting is available. The Clerk responded that it is available, but she does not know how to put them onto a thumb drive. Mr. Stuckless offered to show her how, and that offer was accepted with gratitude.

Don Pfister, Bald Eagle Drive – asked what will happen to the ambulances owned by the fire department.

Councilman Jennings, treasurer of the Kendall Fire Department, answered that they will be sold.

Mr. Pfister asked for any update on the sewer project.

Supervisor listed the steps completed, and said that many approvals are still necessary

Brenda Gainer, Bald Eagle – asked about the Thompson Drive Park. She has not heard of it.

Supervisor Cammarata reviewed what has been done, what plans are, and that it will be maintained by the Highway Department.

John Patterson, Bald Eagle Drive – asked that no additional STRs be allowed in Kendall. The lake houses are too close to each other to accommodate these businesses.

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

### **Standing Committees**

Public Safety/Emergency Services & Occupational Safety – Martin

Buildings & Grounds – Martin

Highway – Martin

The last carpet bid will in on Friday.

Community Relations - Flow

Culture & Recreation – Flow

Information Services – Flow

No reports

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Two more medical plans have been offered by Univera for review.

Planning, Zoning & Agriculture – Jennings

Two area variances were approved. A ZBA alternate is being sought.

Finance, Taxes & Special Districts – Cammarata

Preliminary budget has been submitted.

Orleans County Legislature – John Fitzak

There is a training opportunity for communities, to learn about steps toward NYSERDA certification, as well as official training which can be used by planning and zoning personnel to fulfill their training requirements.

## **Boards**

Planning Board – B. Newell, Chair

Solar projects applications are being reviewed. Construction will be delayed until May of 2023. The Comprehensive Master Plan work has been started. The weed and grass law has been discussed, and recommendations will be forwarded to the Town Board. The word “draft” may have been a poor choice of words used in the STR process. It has been more of a list of talking points, or proposal. This is not a Planning Board issue as of yet.

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**

Szozda made the following motion, seconded by Jennings:

### **RESOLUTION 95-1022 BUDGET AMENDMENT**

Be It Resolved, to increase highway revenue account DA3502 DASNY Repayment, by \$23,173.21, and to increase the following expense accounts:

DA5110.10 Maintenance Streets Salary, by \$9616.09,

DA5112.10 Improvement Capital Personnel Services, by \$7,413.93, and

DA5130.40 Machinery Contractual by \$6143.19.

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

Jennings made the following motion, seconded by Martin:

**RESOLUTION 96-1022 BUDGET TRANSFER**

Be It Resolved, to increase general expense account A8310.40 Public Water Meter Administration, by \$235.42, and to decrease general expense account A8160.40 Refuse and Garbage, by \$235.42 , and be it

Further Resolved, to increase general expense accounts A5010.40 Transportation Contractual, by \$725.55 and A5132.40 Garage, by \$2,274.45, and decrease general expense account A2490.00 Special Items SUNY Community College, by \$3000.00.

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

Martin made the following motion, seconded by Szozda:

**RESOLUTION 97-1022 REAPPOINTMENT OF MINDY ZYRA TO THE BOARD OF ASSESSMENT REVIEW**

Be It Resolved, the Kendall Town Board reappoints Mindy Zyra to the Board of Assessment Review with a term beginning October 1, 2022 and expiring on September 30, 2027.

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

Szozda made the following motion, seconded by Jennings:

**RESOLUTION 98-1022 AUTHORIZING GASB 75 SERVICE AGREEMENT**

Be It Resolved, the Kendall Town Board authorizes Supervisor Cammarata to sign an agreement with Burke Group, 80 Linden Oaks Drive, Suite 210, Rochester, New York, 14625, for services provided to the Town of Kendall regarding the GASB 75 valuation for postretirement healthcare plan. The cost of its services is not to exceed \$2,500.00.

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

Jennings made the following motion, seconded by Martin:

**RESOLUTION 99-1022 AUTHORIZING ENGAGEMENT LETTER WITH AUDITORS ALLIED CPA'S, P.C. ENGAGEMENT LETTER**

Be It Resolved, the Kendall Town Board authorizes Supervisor Cammarata to sign an engagement letter with Allied CPA's, PC, to have a government audit and justice audit for the Town of Kendall, conducted for the year ended December 31,2022, in accordance with U.S. generally accepted auditing standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, the Single Audit Act Amendments of 1996; and provisions of OMB Circular A-133, and provisions of and other procedures considered necessary to ALLIED CPA's, P.C, and be it

**ALSO RESOLVED**, that said audits will be performed for a combined fee of \$7,500.00. Results of said audit will be available for the Town of Kendall on or about April 1, 2023. Justice audits will be available on or about August 1, 2023.

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

Martin made the following motion, seconded by Szozda:

**RESOLUTION 100-1022 RESOLUTION SETTING THE 2023 BUDGET HEARING**

Be it resolved, that the Town Board of the Town of Kendall will meet and review a Preliminary Budget for 2023 and hold a Public Hearing thereon at the Kendall Town Hall at 7:00 p.m. on Tuesday, the 1st of November, 2022. 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.

Szozda made a motion to pay the claims as presented on Abstract 10. Second by Jennings. All ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 10	\$ 16,287.84	Vouchers 606-638
Highway Fund	Abstract 10	\$ 40,501.99	Vouchers 608,636,648-659,670-693
Light District One	Abstract 10	\$ 355.02	Voucher 629
Light District Two	Abstract 10	\$ 224.57	Voucher 629
Light District Three	Abstract 10	\$ 105.01	Voucher 629
Water District Six	Abstract 10	\$ 3,215.23	Vouchers 637,639-641
Water District Nine	Abstract 10	\$ 1,118.05	Voucher 639
Sewer District One	Abstract 10	<u>\$ 105,183.81</u>	Vouchers 642-646
		<b>TOTAL: \$ 166,991.52</b>	

**PENDING ISSUES**

- Morton Union Cemetery – no report
- Short-term rental properties – no report
- Solar Projects – The escrow check for the West Kendall Road project is expected.
- Thompson Drive Community Park Initiatives – no report
- Brush, Weeds & Trash Law – will be discussed at the November work session.

With no further business being brought forward, Jennings made a motion to adjourn. Motion seconded by Szozda. Meeting adjourned at 8:29 p.m.

Respectfully Submitted,

Amy K. Richardson,  
Kendall Town Clerk