

**KENDALL TOWN BOARD**  
**Tuesday, September 20, 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 p.m., and led the Pledge of Allegiance.

**ROLL CALL**

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

**SUPERVISOR’S REMARKS**

The closing date for the Bond Anticipation Note, for the REDI Project Wastewater District, for \$950,000.00, is September 27, 2022. Once the bidding is closed, the town will be informed by Fiscal Advisors of the bidders and interest rate, to determine the winning award. Delivery of the Bond Anticipation Note Proceeds is scheduled for October, 4 2022.

The Town Hall continues to be in need of repair and upgrades. The outdoor spigot on the side of the building has been replaced, as well as repairing the ladies lavatory. In addition, carpeting in the town clerk’s office and supervisor’s office needs replacement. Quotes are being received for review. Lastly, in 2023 we will need to replace a portion of our septic system, hopefully funded through a JCAP Grant.

The following minutes were accepted for publication:

July 19, 2022  
August 2, 2022

**CORRESPONDENCE**

- Aid and Incentives for Municipalities (AIM) – received \$21,290
- Letter from C. Ernst, in defense of the right to use owned properties for short term renting, and opposing restrictions on STR’s.

**PUBLIC COMMENT**

Supervisor Cammarata asked that each person speak once, to allow each person a turn, before speaking again.

Gail Grigg, Norway Road – “There are two ways to listen – one way is to listen to understand and the other is to listen to reply. It is our hope that people are here tonight to listen to understand. To understand each other and to understand the direction that this community is headed.

To that end, there are several points that many of us do not understand.

First, Mr Cammarata, when you ran for Town Supervisor you stated that you wanted to find more revenue sources for Kendall. But you have failed to specify your meaning. Does that mean new industry, housing developments, businesses? Does that mean that you want to see development similar to Hilton and the Town of Parma? If so, that is not the culture of the Town of Kendall. This is a rural community that takes pride in those roots and the community culture that surrounds it. So revenue sources, STRs are a beneficial revenue source. \$80,000 was collected by Orleans County in bed tax last year. Properties are improved and taxes collected which is in direct contradiction to some of the current lakefront property owners who have bought property in need of repair “so no one can turn it into a stinking AirBnB”. But please Town Assessor and Town Board members, Look at those properties. No break wall, falling apart structures, no upkeep, therefore, limited tax revenue.

If you are indeed concerned about the fiscal stability of this township then help us understand why you hired lawyers (was it one or two?) at a cost of how much? (was it around \$10,000) to “develop a law that is thoughtful and aggressive” and yet we have people waiting for water to their homes (a basic life necessity). Help us understand how this was not a case of legislating out of self interest. Help us understand how this was representing the whole Town of Kendall (as you stated in the August meeting). Help us to understand how you acted on a petition of your neighbors signed by 44 people who are lakefront owners (like yourself) and yet neglected to look for the other side of any of those “horror stories” by going to the source – the STR owners. Help us to understand those “horror stories” that have never been reported to the police. We checked there were NO DISPATCHES to any STR in the Town of Kendall. Help us to understand how an elected official who supposedly represents the interests of the WHOLE TOWN has neglected the interests of so many others.

Next for the neighbors of the STRs there seems to be a huge misunderstanding that comes from the heart of communication. Much of the current dissention started on Bald Eagle Drive – my neighbors, who never sat down with anyone other than their friends who dislike STRs. They never came to us. They never tried to communicate their concerns, and it was by chance that a copy of that petition came our way, but only after it was submitted to the Town. Help us understand why you took it past the borders of your neighborhood. Help us understand how you think that government should be legislating the number of people who visit a home, who can and can't have a party/wedding/receptions/bridal showers, who has or does not have a campfire on their property? You are the same people who put signs in your yards about women's rights and standing up for democracy. And you are the same people that never said a word to us, your neighbors.

Further do all of you realize that some of your petitioners were themselves STR guests?? In fact one such person rented 3 times along the lake before deciding how much she enjoyed it here and then bought a property.

Help us understand why you didn't look to your neighbors first. Help us understand why you feel that people who visit for a weekend or a week are not still your neighbors and worthy of your introduction.

So let's review that petition.

(A petition in defense of the Short Term Rentals was submitted (see attached)).

Next, to all of Kendall. This is a community where people are visiting and loving it. I provided lots of evidence about that last meeting. The STR guests use our restaurant, they frequent our farm stands, they buy from our local shops which generates sales tax. That is revenue. Many years ago this lake was stocked with sport fish and now we have a very large sport fishing industry in this area – Kendall included. They fish in the lake and the streams. We have hunters here for deer season and waterfowl season. The STRs are supplying lodging for those people, people from Pennsylvania, New England, Texas, California, Ohio, Hawaii and Costa Rica and yes even fairly local people like Buffalo and Rochester who are finding a place to see the stars or the Northern Lights – some of them for the first time ever. Be proud of what we offer in this natural world.

Finally, to the Town Board - help us all understand why you could move forward to legislate against STRs using the logic that one person was murdered in Pennsylvania and a whole country in the South Pacific has closed them. Using that kind of logic then you should all have legislated against the use of generators in the Town of Kendall because 2 people were killed with the improper use of a generator not so long ago. No one has been killed in an STR. There are no police reports. They are a benefit to this community and many more people know that than do not know it. Please use sound logic and judgement that is not bound by personal motives and bias. We do not need nor want that kind of government in this township.”

Mr. Locicero, Bald Eagle Drive – The property next door to his was a dilapidated wreck when he moved here ten years ago. Two years ago the owner stopped even cutting the grass, so neighbors took it upon themselves to keep it trimmed. Mr. Locicero offered to buy the property, but the owner said he did not want to sell. About one year ago, the owner began renovations and upgrades and to maintain the property, and said it would be for his retirement years, but neighbors have heard that it is to be offered for a short term rental. Mr. Locicero likes the quiet, peace and security of his private road, and is not happy at the prospect of people next door who come and go each week, not knowing “who or what they are”. He observed nine cars parked at another rental property on his road, and worries there could be parties held next door if it becomes an STR. He feels the risk of this becoming a resort community outweighs the potential improvement to neglected properties. Mr. Locicero has not seen building permits displayed for

the work being done, either. He will move from Kendall if the next door property becomes a rental, because he will be afraid to go away from the house and does not want to have to buy a gun to protect his family from unknown people being there.

James MacMaster, Norway Heights – lives next door to an Airbnb, which has been in business for several years. There have never been any issues. The people have always been nice and quiet and friendly. They are happy to be on vacation and enjoying Kendall. Lakefront property IS resort property. No law should be considered based on a few alleged incidents. If other residents have issues with loud parties or problems, the sheriff should be called.

Greg Stuckless, Norway Heights – in response to Mr. Locicero’s comments about too many cars parked on his road, there were recently thirty one cars parked near the STR property he hosts, for a party held by the owners of the property, not an Airbnb. No one complains about those gatherings. The short term renters are generally wealthy people, who are certainly not riff-raff, and their presence can enhance a neighborhood. They do not pose danger more than any other neighbor might.

Rob Malin, Norway Heights – agrees with Mr. Stuckless that the rented properties do not bring in “extra” people any more than any home may.

Debra Stuckless, Norway Heights – she and her husband host an Airbnb. A few years ago, they had a party themselves at their lakefront property, and no one complained at that time. This summer, a neighbor had a wedding at their Norway Heights home, with many guests, and it was no problem at all. Airbnb has strict regulations and guests are vetted. They must meet certain criteria. The owners of STRs diligently keep their properties up, and are very picky about who they let be in their homes. They pay for local people to clean those homes, mow the grass, repair and maintain the buildings and landscaping, and build and maintain the breakwall. If there is an issue, the owners are generally quickly responsive, to protect their own interests, as well as to be good neighbors.

Peter Forte, Thompson Drive – lives next to an Airbnb which has been the site of unruly, drunken bachelor parties, where public urination and “mooning” have occurred. A ladies’ shower also got out of hand. His wife is afraid of retaliation when he goes to ask the partiers to quiet down. He is afraid of the renters and afraid to call the cops. He cringes at the upcoming weekends. He is firmly against short term rentals.

David Bentley, Norway Road – presented the Town Board with a petition in favor of allowing short term rentals in Kendall. There are one hundred fifty names on this petition, fifty of which are lake front tax payers. It is the duty of this town board to represent the entire town – residents and taxpayers. He asked what the attorney has been commissioned to accomplish.

Supervisor Cammarata stated this is not a Q&A session, and the board is not obligated to respond. He said those present may be making a lot of assumptions and do not have factual data

to back it up. The board has not come up with what it plans to do, and will advertise a public hearing when it is ready. Supervisor Cammarata expressed feeling that accusations have been made against him personally, which he does not like. The board makes decisions, not any member personally. His own opinions are not what make a law; it is the decision of the board. Also, they have discussed what they are thinking of doing, but need the guidance of attorneys to properly formulate those ideas. The direction can change. The board wants to craft regulations which benefit the people. Please do not make assumptions. Do not rush to judgement, or finger point. Supervisor Cammarata has felt threatened, and said if he is not doing his job to peoples' liking, he can be voted out at the next term. He reiterated the accomplishments of the board – new water districts, the possibility of a sewer system, lighting systems, multiple grants, and the pursuit of community aggregation, and postponing the reassessment, as well as keeping under the tax cap every year.

Bruce Newell, Norway Heights and Planning Board Chair – The Planning Board and the Town Board have both reviewed the points brought up by Ms. Griggs. Chairman Newell would be happy to meet with any parties interested in doing so, to gain understanding and clear up misunderstandings. There are many platforms which list these properties, not all do proper vetting, and the “vetting” is not reliable.

Nadine Hanlon, Center Road – as a third generation property owner here in Kendall, she has invested heavily in property which she may, in the future, want to use as a short term rental. As a next door owner, she would prefer that to a long-term renter situation. She urged the town board to take the whole town into the consideration of these regulations, and to keep the tourism gains in mind as they make decisions. Partyka Farm enjoys the renters' business, as an example. She sees this as an opportunity to utilize the local tourism potential, and suggested that the board consult with the tourism department at the county to partner with them. As a sometimes short term renter herself, she prefers her money to go to a private owner who is investing in a community, rather than a hotel chain. A contract is signed each time, which is comprehensive. Please consider the various avenues of benefits to the whole town as regulations are drafted.

Gail Grigg, Norway Road – said where much if the angst is coming from, is at the September meeting, the attorney for the Town said, “We want to develop a law which is thoughtful and aggressive.” That leads her to doubt when she hears that no clear direction has been decided on, considering that a large sum of money has been put aside for special attorney fees.

Supervisor Cammarata said not to assume anything. He said there is no law in front of anyone, so there is nothing to comment on yet, and no decisions have been made about the regulation of short term rentals. He will not listen to any more conjecture.

Greg Stuckless, Norway Heights – from what he heard at the last meeting, an agreement was passed to set aside \$10,000 in special attorney fees to draft a law to end STRs along the

lakefront. Mr. Stuckless would like to see this settled through conversation, rather than through new legislation, attorneys and potential litigation.

Supervisor Cammarata interrupted to say he was done with Mr. Stuckless' comment. A public hearing will be necessary, and no "backroom politics or secret meetings" are or will be taking place.

Karen Patterson, Bald Eagle Drive – said she "started this whole mess", and does not feel talking to the owners of the STRs has changed anything for her. She lives next door to a very large house. She loves her quiet neighborhood, and her neighbors, but does not want new people coming into her life. She wants her road to stay the way it is. She commented that she has not had issues with those STR owners in the room, but just thinks there may be too many in the future. She does not want things to change, but sees it happening, and does not want strangers in her neighborhood. She sees no benefits.

John Patterson, Bald Eagle Drive – said most of the owners have been good neighbors and responsive if there are complaints, but is not happy that they have to report complaints at all. Mr. Forte's nightmare stories are real, and any rental has the potential of becoming that.

Pat Dorney, Norway Heights – recounted that her daughter has been long-term renting a home in a rural area. She has been unable to find an affordable home to purchase, and believes that this is partially due to STRs buying everything. If there is no permanent housing available, there can be no community. This causes a housing shortage. Also, the STR owners do contribute monetarily, but they are not really a part of the neighborhoods.

James Locicero – an abandoned house next door is now being kept up in order to be rented, but he does not think it will be continued to be. He thanked the Town Board for its help back during the flooding in 2017 and 2019, and appreciates its dedication.

Supervisor Cammarata thanked everyone for their comments, and patience.

## PRESENTATION

Joule – Community Choice Aggregate Program – (the presenter did not come)

Councilman Jennings gave an overview of the program. This should provide savings to residents for their electricity. A third party administrator is necessary. Joule is one such administrator. There is no cost to residents or the Town. Joining the program can also make the Town eligible for additional grant funding. Naming an administrator is the next step in this process.

## 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

Homecoming is this weekend.

A blood drive is scheduled at the school for this week.

The Scarecrow Festival/St. Mark's Farmers' Market Day is the first of October.

The Lions' Club pumpkin patch rides will take place that day at P

Recreation has submitted a report for the year.

The next department to upgrade its computer is recreation.

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Medical insurance costs are expected to rise by more than 10%. An audit found that we need to start paying an annual fee in relation to our retirees' benefits.

Planning, Zoning & Agriculture – Jennings

The Comprehensive Master Plan will be reviewed and possibly updated. It was last done in 1996.

Finance, Taxes & Special Districts – Cammarata

Budget work continues. A BAN for the sewer district is being processed.

Orleans County Legislature – John Fitzak

## **Boards**

Planning Board – B. Newell, Chair

The Comprehensive Master Plan review will be a long process. It will involve community input at some point.

Zoning Board – P. Bolton, Chair – no report

## **Department Heads**

Assessor – L. Hewitt – no report

Code Enforcement – P. Hennekey

There are two variance hearings scheduled.

Highway - W. Kruger – no report

Historian – L. Jayne - no report

Recreation – M. Werth – written report submitted

Town Clerk – A. Richardson – written report submitted

Town Justice – D. Kluth – written report submitted

Supervisor – A. Cammarata – written report submitted

## **RESOLUTIONS**

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

### **RESOLUTION 92-0922 WATER DISTRICT EIGHT BUDGET MODIFICATION**

Whereas the Town of Kendall developed the budget for Water District Eight project based on the original contractor's bid, and

Whereas the town has now prepared a strategy to complete the project using town forces and equipment to complete the restoration work to close out the original construction contract, so

Now, Therefore Be It Resolved, that the Kendall Town Board hereby authorizes an increase in the budget for the Kendall Town Highway Department for their services for \$57,442.90, as stipulated in the agreement requested by the Kendall Highway Department, with a corresponding decrease in the contingency budget in Water District Eight.

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

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

### **RESOLUTION 93-0922 JOULE COMMUNITY POWER AGREEMENT**

Whereas, Joule Community Power is the Community Choice Aggregation Administrator for many community programs, and

Whereas, Joule will not charge customers or the Town of Kendall for its services, and

Whereas, by participating in a CCA, the Town of Kendall, which is already a designated clean energy community, will be awarded points toward additional grant funding, and so now, Therefore, Be It Resolved, that the Kendall Town Board authorizes the Town Supervisor to sign an engagement letter with Joule Community Power after review by the town attorney for content.

Discussion: Councilman Jennings recommended tabling this until the next meeting, since the presentation will need to be rescheduled. The motion was withdrawn.

**NO VOTE OCCURRED.**



Szozda made the following motion, seconded by Jennings:

**RESOLUTION 94-0922 FISCAL ADVISORS & MARKETING, INC. FINANCIAL ADVISORY SERVICES AGREEMENT**

Be It Resolved, the Kendall Town Board authorizes Supervisor Cammarata to sign a Financial Advisory Services Agreement with Fiscal Advisors and Marketing, Inc. in which they will provide financial advice and services relating to the issuance of Bond Anticipation Notes (the “Securities”) in connection with REDI Project: The Town of Kendall’s Sewer District One.

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

Jennings made a motion to pay the bills as presented on Abstract Nine. Flow seconded. All ayes.

**PAYMENT OF CLAIMS**

General Fund	Abstract 9	\$ 10,391.48	Vouchers 539-600,604
Highway Fund	Abstract 9	\$ 207,914.99	Vouchers 540,559-597
Light District One	Abstract 9	\$ 342.62	Voucher 550
Light District Two	Abstract 9	\$ 216.83	Voucher 550
Light District Three	Abstract 9	\$ 101.14	Voucher 550
Water District Two	Abstract 9	\$ 50.00	Voucher 598
Water District Three	Abstract 9	\$ 80.00	Voucher 598
Water District Four	Abstract 9	\$ 301.00	Voucher 598
Water District Five	Abstract 9	\$ 96.00	Voucher 598
Water District Six	Abstract 9	\$ 829.27	Vouchers 599,600,605
Water District Seven	Abstract 9	\$2,083.12	Voucher 601
Water District Eight	Abstract 9	<u>\$4,791.04</u>	Vouchers 602,603
<b>TOTAL:</b>		<b>\$ 227,197.49</b>	

**PENDING ISSUES**

Morton Union Cemetery

The fence bids must be resubmitted.

Short-term rental properties – discussed earlier.

Solar Projects – application is initiated and it is in the design phase.

Thompson Drive Community Park Initiatives

A possible name for the park is Stoney Beach Park.

DASNY is requesting three quotes for the purchase and installation costs of tables and grills.

Brush, Weeds & Trash Law

The planning board will continue its evaluation of the necessity and direction of this legislation.

With no further business being brought forward for tonight, Szozda made a motion to recess this meeting until October 4, 2022 at 7:00 p.m. Jennings seconded. All in favor. Meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Amy K. Richardson