**MINUTES**

Minutes of the Regular Sodus Town Board Meeting held February 13, 2018 in the Sodus Town Court Room, commencing at 7:00 pm 14-16 Mill St. Sodus, NY 14551

Sodus Town Board Meetings are open to the public.

Present: Steven LeRoy, Supervisor

David LeRoy, Councilperson/Deputy Supervisor

Jim Quinn, Councilperson

Don Ross, Councilperson

Scott Johnson, Councilperson

Recording Secretary: Lori Diver, Town Clerk

Absent: N/A

Others Present: Al Hendrikse, Code Enforcement Office

Dale Pickering, Highway Superintendent

Trevor Davey, Camp Beechwood

Eileen Loveman, Sun & Record

Kim Buell, Town of Sodus Zoning Member

Deb LeRoy, T/Sodus Resident

James Gisleson, Centenary Shores

Betsy Gisleson, Centenary Shores

Arlene Gashlin, Centenary Shores

James E. Gashlin, Centenary Shores

Matthew St. Martin, T/Sodus Resident

Craig Wollesen, Sodus Chamber of Commerce

Supervisor, Steve LeRoy called the Regular Town Board to order commencing at 7:00 p.m. with the Pledge of Allegiance.

***MINUTES***

Councilperson Scott Johnson motioned to approve the Minutes of the ***January 9, 2018***

***Regular Town Board Meeting*** was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; Johnson, aye. Motion carried.

Councilperson Jim Quinn motioned to approve the Minutes of the ***January 23, 2018 Month End Town Board Meeting*** was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, abstained (absent); Johnson, aye. Motion carried.

***SUPERVISOR’S REPORT***

The December 2017, Yearly 2017, and January 2018 Supervisor’s Reports are tabled until the next Regular Town Board Meeting.

*Note: The Town Auditors currently are doing their yearly audit in the Town Supervisor’s Office hence; delaying Supervisor Clerk Bree Crandell from closing her books and printing reports.*

***TOWN CLERK’S REPORT***

The Town Clerk’s Report, Town Clerk’s bank statement for audit and bank register for January 2018 was presented. Councilperson David LeRoy motioned to accept and file this report, which was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

***TAX COLLECTION REPORT***

Councilperson David LeRoy motioned to accept and file the January 2018 Tax Collection Report, bank statement for audit, and bank register was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

***ABSTRACT***

***RESOLUTION TO PAY ABSTRACT NO. 03***

***(03 02-2018)***

**WHEREAS,** the following bills were presented for payment on Abstract 03:

General 42-82 $ 19,595.38

Highway 42-70 $ 35,475.89

V/Sodus Fire Dist. 03-03 $ 37,100.00

Sodus Ctr. Fire Dist. 04-04 $ 98,040.00

Wallington Fire Dist. 05-05 $ 72,000.00

Alton Fire Dist. 06-06 $ 55,733.00

V/ Sodus Point Fire 07-07 $ 37,100.00

Trust & Agency 12-24 $ 24,035.64

Special Dist. 02-02 $ 1,002.75

**GRAND TOTAL: $ 66,783.35**

**NOW BE IT RESOLVED**, Councilperson David LeRoy motioned to approve payment of these bills as reviewed for Abstract No. 03, which was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Resolution adopted.

**PUBLIC COMMENTS**

***(Matthew St. Martin, Attorney)***

Councilperson David LeRoy motioned to approve Matthew St. Martin, Attorney as the Town of Sodus Special Prosecutor at a rate of $100.00 per hour was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

***(Michael Page – short film - Beechwood) – NO SHOW***

***(Jim Gisleson- Centenary Shores)***

Jim Gisleson provided a map for the Town Board to review of Centenary Shores. There were continueddiscussions regarding Centenary Shores, the public that attended for Centenary Shores, and the Sodus Town Board.

**PUBLIC SAFETY/DRAINAGE/ENVIRONMENT COMMITTEE: *Councilperson Don Ross, Chair (Fire, Ambulance, Emergency Preparedness)***

Councilperson Don Ross asked Supervisor LeRoy and the Town Board if, Fire Departments can charge a fee for a MVA if the individuals involved in the accident do not live in the township of the responding fire department. Supervisor LeRoy stated he will check into Ross’s question.

Discussion was held regarding Ross’s the SESA meeting. Further discussions involved the T/Sodus Planning Board and the Fowler Labor Camp, The T/Sodus Zoning Board, and the content in the T/Sodus Employee Handbook. Supervisor LeRoy stated that he himself, Ross, and Supervisor Clerk Bree Crandell will need to set up a time to review contents in the handbook.

**BUILDINGS AND GROUNDS COMMITTEE: *Councilperson Jim Quinn, Chair***

***(Town Property, Parks, Animal Control, Cemeteries)***

***CODE ENFORCEMENT REPORT:***

*(Al Hendrikse, Code Enforcement Office)*

Councilperson Don Ross motioned to accept and file the January 2018 Code Enforcement Report was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Code Enforcement Officer Al Hendrikse stated that the FEMA reimbursement will go through regarding the 2017 flooding.

***CAMP BEECHWOOD REPORT:***

*(Trevor Davey, Camp Beechwood Caretaker)*

Councilperson David LeRoy motioned to accept and file the January 2018 Camp Beechwood Report was seconded by Councilperson Don Ross Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

***DOG CONTROL OFFICER REPORT:***

*(Vacant)- No report*

**PUBLIC WORKS COMMITTEE:** ***Councilperson David LeRoy, Chair***

***(Highway, Drainage - Deputy Town Supervisor)***

***Highway Report***

***(Dale Pickering Highway Superintendent)***

Councilperson Scott Johnson motioned to accept and file the January 2018 Highway Report was seconded by David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Councilperson David LeRoy commended Highway Superintendent Dale Pickering and his crew for the hard work this winter.

**RECREATION COMMITTEE: *Councilperson (Scott Johnson, Chair)***

***(Recreation, Assessor)***

***Recreation Report***

***(Sheila Fisher, Recreation Director)***

Councilperson David LeRoy motioned to accept and file the January 2018 Recreation Report was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Councilperson Scott Johnson discussed that Town of Sodus Recreation will be holding a fund raiser event to help offset the budget constraints for 2018. Johnson said they will be holding a Circus at the Sodus School District in the near future.

Johnson discussed the, “Old Weight Room” at the school may close due to lack of participation.

***Assessor’s Report***

***(Nathan Mack, Assessor)***

Councilperson David LeRoy motioned to accept and file the January 2018 Assessor’s Report was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

**TOWN HALL COMMITTEE: *Supervisor LeRoy, Chair***

***(Personnel, Clerks, Justices, Assessor, Building Inspector, Town Council, Boards, Insurances, Finance)***

**REGULAR MONTHLY CORRESPONDENCE**

Councilperson Scott Johnson motioned to approve payment of $100.00 to SESA was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to approve travel request for Town Clerk, Lori Diver for her NYSTCA Regional Meeting March 18-19 and NYSTCA Annual Conference April 21- 25 was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Councilperson Scott Johnson motioned to approve travel request for Supervisor Steve LeRoy and Supervisor Clerk Bree Crandell for their Small Mgmt. for Small Communities Conference April 24-26 was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to approve travel request for Code Enforcement Officer Al Hendrikse for his Fingerlakes Building Officials Training Conference March 12-14 was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

***RESOLUTION***

***SPRONG’S BLUFF DECLINING DEDICATION***

***(02 02-2018)***

Supervisor LeRoy offered the following resolution for its adoption,

WHEREAS, maps of Sprong’s Bluff show rights of way in the Town of Sodus as shown on subdivision maps of the Sprong’s Bluff subdivision made by George Lookup dated December, 1938, and filed in the office of the Wayne County Clerk, as map #10666 showing the rights of way along lots 1-31, 32-39 and 42 and 43 along Lake Ontario, and a plan of addition to the Sprong Subdivision prepared by Harnish and Lookup dated December 15, 1960 and filed as map # 5714 in the office of the Wayne County Clerk showing the rights of way along lots 54-68, and a map prepared by Calvin Barcomb dated 1987 showing the rights of way along lots A, B, and C and filed in the office of the Wayne County Clerk under map # 19592, and maps showing the remainder of the land purchased by the state of New York of approximately 138 acres showing rights of way to the lots described above as shown in maps filed in the office of the Wayne County Clerk numbers 27776 and 28825. Copies of said subdivision maps are on file in the office of the Sodus Town Clerk and made a part hereof, and

WHEREAS, thereafter, lots were sold to various individuals and the subdivision developed as set forth in the above referenced subdivision map, and

WHEREAS, residents along such roadway have requested that the Town perform some snow plowing and other maintenance to such road, and

WHEREAS, the Town has been advised that it is without authority to perform maintenance upon such roadway prior to dedication of such roadway to the Town of Sodus and acceptance of such dedication by the Town of Sodus, and

WHEREAS, many residents along said roadway have requested that the Town of Sodus accept dedication of said roadway with a level of maintenance to be determined, and

WHEREAS, Section 279 of the Town Law of the State of New York provides:

§ 279. Subdivision review; record of plats

1. Filing of plat with county clerk or register.

(a) No plat of a subdivision of land showing lots, blocks or sites, shall be filed or recorded in the office of the county clerk or register until it has been approved by a planning board which has been empowered to approve such plats. Further, such approval must be endorsed in writing on the plat in such manner as the planning board may designate.

(b) Such endorsement shall stipulate that the plat does not conflict with the county official map, where one exists, or, in cases where plats do front on or have access to or are otherwise related to roads or drainage systems shown on the county official map, that such plat has been approved in the manner specified by subdivision two of section two hundred thirty-nine-f of the general municipal law.

2. Notification of filing. It shall be the duty of the county clerk or register to notify the planning board in writing within three days of the filing or recording of any plat approved by such planning board, identifying such plat by its title, date of filing or recording, and official file number.

3. Effect of filing. After such plat is approved and filed, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the town.

4. Cession or dedication of streets, highways or parks.

(a) All streets, highways or parks shown on a filed or recorded plat are offered for dedication to the public unless the owner of the affected land, or the owner’s agent, makes a notation on the plat to the contrary prior to final plat approval. Any street, highway or park shown on a filed or recorded plat shall be deemed to be private until such time as it has been formally accepted by a resolution of the local legislative body, or until it has been condemned by the town for use as a public street, highway or park.

(b) In the event that such approved plat is not filed or recorded prior to the expiration date of the plat approval as provided in section two hundred seventy-six of this article, then such offer of dedication shall be deemed to be invalid, void and of no effect on and after such expiration date.

WHEREAS, the subdivision map referred to above shows what is described as rights of way but not for all portions of the existing right of way, and

WHEREAS, said rights of way have been used for many years for access to the subdivision,

WHEREAS, Section 189 of the New York Highway Law provides:

§ 189. Highways by use

All lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway, and the town superintendent shall open all such highways to the width of at least three rods, and

WHEREAS, a public hearing was held at the Town Offices located at 14-16 Mill Street, Sodus, New York in the Town of Sodus, New York, on the 23rd day of January, 2018, at 5:20 pm, and residents along said roadway having been heard, and it appearing that the area in question is described as a right of way rather than road, it is

Resolved, that the Town Board of the Town of Sodus hereby declines to accept said road in dedication and that any town highway services to the area be limited to that required to protect the health, safety and welfare of the residents

**NOW BE IT RESOLVED**, Councilperson Scott Johnson motioned to adopt resolution ***(02 02-2018)*** which was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; Johnson, aye. Resolution Adopted.

***RESOLUTION***

***CENTENARY SHORES DECLINING DEDICATION***

***(03 02-2018)***

Supervisor LeRoy offered the following resolution for its adoption,

WHEREAS, Centenary Shores subdivision shows a proposed Road in the Town of Sodus, Wayne County, New York, known and identified as “right of way” on a subdivision map of the Centenary Shores subdivision made by Harnish & Lookup, and filed in the office of the Wayne County Clerk on September 7, 1950. A copy of said subdivision map is on file in the office of the Sodus Town Clerk and made a part hereof, and

WHEREAS, thereafter, lots were sold to various individuals and the subdivision developed as set forth in the above referenced subdivision map, and

WHEREAS, residents along such roadway have requested that the Town perform some snow plowing and other maintenance to such road, and

WHEREAS, the Town has been advised that it is without authority to perform maintenance upon such roadway prior to dedication of such roadway to the Town of Sodus and acceptance of such dedication by the Town of Sodus, and

WHEREAS, many residents along said roadway have requested that the Town of Sodus accept dedication of said roadway with a level of maintenance to be determined, and

WHEREAS, Section 279 of the Town Law of the State of New York provides:

§ 279. Subdivision review; record of plats

1. Filing of plat with county clerk or register.

(a) No plat of a subdivision of land showing lots, blocks or sites, shall be filed or recorded in the office of the county clerk or register until it has been approved by a planning board which has been empowered to approve such plats. Further, such approval must be endorsed in writing on the plat in such manner as the planning board may designate.

(b) Such endorsement shall stipulate that the plat does not conflict with the county official map, where one exists, or, in cases where plats do front on or have access to or are otherwise related to roads or drainage systems shown on the county official map, that such plat has been approved in the manner specified by subdivision two of section two hundred thirty-nine-f of the general municipal law.

2. Notification of filing. It shall be the duty of the county clerk or register to notify the planning board in writing within three days of the filing or recording of any plat approved by such planning board, identifying such plat by its title, date of filing or recording, and official file number.

3. Effect of filing. After such plat is approved and filed, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the town.

4. Cession or dedication of streets, highways or parks.

(a) All streets, highways or parks shown on a filed or recorded plat are offered for dedication to the public unless the owner of the affected land, or the owner’s agent, makes a notation on the plat to the contrary prior to final plat approval. Any street, highway or park shown on a filed or recorded plat shall be deemed to be private until such time as it has been formally accepted by a resolution of the local legislative body, or until it has been condemned by the town for use as a public street, highway or park.

(b) In the event that such approved plat is not filed or recorded prior to the expiration date of the plat approval as provided in section two hundred seventy-six of this article, then such offer of dedication shall be deemed to be invalid, void and of no effect on and after such expiration date.

WHEREAS, the subdivision map referred to above does not appear to cover lots 1 – 8 but the right of way is shown, and

WHEREAS, Section 189 of the New York Highway Law provides:

§ 189. Highways by use

All lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway, and the town superintendent shall open all such highways to the width of at least three rods, and

WHEREAS, a public hearing was held at the Town Offices located at 14-16 Mill Street, Sodus, New York in the Town of Sodus, New York, on the 23rd day of January, 2018 at 5:20 pm, and residents along said roadway having been heard, and it appearing that the area in question is described as a right of way rather than road, it is

Resolved, that the Town Board of the Town of Sodus hereby declines to accept said road in dedication and that any town highway services to the area be limited to that required to protect the health, safety and welfare of the residents.

**NOW BE IT RESOLVED**, Councilperson Scott Johnson motioned to adopt resolution ***(03 02-2018)*** which was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; Johnson, aye. Resolution Adopted.

Councilperson David LeRoy motioned to authorize Supervisor LeRoy to acquire bids for constructing and dividing wall in lunch /conference room and table was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried

***30-DAY ADVANCED NOTICE LIQUOR LICENSE -BURNAP***

***RESOLUTION***

***(04 02-2018)***

Supervisor LeRoy offered the following resolution for its adoption:

WHEREAS, Kendra Burnap (Licensee Name: Burnap’s Enterprises, LLC/ Trade Name: Burnap’s Garden Café) doing business at 7277 Maple Ave Sodus, NY in the Town of Sodus intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law Section 64(2A), an applicant must give the municipality thirty (30) days’ notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of Sodus hereby waives the thirty (30) days’ notice period in regard to Kendra Burnap (Licensee Name: Burnap’s Enterprises, LLC/ Trade Name: Burnap’s Garden Café) allowing an earlier submission of liquor license application.

**FURTHER BE IT RESOLVED,** Councilperson Don Ross motioned to adopt resolution

***(04 02-2018)*** was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven M. LeRoy, aye; David LeRoy, aye; Jim Quinn, aye, and Don Ross, aye; Scott Johnson, aye. Resolution adopted.

Councilperson David LeRoy motioned to authorize the purchase of 6 new tablets from Innovative Solutions Corp. was seconded by Councilperson Scott Johnson. The tablets will be for the use of the Sodus Town Board, Supervisor LeRoy, and Supervisor Clerk Bree Crandell for Town Board Meetings only. The tablets will allow the Town Board to review Town Board packet information at meetings on tablet’s rather than printing packets on paper. The tablets will truly save on the cost of paper, and wear and tear on the copier; including toner use and cost. The Tablets will be stored in the Town Clerk’s Office and only used for meetings. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried.

**DISSCUSSION:**

1. Discussion was held on BAN with LNB for Joy Bridge Project. Further discussion will be held at a future meeting when detailed information can be given.
2. Animal Control Officer (will be discussed in Executive Session)
3. Lenten Breakfast (*info provided*)
4. Discussion was held regarding funding from the Bridge NY Program. Supervisor LeRoy stated they are giving out another round of funding. LeRoy and Pickering are working with Kevin Rooney, Wayne County Highway Superintendent and applying for funding for the Sodus Center Bridge. Highway Superintendent Dale Pickering is working on gathering information and letter of necessity from the Railroad, Water Authority, and Fire Dept. In addition he will try to get the residents in the area to sign a petition to help get bridge funding.
5. Letter from Mason Gile *(provided)*

**FYI:**

1. Zoning and Planning Minutes

**PUBLIC COMMENTS**

*(Craig Wollesen- Sodus Chamber of Commerce)*

Craig Wollesen stated he is a new member of the Sodus Chamber of Commerce. He asked the Board if it would be okay if the Chamber could host a Pumpkin Fest at Camp Beechwood the 2nd weekend in October. The Board was very receptive to his ideas and asked Wollesen to keep them informed of specific dates, times, and information regarding the event in case any liability issues or problems may arise.

**EXECUTIVE SESSION:**

Councilperson David LeRoy motioned to enter into Executive Session at 8:14 PM to discuss a personnel issue relative to a particular individual was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Supervisor LeRoy, aye; Councilperson David LeRoy, aye; Quinn, aye; and Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to exit Executive Session at 9:26 PM and enter Regular Session was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Supervisor LeRoy, aye; Councilperson David LeRoy, aye; Quinn, aye; and Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to hire Shane Martin as the primary Dog Control Officer for the Town of Sodus effective immediately was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried

Councilperson David LeRoy motioned to hire Craig Schwartz as the secondary (back-up) Dog Control Officer for the Town of Sodus effective immediately was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; and Johnson, aye. Motion carried

A motion by Councilperson Jim Quinn to adjourn the Regular Town Board Meeting was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye; Johnson, aye. Motion carried.

Meeting adjourned at 9:27 PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk