**MINUTES**

Minutes of the Special Town Board Meeting/Special ZBA Meeting held October 15, 2018 in the Sodus Town Court Room, commencing at 7:00 PM located at 14-16 Mill St. Sodus, NY 14551.

*(Note: The Town of Sodus Special Town Board Meeting was held at 6:40 PM- before the ZBA Meeting)*

Sodus Town Board Meetings are open to the public.

Roll Call/Present: Steven LeRoy, Supervisor

David LeRoy, Councilperson/Deputy Supervisor

*(Arrived 5 minutes after the voting action took place)*

Jim Quinn, Councilperson

Scott Johnson, Councilperson

Recording Secretary: Lori Diver, Town Clerk

Absent: Councilperson Don Ross, Absent

ZBA Member Ron Baker, Absent

Others Present: Al Hendrikse, Code Enforcement Officer

Holly Warner, Code Enforcement Clerk

Josh Faulks, Sun & Record

Steve Zonneville, ZBA

James Russel, ZBA

Don Buchwald, ZBA  
 Bill Lesniak, ZBA  
 John Hayslip, ZBA

Kim Buell, ZBA

Mike Virts, Quarry Owner

Anthony Villani, Town of Sodus Attorney

Richard Ricelli, Ricelli Trucking Enterprises

Michael Fogel, Richard Ricelli Attorney

Kaye Gansz-Stone, Former Owner

Robert Finkle-Foreman to Syracuse Sand & Gravel

Public Attendance:

Richard DeMent

Mike Slabe

Melissa DePauw

Cathy Watson

Tom Watson

Jim Cudney

Pete Thurston

Matthew Nudd

Michael Watson

Brian Hargarther

Marry Zonneville

***ADOPTION***

***TOWN OF SODUS SEXUAL HARASSEMENT POLICY***

***RESOLUTION***

***(05 10-2018)***

Supervisor LeRoy offered the following resolution for its adoption,

**NOW BE IT RESOLVED**, Councilperson Scott Johnson motioned to adopt the Town of Sodus Sexual Harassment Policy as filed effective immediately for all Town of Sodus Employees which was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, absent; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

***ABSTRACT***

***RESOLUTION TO PAY ABSTRACT NO. 20***

***(06 10-2018)***

**WHEREAS,** the following bills were presented for payment on Abstract 20:

General 459-459 $ 500.00

Trust & Agency 41-45 $ 4,258.40

**GRAND TOTAL: $ 4,758.40**

**NOW BE IT RESOLVED**, Councilperson Jim Quinn motioned to approve payment of these bills as reviewed for Abstract No. 20, which was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, absent; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

A motion by Councilperson Scott Johnson to authorize and approve Nathan Mack’s travel request was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Supervisor LeRoy, aye; Councilperson David LeRoy, absent; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

**SPECIAL MEETING**

**T/SODUS ZONING BOARD OF APPEALS & SODUS T/BOARD MEETING**

Supervisor Steve LeRoy called the Special Board Meeting between the Town Zoning Board of Appeals and Sodus Town Board to order commencing at 7:00 PM in the Sodus Town Court Room with the Pledge of Allegiance.

LeRoy discussed with the audience that this meeting is an open meeting for the public to attend however; the Town of Sodus Zoning Board of Appeals and the Sodus Town Board will not be holding an open forum for public comments at this meeting. Additionally, LeRoy discussed that the Zoning Board and the Town Board both have given the public a great deal of time and opportunity to discuss their concerns and complaints regarding Mike Virts’s Quarry at the Zoning Board of Appeals and a Town Board Meeting. LeRoy stated this meeting is for the Zoning Board, Town Board, the Attorneys, Mike Virts, and the Quarry Members to discuss the issues and concerns with the Quarry.

**QUARRY SPEAKERS:**

*(Mike Virts, Richard Ricelli, Michael Fogel, Kaye Gansz-Stone, & Robert Finkle)*

Supervisor LeRoy suggested that perhaps the trucks can travel primarily on State and County Roads to help reduce the amount of travel on Town Roads. LeRoy indicated one of the complaints cited were trucks driving on town roads and the use of Jake Brakes. Quarry members are aware of this issue and will do what they can to resolve this problem.

Chairman of the Zoning Board Appeals Steve Zonneville stated the special use permit lists 6-15 trucks approximately are the amount of trucks that can come out of the Quarry loaded. It was discussed that the truck amounts were an estimate (approximate). Councilperson to the Town Board Jim Quinn suggested that the word, “Approximate” should be removed from the special use permit. It should list the maximum amount of loaded trucks coming out of the Quarry rather than the word, “Approximate.”

Code Enforcement Officer Al Hendrikse sent a couple written letters to the Quarry however; he stated he did not write any written letters to the Quarry for violations of the number of trucks travelling per hour or if the trucks are violating the routes taken. Hendrikse indicated this is the first time he is hearing about these complaints. Virts shared the maximum amount of trucks that have ever come out of the Quarry loaded per hour may be 20 trucks however; this is an exception to the rule. Mike Virts stated the Quarry itself is willing to minimize the use of Town Roads the trucks travel on to help with the complaints and help, to be a good neighbor. In addition Ricelli Enterprises uses Divisible Load Permits. It was also discussed the 75% of the loads are with Ricelli Enterprises and 25% are with other carriers that travel to the Quarry.

Discussion was held to amend the Special Use Permit to reflect alternate routes, maximum amount of loaded trucks allowed, and to limit the use of Jake Brakes. If this is written in the permit and is violated at any time the Zoning Board of Appeals can pull the permit for a violation, immediately. Virts shared that the Quarry itself has already reduced the hours of operation, “In house.” The current hours of operation are 7:00 AM – 4:00 PM Monday – Friday and 7:00 AM to 12:00 PM Saturday. The reduced hours are 7:00 AM – 3:45 PM Monday – Friday and 7:00 AM – 11:45 AM on Saturday. Virts shared this way they can make sure that loaded trucks are out of the Quarry before the 4:00 PM deadline on the weekdays and 12:00 PM on Saturdays.

There were concerns from the Quarry Members about some trucks may need an exception at times to load later than the deadline put on them in the Special Use Permit. For example, if a truck has travelled many miles from their original location and the unforeseen happened can the truck still load even though it might be past the 4:00 PM deadline on a weekday. Virts and the Quarry Members hope that there would be some exceptions to the rules in a scenario such as this listed.

Virts asked if he could address the Board regarding the concerns around the well water problem possibly being affected by the Quarry according to some in the public. Virts explained that the Quarry went through their own testing of the water issue.

Members of the Quarry and owner Mike Virts are willing to help by restricting hours, possibly changing or using alternate truck routes, and restricting the amount of loaded trucks hauling out of the quarry.

Steve Zonneville proposed that the Special Use Permit stay the same for the hours as is for a period of one year and if the permit is violated, the permit can be pulled by the Zoning Board of Appeals effective immediately. Virts wanted to make it very clear that he is willing to do what they can to help and be good neighbors.

Anthony Villani, Town of Sodus Attorney suggested that the Zoning Board of Appeals may want to have some legal advice before pursuing action on the Special Use Permit of the Quarry or amending anything in the permit.

Steven Zonneville, ZBA Chairman presented to the ZBA Board a motion to establish a workgroup centered around Quarry discussions, complaints, concerns, special use permit written language, violations discussion, etc.. ZBA Member Don Buchwald motioned to establish the workgroup of 2 Town Board Members, 2 Zoning Board Members, 2 Quarry Members, 2 of the neighbors living by the quarry, and Legal Counsel Representation which; James Russell seconded. Motion carried.

A motion by ZBA Member Don Buchwald to *adjourn the Special Zoning Board of Appeals Meeting with the Sodus Town Board Meeting* was seconded by ZBA Member James Russell. Motion carried.

Meeting adjourned at 8:14 PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk, RMC