**MINUTES**

Minutes of the Budget Workshop commencing at 6:00 PM in the Upstairs Conference Room followed by the Regular Sodus Town Board Meeting at 7:00 PM held in the Sodus Town Court Room, October 9, 2018 located at 14-16 Mill St. Sodus, NY 14551.

Sodus Town Board Meetings are open to the public.

**Budget Workshop**

 Roll Call/Present: Steven LeRoy, Supervisor

David LeRoy, Councilperson/Deputy Supervisor

Jim Quinn, Councilperson

Scott Johnson, Councilperson

Recording Secretary: Lori Diver, Town Clerk

Absent: Don Ross, Councilperson

 Others Present: Bree Crandell, Supervisor Clerk

 Tom Miller, T/Sodus Recreation

Supervisor LeRoy called the Budget Workshop to Order.

**EXECUTIVE SESSION:**

Councilperson Scott Johnson motioned to enter into Executive Session at 6:01 PM to discuss a personnel issue relative to a particular person was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Supervisor Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to exit out of Executive Session at 6:37 PM was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Supervisor Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; Johnson, aye. Motion carried.

Discussions between the Town Board and Tom Miller Town of Sodus Recreation took place, regarding the 2019 Sodus Recreation Budget.

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

Meeting Adjourned at 6:38 PM

Lori Diver

Sodus Town Clerk, RMC

**Regular Town Board Meeting**

 Roll Call/Present: Steven LeRoy, Supervisor

David LeRoy, Councilperson/Deputy Supervisor

Jim Quinn, Councilperson

Scott Johnson, Councilperson

Recording Secretary: Lori Diver, Town Clerk

Absent: Don Ross, Councilperson

 Dale Pickering, Highway Superintendent

 Others Present: Bree Crandell, Supervisor Clerk

 Al Hendrikse, Code Enforcement Officer

 Sal Vittozzi, Sodus Town Groundskeeper

Kim Buell, Town of Sodus ZBA Member

 Emily Kunz, Times of Wayne County

 Joshua Faulks, Sun & Record

 Richard DeMent, 5882 S. Geneva Rd.

 Wendelyne Hrabak, 7352 Sprongs Bluff

 Dave Fitch, 7352 Sprongs Bluff

 Cathy Watson, 4910 S. Geneva Rd

 Pete Thurston, 7609 Christian Holler Rd

 Ernest Baker, 7128 Bayview Drive

 F. E. Goulden, 7125 Bayview Drive

 Mike Slabe, 7853 Stell Rd

 Melissa DePauw, 7853 Stell Rd

 Thomas Watson, 4910 S Geneva Rd

 Jim Cudney, 5872 S. Geneva Rd

 Unknown Attendee **(unable to read signature)**

Supervisor Steve LeRoy called the Regular Town Board Meeting to order commencing at 7:00 PM with the Pledge of Allegiance and Lori Diver Town Clerk opened with roll call. All Town Council were present with the exception of Councilperson Don Ross. Ross was absent.

***MINUTES***

Councilperson Scott Johnson motioned to approve the Minutes of the ***September 11, 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, absent; Johnson, aye. Motion carried.

Councilperson Scott Johnson motioned to approve the Minutes of the ***September 18, 2018 Budget Workshop/Special 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, absent; Johnson, aye. Motion carried.

Councilperson Jim Quinn motioned to approve the Minutes of the ***September 25, 2018 Budget Workshop/Month- End 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, absent; Johnson, aye. Motion carried.

Councilperson David LeRoy motioned to approve the Minutes of the ***October 2, 2018 Budget Workshop/Special 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, absent; Johnson, aye. Motion carried.

***SUPERVISOR’S REPORT***

The December 2017, Yearly 2017, January 2018, February 2018, March 2018, April 2018, May 2018, June 2018, July 2018, August 2018, and September 2018 Supervisor’s Reports are tabled until Ray Wager’s Office completes their final audit. *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 2017 books, opening the 2018 books, and printing reports. The books cannot be closed until the final audit is complete.*

***TOWN CLERK’S REPORT***

The Town Clerk’s Report, Town Clerk’s bank statement for audit and bank register for September 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, absent; and Johnson, aye. Motion carried.

***ABSTRACT***

 ***RESOLUTION TO PAY ABSTRACT NO. 19***

***(01 10-2018)***

**WHEREAS,** the following bills were presented for payment on Abstract 19:

 General 439-458 $ 11,534.51

Highway 294-300 $ 16,009.69

Special Districts 15-15 $ 985.62

Sewer Districts 05-05 $ 632.57

WD No. 11 01-01 $ 9,597.05

 **GRAND TOTAL: $ 38,759.44**

**NOW BE IT RESOLVED**, Councilperson David Leroy motioned to approve payment of these bills as reviewed for Abstract No. 19, which was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

**PUBLIC COMMENTS:**

***(David Shearns) –***

No Show

Supervisor Steve LeRoy shared with the Board and the Public present for the Quarry discussion; Mike Virts owner of the Quarry could not be present for this meeting due to a conflict in his schedule. LeRoy informed the community (attending the meeting for complaints against the Quarry) that he most definitely would be available for the next Regular Town Board Meeting and is aware of the publics’ complaints.

***(Tom & Katherine Watson - Virts’s Quarry) –***

Katherine & Tom Watson residing at 4910 S. Geneva Rd. discussed with the Town Board concerns over their well water that they cannot use because of what they believe are blasting issues at Mike Virts’s Quarry. The Watson’s claimed, they have not been able to use their water because of the condition of it. The water is black. In addition they complained that they have had to change their water filters every 2 weeks. The Watson’s brought in their water filters for the Town Board to look at them.

The Watson’s claimed that Mike Virts was issued a Special Permit in 2013 by the Town Zoning Board of Appeals to start operation of the Quarry. The Watson’s had their well water tested in 2016 and according to them they are not able to use the well water. They did not have their well water tested before the Quarry opened in 2013. The Watson’s claim they never had any problems with their water until the Quarry came into operation.

Al Hendrikse, Code Enforcement Officer stated to the Watson’s the DEC can be called regarding the Quarry. It was discussed if the issue is of concern; anyone worried about their well water could call the DEC to complain. Hendriske assured the Board that he would follow up with the DEC too, Wednesday October 10, 2018 to report the issues and concerns by the Watson’s.

**LOCAL LAW No. 02-2018**

Town Clerk Lori Diver read the following legal notice to the public.

**LEGAL NOTICE**

**TOWN OF SODUS**

**NOTICE OF PUBLIC HEARING**

**LOCAL LAW No. 02 (2018)**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Sodus on the 9th day of October, 2018 at 7:15 p.m. in the Sodus Town Court Room at the Sodus Town Hall, 14-16 Mill Street, Sodus, New York to hear and consider comments from the public in regard to Local Law No.02 of 2018:

 Local Law No. 02 - 2018 Authorizes the Town Board of the Town of Sodus to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

 Copies of the entire Local Law No. 02 (2018) are available for review at the Town Clerks Office during regular business hours.

BY ORDER OF THE TOWN BOARD

OF THE TOWN OF SODUS

Lorraine Diver, Town Clerk

Dated: September 24, 2018

Supervisor Steven LeRoy opened the floor for public comments.

There was some discussion from the public regarding the reason the Town of Sodus needs to adopt this local law. Supervisor LeRoy stated to the community the reason for this local law is, to protect the Town of Sodus from fines in the event the Town may go over the 2 % Tax Cap set by the State of New York. In addition, LeRoy explained that there was only 1 time that he remembers the Town went over the tax cap and that was barely over.

Hearing no further comments Supervisor LeRoy closed the public hearing regarding Local Law 02-2018.

**(…….CONTINUED PUBLIC COMMENTS)**

***(Jim Cudney - Virts’s Quarry) –***

Jim Cudney expressed to the Town Board his complaints with Mike Virts’s Quarry are what he believes directly violate the Special Permit issued in 2013 to Virts. Cudney stated the issues he believes are in violation of the Special Permit issued by the Zoning Board of Appeals in 2013 are; the hours of operation they are running, number of blasts per year, quantity of material being produced, the amount of trucks running through to the Quarry, and trucks running down Stell Rd (in violation of weight limit). Cudney has documented times and dates of these violations and verbally discussed them with the Board.

Cudney contacted Richard Ricelli with Ricelli Trucking via email inquiring on certain information. Cudney said he heard back from Ricelli October 02, 2018. Ricelli replied in an email to Cudney asking if they could set up a time to get together (after the season has slowed down). Cudney stated Ricelli did not answer any of his questions in the email.

Cudney brought in a large size rock/bolder that he found on the railroad tracks. He said he did not see where it came from (if it fell off a truck bed or stuck between some tires of a truck) but he expressed how dangerous this could have been if he had not removed it from the railroad tracks.

In addition to Cudney’s complaints regarding the Mike Virts’s Quarry, Melissa DePauw that lives on 7853 Stell Rd shared some of the same common issues that Cudney had expressed.

Councilperson Scott Johnson motioned to ask the Zoning Board of Appeals to hold a Special Meeting as soon as possible to consider pulling the Special Permit issued to Mike Virts until further notice and the issues have been resolved with the Quarrywas seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; Johnson, aye. Motion carried.

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

**ABSENT – NO REPORT**

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

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

***CODE ENFORCEMENT REPORT:***

*(Al Hendrikse, Code Enforcement Office)*

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

***CAMP BEECHWOOD-PARKS-CEMETERIES REPORTS:***

*(Sal Vittozzi-Sodus Town Groundkeeper)*

Councilperson Jim Quinn motioned to accept the September 2018 Camp Beechwood-Parks & Cemeteries written report from Sal Vittozzi, Sodus Town Groundskeeper was seconded by Councilperson Scott Johnson. Vittozzi hopes to have all the parks/cemeteries mowed by the 22nd of October. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

***DOG CONTROL OFFICER REPORT:***

*Craig Schwartz- Primary DCO*

*Shane Martin- Secondary DCO*

Councilperson Scott Johnson motioned to accept and file the September 2018 DCO report from Craig Schwartz, DCO Officer was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

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

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

***Highway Report***

***(Dale Pickering Highway Superintendent)-Absent***

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

Councilperson David LeRoy stated that the Town of Sodus Highway roof is finished by Elmer Davis. LeRoy added that he received the quote from Surf Pro for the mold damage inside the highway barn and is waiting on one other quote. In addition, LeRoy brought up discussion with mowing Birchwood Lane in Sodus. Supervisor LeRoy stated he discussed this with Sal Vittozzi and suggested he talk with Dale Pickering Highway Superintendent regarding Birchwood.

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

***(Recreation, Assessor)***

***Recreation Report***

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

Councilperson Scott Johnson stated that there was no Recreation Report for September since Sheila Fisher just had surgery and is on medical leave for recovery.

***Assessor’s Report***

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

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

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

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

***N/A***

**REGULAR MONTHLY CORRESPONDENCE**

***SOUTH GENEVA RD WD BUDGET MODIFICATION***

 ***RESOLUTION***

***(02 10-2018)***

**WHEREAS**, the Town of Sodus developed the budget for the South Geneva Road Water District project based on estimates for miscellaneous costs, and

**WHEREAS,** the actual costs these expenses will be more than the budgeted amount.

**BE IT RESOLVED,** that the Town Board hereby authorizes an increase of $250 in the budget for Miscellaneous expenses (from ($500 to $750), with a corresponding decrease in the Contingency.

**FURTHER BE IT RESOLVED**, Councilperson Scott Johnson motioned to adopt resolution ***(02 10-2018)*** which was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

***HEALTH CARE RESOLUTION REAFFIRMING THE TOWNS EMPLOYEE CONTRIBUTION***

 ***RESOLUTION***

***(03 10-2018)***

**BE IT RESOLVED**, that the Town Board of the Town of Sodus reaffirms the Town's position with respect to the amount of employer contribution to employee health care set forth by the board in November of 2012, namely that the Town's contribution to employee health care is capped at the 2011 rate, and the Town will continue to contribute toward healthcare plans offered to eligible Town employees who enroll in such qualifying plans, an amount equal to the cost of healthcare premiums paid by the Board in 2011, unless otherwise or further modified by the Board pursuant to contract or resolution, and the Town of Sodus employee handbook shall reflect the same.

**FURTHER BE IT RESOLVED**, Councilperson David LeRoy motioned to adopt resolution ***(03 10-2018)*** which was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

***LOCAL LAW No. 02-2018 TO OVERRIDE THE TAX LEVY LIMIT***

 ***RESOLUTION***

***(04 10-2018)***

**Local Law No. 02 of the year 2018**

**Town of Sodus, County of Wayne**

LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT

ESTABLISHED IN GENERAL MUNICIPAL § 3-C

Be it enacted by the Town Board of the Town of Sodus, as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sodus, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Sodus, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Sodus, County of Wayne is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

**FURTHER BE IT RESOLVED**, Councilperson Scott Johnson motioned to adopt resolution ***(04 10-2018)*** which was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Resolution adopted.

Councilperson Scott Johnson motioned authorizing Supervisor to sign State Environmental Quality Review form relative to T-Hanger project proposed by the Williamson-Sodus Airport was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

Councilperson Scott Johnson motioned to allow Lori Diver Town Clerk to advertise and to set the date for the Public Hearing for the adoption of 2019 Preliminary Budget on November 13, 2018 at 7:15 PM was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

Supervisor LeRoy discussed the health insurance contribution for all union employees per the union contract regarding the Town of Sodus Highway Department will not change. The other Town of Sodus non-union employees will remain the same as well. Per Supervisor LeRoy, no action is needed (hence no change).

Councilperson Jim Quinn motioned to allow Rob Locke to assist Town Clerk Lori Diver with the 2019 Town & County Tax Collection (not to exceed 115 hours) was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, absent; and Johnson, aye. Motion carried.

**DISSCUSSION:**

1) Supervisor LeRoy announced the Sodus Rehab & Nursing Center will be hosting a Trunk and Treat on Sunday October 28, 2018 from 2:00 PM – 4:00 PM. It is a safe environment for the children. They will be doing a contest for the cutest and scariest costumes at 3:30 PM and you must be present to win. They also are doing a contest for the best decorated trunk at 4:00 PM. In addition, they will have a parade for those that want to participate inside the nursing home.

**FYI:**

1. Minutes of the Zoning and/ or Planning Board Meetings *(provided)*
2. Monthly Report from Wayne County Sheriff’s Office *(provided)*
3. Letter from Julie Daniels *(provided)*

A motion by Councilperson Scott Johnson to adjourn the 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, absent; Johnson, aye. Motion carried.

Meeting adjourned at 8:45 PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk, RMC