**DRAFT MINUTES**

Minutes of the Regular Town Board Meeting October 10, 2017 commencing at 7:00 pm in the Sodus Town Court Room located at 14-16 Mill St. Sodus, NY 14551

All Town of Sodus Board Meetings are open to the public.

Present: Steven LeRoy, Supervisor

David LeRoy, Councilperson (Deputy Supervisor)

Jim Quinn, Councilperson

Don Ross, Councilperson

Recording Secretary: Lori Diver, Town Clerk

Absent : Al Hendrikse, Code Enforcement

Dale Pickering, Highway Superintendent

Others Present: Trevor Davey, Camp Beechwood

Kim Buell, Town of Sodus Zoning Member

Chip Scoppa- Private Drives

Karen Egholm- Private Drives

Carmen Scoppa- Private Drives

Ed Chippero-Private Drives

Tim & Betsy Gisleson- Private Drives

Mary Ellen Fava-Private Drives

Lorilyn Reynolds-Private Drives

Janet Steehler-Private Drives

James Gashlin-Private Drives

Lowell Schweder-Private Drives

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

***MINUTES***

Councilperson Jim Quinn motioned to approve the Minutes of the ***September 26, 2017***

***Regular & Month End 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. Motion carried.

Councilperson David LeRoy motioned to approve the Minutes of the ***October 2, 2017*** ***Special Town Board Meeting*** was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

***SUPERVISOR’S REPORT***

The Supervisor’s Report for September 2017 *(including all town-wide expenditures and compensated & absences)* were presented for approval. Councilperson David LeRoy motioned to accept and file this report, 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. Motion carried.

***TOWN CLERK’S REPORT***

The Town Clerk’s Reports, Town Clerk’s bank statements for audit and bank register for September 2017 were presented. Councilperson David LeRoy motioned to accept and file this report, 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. Motion carried.

***ABSTRACT***

***RESOLUTION TO PAY ABSTRACT No. 18***

***(01 10-2017)***

**WHEREAS,** the following bills were presented for payment on Abstract 18:

General 458-476 $ 12,420.73

Highway 278-286 $ 20,829.37

Sewer District 79-79 $ 996.51

Special Districts 33-33 $ 926.31

**GRAND TOTAL: $ 33,172.92**

**NOW BE IT RESOLVED**, Councilperson Don Ross motioned to approve payment of these bills as reviewed for Abstract No. 18, 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. Resolution adopted.

**PUBLIC COMMENTS**

*(Lori Reynolds)*

Lori Reynolds 5455 Gates Dr. in Sodus, NY discussed with the Sodus Town Board concerns with the Town of Sodus not plowing their private drive. Many residents attending the meeting discussed their frustrations with the Town not having a resolution as of yet on plowing their private drives too. Reynolds brought in a map of Gates Dr. and explained to the Board how she believes this should be Gates Rd and not private.

Supervisor LeRoy and Councilperson LeRoy explained that the Board is leaning towards making the private drives, “Section 189 Roads.” In the 1800’s the New York State Legislature established a provision in the Highway Law which has been carried forward and is now contained in Section 189 of the New York State Highway Law, “Roads by Use”, which allows the municipality to accept private roads, which have been used by the public as if they were public roads, subject to various exceptions.

Councilperson LeRoy stated they have worked many hours trying to figure out a resolution to help those that live on private drives to at least have the town plow during the winter months. In addition Councilperson LeRoy explained to everyone attending the meeting that each private drive has its unique set of obstacles. Supervisor LeRoy stated they are waiting on the Town’s Attorney to advise how the Board should proceed to help the residents get the private drives at least plowed.

The Town Board and Supervisor LeRoy understood the public attending for the private drives, concerns. With no resolution to this problem and winter quickly approaching, the Board explained they would have a better answer for the public at the Month End Board Meeting on October 24, 2017. Supervisor LeRoy stated he will ask the Town’s Attorney to attend the meeting and Dale Pickering, Highway Superintendent. LeRoy also stated that it may be beneficial to have everyone living on private drives to get a petition signed of those that would like their road to become a public road vs. a private drive. Further discussions will be tabled until the Month End Board Meeting.

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

Councilperson Don Ross stated the only thing he had to report is that the Planning Board and Zoning Board is working on solar farm details.

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

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

***CODE ENFORCEMENT REPORT:***

*(Al Hendrikse, Code Enforcement Office)*

Councilperson David LeRoy motioned to accept and file the September 2017 Code Enforcement 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. Motion carried.

***CAMP BEECHWOOD REPORT:***

*(Trevor Davey, Camp Beechwood Caretaker)*

Councilperson Don Ross motioned to accept and file the September 2017 Camp Beechwood Report was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

***DOG CONTROL OFFICER REPORT:***

*(Thomas Luckenbach, DCO)*

Councilperson David LeRoy motioned to accept and file the September 2017 Dog Control Officer 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. Motion carried.

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

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

***Highway Report***

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

Councilperson Jim Quinn motioned to accept and file the September 2017 Highway 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. Motion carried.

Councilperson David LeRoy motioned to approve the BID from E&V Energy opened at the September 26, 2017 Regular & Month End Town Board meeting was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

**(*See BID details below from September 26, 2017 meeting*)**

*Ultra-Low Sulfur Diesel*

*Price is to be based on E&V Energy’s Syracuse rack posting on September 25, 2017, which was 1.9108 per gallon, plus a firm differential of .1695, which makes the net bid price 2.0803 per gallon.*

*The product base price will fluctuate with E&V Energy’s Syracuse rack posting. The firm differential of .1695 will remain unchanged for a period of one year from bid acceptance.*

*Winterized Diesel Fuel for optimal cold weather performance would be an additional .0500 (five cents) per gallon.*

*Ultra-Low Sulfur Highway Diesel Fuel has maximum 15 ppm sulfur content.*

*Price quoted is exclusive of all taxes.*

*Non-Collusive Bidding Certification was signed and dated 9-25-2017 by E&V Energy Randall Coe.*

**RECREATION COMMITTEE: *Councilperson (Vacant-David LeRoy Interim Chair)***

***(Recreation, Assessor)***

***Recreation Report***

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

No report was submitted.

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

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

***Assessor’s Report***

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

Councilperson Jim Quinn motioned to accept and file the September 2017 Assessor’s 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. Motion carried.

**CORRESPONDENCE & INFORMATION:**

***RESOLUTION***

**2017-2018 SNOW & ICE CONTRACT**

***(02 10-2017)***

Supervisor LeRoy offered the following resolution for its adoption:

WHEREAS, Wayne County has asked the Town of Sodus to enter into a Snow & Ice Contract, and

RESOLVED, that the Town Board of the Town of Sodus hereby authorizes Supervisor LeRoy to sign the 2017-2018 Snow & Ice Contract with Wayne County.

**FURTHER BE IT RESOLVED,** Councilperson David LeRoy motioned to adopt resolution ***(02 10-2017)*** was seconded by Councilperson Jim Quinn. Upon roll call the following votes were heard, David LeRoy, aye; Jim Quinn, aye, and Don Ross, aye. Resolution adopted.

At a duly noticed and held meeting of the Town Board of the Town of Sodus, New York held at the Town Offices, 14-16 Mill Street, Sodus, New York on September , 2017, the following resolution and Order was introduced by Council Member Don Ross and seconded by Council Member David LeRoy and unanimously adopted ***(see following).***

**RESOLUTION AND FINAL ORDER CREATING**

**SODUS SOUTH GENEVA ROAD WATER DISTRICT**

***(03 10-2017)***

WHEREAS, Section 209 of the Town Law of the State of New York empowers the Town Board of the Town of Sodus to provide for the establishment in the Town of Sodus a Water District, and

WHERAS, a map, plan and report have been prepared by the Towns Engineers, MRB Engineering, P.C., David M. Doyle, P.E., relating to the proposed Sodus South Geneva Road Water District in the Town of Sodus and the construction of related improvements; and

WHEREAS, an Order Calling a Public Hearing was duly adopted by this Town Board on XX, 2017, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the fact that the map, plan and report described in said Order also contained the method of financing any improvements, and that said map, plan and report were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated and specifying XX, 2017, as the date, at 7:00 p.m. on said day as the time, and the Town Hall, 14-16 Mill Street, Sodus, New York as the place where the Town Board would meet for a Public Hearing to consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Order was duly published in the official newspaper for the Town and duly posted, with both Publication and Posting in full compliance with Town Law 209‑d; and

WHEREAS, a Public Hearing on the proposed Sodus South Geneva Road Water District was duly held by the Town Board on XX, 2017 at 7:00 p.m. on said day, in the Town Hall, 14-16 Mill Street, Sodus, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed Water District and construction of related improvements; and

WHEREAS, in connection with Sodus South Geneva Road Water District, a Full Environmental Assessment Form was filed with the Town Board and in the office of the Town Clerk from which the Town Board duly considered and reviewed all potentially significant environmental impacts as required by Environmental Conservation Law Article 8 (State Environmental Quality Review ActSEQRA and 6 NYCRR Part 617); and

WHEREAS, by Resolution, the Town Board declared itself Lead Agent, adopted findings that the proposed Water District will give rise to no adverse environmental impacts, and issued a Negative Declaration under SEQRA; and

WHEREAS, The Town Board having duly resolved and determined following such hearing that the notice of hearing was published and posted as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the establishment of such district as proposed be approved, subject to permissive referendum in the manner provided in Town Law Article 7; and said resolution subject to permissive referendum having been duly noticed and posted as required by law, and a certificate of the Town Clerk having been filed pursuant to Town Law 209‑e(4), certifying that no petition was filed requesting such a referendum, it is hereby

ORDERED, that the proposed water district be established in the Town to be designated as Sodus South Geneva Road Water District of the Town and the boundaries of said water

district as hereby established shall be as described in Schedule A attached hereto, and it is further

ORDERED, that pursuant to the provisions of the Town Law of the State of New York, the expense of the establishment of said Sodus South Geneva Road Water District and the construction of said water distribution system therein and the maintenance thereof shall be assessed, levied and collected from year to year from the several lots and parcels of land within the Water District in proportion as nearly as may be to the benefit which each lot or parcel of land in said District will derive therefrom, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Wayne County Clerk within ten (10) days after the adoption of this order, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this order.

Councilperson Jim Quinn motioned to set date for the Special Town Board Meeting-Public Hearing for Preliminary Budget November 6, 2017 at 7:00 p.m. in the Sodus Town Court Room and advertise the same was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

Councilperson David LeRoy motioned to authorize and approve the Wayne County Water & Sewer Authority to rent the old Town of Sodus Water Dept. located at 84 Rotterdam was seconded by Councilperson Jim Quinn. The rent will be $250.00 a month with $100.00 a month charge for utilities. The agreement with begin January 1, 2017 and their utility usage will be reviewed in 1 year. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

Councilperson Jim Quinn motioned to approve the request from the Village of Sodus to be Lead Agency in the Short Environmental Assessment Determination relative to Chapter 87 (Property Maintenance) of the Village Code was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

Supervisor LeRoy stated that there was a recorded speed sign put on Ridge Rd (Alton) as requested by petitioning residents. The data showed only 1 vehicle who went over 60 mph, 1 vehicle between 50-60 mph and the rest of the vehicles were 45 mph and below.

**DISCUSSION ITEMS:**

1. Councilperson Don Ross stated the Pawn Shop Law information is still in the hands of the attorney.

**FYI:**

1. Minutes of Zoning and/ or Planning Board Meetings (provided)
2. Monthly report from Wayne County Sheriff’s Office (provided)
3. Letter from Patty Paprocki (provided)
4. Copy of police report relative to Camp Beechwood theft (provided)

**EXECUTIVE SESSION:**

Councilperson David LeRoy motioned to enter into Executive Session at 8:30 pm to discuss a personnel issue relative to a particular person was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

Councilperson Don Ross motioned to exit out of Executive Session at 9:24 p.m. was seconded by David LeRoy. Upon roll call the following votes were heard, Steven LeRoy, aye; David LeRoy, aye; Quinn, aye; Ross, aye. Motion carried.

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

Meeting Adjourned 9:24 pm

Secretary,

Lori K Diver

Sodus Town Clerk, RMC