**MINUTES**

Minutes of the Regular Sodus Town Board Meeting at 7:00 PM held in the Sodus Town Court Room, December 11, 2018 located at 14-16 Mill St. Sodus, NY 14551.

Sodus Town Board Meetings are open to the public.

**Regular Town Board Meeting**

Roll Call/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: Al Hendrikse, Code Enforcement Officer

Others Present: Sal Vittozzi, Groundskeeper

Emily Kunz, Times of Wayne County

Josh Faulks, Sun & Record

Chris Tertinek, Sodus Point Resident

Patty McKinny, Beechwood

Martha Miller, Beechwood

Nancy Ghertner, Beechwood

Kim Buell, Town of Sodus ZBA

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.

***MINUTES***

Councilperson David LeRoy motioned to approve the Minutes of the ***November 13, 2018 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.

Councilperson David LeRoy motioned to approve the Minutes of the ***November 27, 2018 Regular 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, aye; 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, September 2018, ( The October 2018 was manually calculated by Bree Crandell and presented at the November meeting), and the November 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 November 2018 was presented. Councilperson Scott Johnson motioned to accept and file this report, 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; and Johnson, aye. Motion carried.

***ABSTRACT***

***RESOLUTION TO PAY ABSTRACT NO. 24***

***(01 12-2018)***

**WHEREAS,** the following bills were presented for payment on Abstract 24:

General 525-559 $ 12,736.31

Highway 352-374 $ 45,077.57

Special Districts 17-17 $ 1,017.38

**GRAND TOTAL: $ 58,831.26**

**NOW BE IT RESOLVED**, Councilperson David LeRoy motioned to approve payment of these bills as reviewed for Abstract No. 24, which 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. Resolution adopted.

**PUBLIC HEARING:**

Lori Diver Sodus Town Clerk read legal notice advertised in the Times of Wayne County for Local Law # 3-2018 as follows:

**LEGAL NOTICE**

**TOWN OF SODUS**

**NOTICE OF PUBLIC HEARING**

**LOCAL LAW No. 03 (2018)**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Sodus on the 11th day of December 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.03 of 2018:

**Local Law No. 03 - 2018**

**A LOCAL LAW RESCINDING LOCAL LAW NO. 02 OF THE YEAR 2018 RELATING TO THE OVERRIDE OF THE TAX LEVY LIMIT FOR** **FISCAL YEAR 2019 PURSUANT TO GENERAL MUNICIPAL LAW § 3-c**

**IT IS HEREBY ENACTED** by the Town Board of the Town of Sodus as follows:

**SECTION 1. TITLE.**

This local law shall be known and cited as “Town of Sodus Local Law No 03 of the year 2018 Rescinding Local Law No. 02 of the Year 2018 Overriding the Tax Levy Limit for Fiscal Year 2019 pursuant to General Municipal Law **§**3-c”.

**SECTION 2. LEGISLATIVE INTENT.**

The Town Board adopted Local Law No. 02 of 2018 which Local Law overrode the tax levy limit for fiscal year 2019 pursuant to General Municipal Law **§**3-c. This Local Law was enacted as a precautionary measure. The Town Board has determined that as a result of the 2018 budget process the budget for 2019 will be kept within the tax levy limit as provided in General Municipal Law **§**3-c. Accordingly, in order to insure that the qualifying taxpayers of the Town of Sodus receive their rebates from New York State granted to qualified taxpayers within municipalities that stay within the tax cap the Town Board needs to rescind Local Law No. 02 of 2018.

**SECTION 3. AUTHORITY.**

This local law is adopted pursuant to General Municipal Law **§**3-c and to the provisions of the Municipal Home Rule Law.

**SECTION 4. RESCISSION OF LOCAL LAW NO. 02 of 2018**

Local Law No. 02 of 2018 adopted on October 9, 2018 and filed in the office of the Department of State on October 11, 2018 hereby is rescinded.

**SECTION 5. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the New York State Department of State in accordance with Section 27 of the Municipal Home Rule.

Copies of the entire Local Law No. 03 (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: November 27, 2018

Supervisor LeRoy opened the hearing for public comments. Hearing no public comments Councilperson Jim Quinn motioned to close the hearing at 7:19 PM 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; Johnson, aye. Motion carried.

**PUBLIC COMMENTS:**

***Martha Miller, Patty McKinny, Nancy Ghertner***

Martha Miller and Patty McKinny came before the Town Board to discuss Camp Beechwood. They expressed to the Board how fortunate they were to have Camp Beechwood in the Town of Sodus. In addition, they are concerned with the vandalism that has taken place and the park trails being closed.

Supervisor Steve LeRoy expressed to them the Town Board had no other option but, to close the park due to the recent vandalism and fire of the old mess hall in Beechwood. The park is closed until further notice and will re-open once NY State Park Police authorize the Town of open the park. Councilperson Jim Quinn stated that this is a State Park and still is an active investigation at this time.

Miller and McKinny expressed they would like to help become involved in Beechwood. LeRoy asked them if they would like to volunteer and help out at Beechwood. LeRoy also stated that anything they would like to help with at the park would first need to come before the Board for permission. In addition, Miller and McKinny asked about security at Beechwood. LeRoy stated that he does not want to comment at this time regarding this. It was also asked if a Masterplan is in place for Beechwood. LeRoy expressed a Masterplan would be great but, it involves a lot of funding to do this and at this time the Town of Sodus just does not have the money to allocate towards this.

The Board expressed the park will eventually re-open with some new rules in place but, at this time until the active investigation is complete and the park is closed there is nothing that can be done.

LeRoy mentioned the Town of Sodus does have a Groundskeeper for Camp Beechwood, Sal Vittozzi. Sal’s contact information is located on the Town of Sodus website and he can be reached by his cell phone.

Nancy Ghertner arrived at the meeting after the discussion ended however; she also shared how important Beechwood is to her too. With no further comments made the discussion was closed.

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

Ross discussed that he attended the WCWSA meeting along with Scott Snyder. In addition, Ross indicated that the Fire Departments are in need of volunteers. He stated that Fire and Rescue agencies are all facing a shortage of volunteers.

**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 November 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.

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

*(Sal Vittozzi-Sodus Town Groundkeeper)*

Councilperson Don Ross motioned to accept the November 2018 Camp Beechwood-Parks & Cemeteries written report from Sal Vittozzi, Sodus Town Groundskeeper 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 Quinn gave KUDOS to Sal Vittozzi for a job well done as Groundskeeper.

***DOG CONTROL OFFICER REPORT:***

*Craig Schwartz- Primary DCO*

*Shane Martin- Secondary DCO*

Councilperson David LeRoy motioned to accept and file the November 2018 DCO report from Craig Schwartz, DCO Officer 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 Jim Quinn brought up the issue of the, “Retention Pond” at the Fairways. Quinn stated that he and Dale Pickering checked out the pond. They were able to manually move some rocks and mud with no heavy machinery. He still has not heard from the Attorney from Gerber and discussed with the Board about removing the willow tree in the spring.

**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 November 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, aye; and Johnson, aye. Motion carried.

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

***(Recreation, Assessor)***

***Recreation Report***

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

Councilperson Scott Johnson stated that Sheila Fisher is still out on medical leave hence, no report for November.

Johnson did share that the new weight room at the school should be open next week.

***Assessor’s Report***

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

Councilperson Don Ross motioned to accept and file the November 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)***

***N/A***

**REGULAR MONTHLY CORRESPONDENCE**

Councilperson Jim Quinn motioned to authorize Supervisor LeRoy to sign Rental Agreement with the Village of Sodus for 2019 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.

Supervisor LeRoy noted the following resolution needed to be amended in the September Minutes as follows:

BRIDGE NY RESOLUTION BY MUNICIPALITY

(Locally Administered Project)

RESOLUTION NUMBER: 03-09-2018 (*As listed in the minutes September, 2018*)

**Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State-aid eligible costs, of a federal-aid and/or state-aid transportation project, and appropriating funds therefore.**

**Whereas, Sponsor will design, let and construct the “project”.**

WHEREAS, a Project for the Bridge NY, Rehabilitation of Main St. over Salmon Creek, P.I.N. 4BNY.12 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Town of Sodus desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, $385,000.00

NOW, THEREFORE, the Sodus Town Board, duly convened does hereby

RESOLVE, that the Sodus Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Sodus Town Board hereby authorizes the Town Supervisor of Sodus to pay in the first instance 100% of the federal and non-federal share of the cost of PE/Design work for the Project or portions thereof; and it is further

RESOLVED, that the Sodus Town BOARD hereby agrees that the Town of Sodus shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the Town of Sodus.

RESOLVED, that the sum of $385,980.00 is hereby appropriated from Town of Sodus Capital Project Account [or, appropriated pursuant to Clark Patterson Lee and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of Sodus shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that Town of Sodus, hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within THREE years of commencing construction; and it is further

RESOLVED, that the Town Supervisor of the Town of Sodus of Wayne County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-Aid on behalf of the Town of Sodus with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

**FURTHER BE IT RESOLVED,** Councilperson Jim Quinn motioned to amend resolution ***(03 09-2018 September Minutes)*** relative to the Bridge Over Salmon Creek on Main St. Joy as written was seconded by Councilperson Scott Johnson. Upon roll call the following votes were heard, Supervisor Steve LeRoy, aye; David LeRoy, aye; Jim Quinn, aye; Don Ross, aye; and Scott Johnson. Resolution adopted.

Supervisor LeRoy discussed the letter of regret from NYS DOT regarding the Sodus Center Bridge Grant Application. The application was denied.

***RESOLUTION LOCAL LAW NO. 3-2018***

***(03 12-2018)***

Supervisor LeRoy offered to adopt local law No. 3-2018:

**FURTHER BE IT RESOLVED,** Councilperson Jim Quinn motioned to adopt local law No. 3-2018 ***(Resolution # 03 12-2018)*** was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, David LeRoy, aye; Jim Quinn, aye; Don Ross, aye; and Scott Johnson, aye. Resolution adopted.

**DISSCUSSION:**

1. Supervisor LeRoy updated the Board on the progress and completion of WD No. 11 and South Geneva Rd Water Districts.
2. Discussion was held regarding letter addressed to Court Justices from Supervisor *(provided)*
3. Discussion was held regarding Town owned lot across from Sodus Point Fire Hall

**FYI:**

1. Minutes of the Zoning and/ or Planning Board Meetings *(provided)*
2. Monthly report from Wayne County Sheriff’s Office *(provided)*
3. Town’s share of the court fines collected as distributed by the NYS Comptroller *(provided)*
4. Municipal Shelter Inspection Report *(provided)*
5. December 17, 2018 the next workshop for the Quarry will be held.

**EXECUTIVE SESSION:**

Councilperson Scott Johnson motioned to enter into an Executive Session at 8:04 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, aye; Johnson, aye. Motion carried.

Councilperson Don Ross motioned to exit out of Executive Session and enter into Regular Session at 8:45 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, aye; Johnson, aye. Motion Carried.

Councilperson Scott Johnson motioned to adjourn the Regular 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; Johnson, aye. Motion carried.

Meeting adjourned at 8:46 PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk, RMC