**MINUTES**

Minutes of the Regular Sodus Town Board Meeting commencing at 6:30 PM in the Sodus Town Court Room February 9, 2021, located at 14-16 Mill St. Sodus, NY 14551. This meeting was an in person meeting and hybrid with Zoom. Due to Covid-19 Zoom was provided, along with detailed login information in the legal notice of this meeting.

Masks were required and social distancing was enforced.

All meetings are open to the public.

Present: Scott Johnson, Supervisor

David LeRoy, Councilperson/Deputy Supervisor

Don Ross, Councilperson-Zoomed

Chris Tertinek, Councilperson

John Faulks, Councilperson-Zoomed

Recording Secretary: Lori Diver, Sodus Town Clerk-RMC

Absent: Sheila Fisher, Recreation Director

Others Present: Dale Pickering, Highway Superintendent-Zoomed

Bree Crandell, Confidential Supervisor Clerk-Zoomed

Sal Vittozzi, Groundskeeper/Caretaker-Zoomed

Rachel Partington, Town Attorney-Zoomed

Kevin Druschel, CEO- Village of Sodus & Sodus Point

Edward C. Moore Inc.-Zoomed

Supervisor, Scott Johnson called the Regular Town Board Meeting to order commencing at 6:30 PM with the Pledge of Allegiance and Lori Diver opened with roll call.

***SUPERVISOR’S REPORT***

The Supervisor’s report was presented for January 2021. Councilperson Chris Tertinek motioned to accept and file this report, which was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***TOWN CLERK’S REPORT***

The Town Clerk’s Reports, Town Clerk’s bank statements for audit, and bank register for January 2021 were presented. Councilperson David LeRoy motioned to accept and file these reports, which was seconded by Councilperson Chris Tertinek. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***TAX COLLECTION REPORT***

The Tax Collector Reports, bank statements for audit, and bank register for January 2021 were presented. Councilperson David LeRoy motioned to accept and file these reports, which was seconded by Councilperson Don Ross. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***ABSTRACT***

***RESOLUTION TO PAY ABSTRACT No. 3***

***(01 02-2021)***

**WHEREAS,** the following bills were presented for payment on Abstract 3:

General 062-088 $ 25,608.51

Highway 034-045 $ 36,869.18

Special Districts 014-014 $ 1,014.97

**GRAND TOTAL: $ 63,492.66**

**NOW BE IT RESOLVED**, Councilperson David LeRoy motioned to approve payment of these bills as reviewed for Abstract No. 3, which was seconded by Councilperson Chris Tertinek. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Resolution Adopted.

**PUBLIC COMMENTS**

Edward C. Moore, Inc. joined by Zoom. They started to discuss what they needed approved and within moments realized they had joined the wrong meeting. They were looking for Sodus, MI not Sodus, NY. They left the Zoom meeting as soon as they realized they were in the wrong meeting.

**RECREATION/ENVIRONMENTAL COMMITTE: *Councilman John Faulks***

***(Recreation, Assessor, Parks, Cemeteries)***

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

***Recreation Report***

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

Councilperson David LeRoy motioned to accept the monthly January 2021 Recreation Report from Sheila Fisher, Recreation Director was seconded by Councilperson John Faulks. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***Assessor’s Report***

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

Councilperson Chris Tertinek motioned to accept and file the monthly January 2021 Assessor’s Report from Sole Assessor, Nathan Mack was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***Camp Beechwood/Sodus Groundskeeper Report***

*(Sal Vittozzi-Caretaker-Sodus Town Groundkeeper)*

Councilperson David LeRoy motioned to accept the monthly January 2021 Camp Beechwood-Parks & Cemeteries Report from Sal Vittozzi, Sodus Town Groundskeeper-Caretaker was seconded by Councilperson John Faulks. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

Groundskeeper Sal Vittozzi shared that Wesley Maynard will be working on his Eagle Scout project at Beechwood.

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

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

***HIGHWAY REPORT:***

(Dale Pickering – Highway Superintendent)

Councilperson David LeRoy motioned to accept and file the monthly January 2021 Highway Report from Dale Pickering Highway Superintendent was seconded by Councilperson Chris Tertinek. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

**BUILDINGS AND GROUNDS COMMITTEE: *Councilperson Chris Tertinek, Chair***

***(Town Property, Animal Control, Flood Damage Prevention)***

***CODE ENFORCEMENT REPORT:***

*Craig Schwartz- CEO*

Councilperson David LeRoy motioned to accept the monthly January 2021 Code Enforcement Report as written was seconded by Councilperson John Faulks. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

***ANIMAL CONTROL REPORT:***

*Tracy Brown, Primary DCO*

*Craig Schwartz- Secondary DCO*

Councilperson David LeRoy motioned to accept the monthly January 2021 Dog Control Report as written was seconded by Councilperson John Faulks. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried

***FLOOD DAMAGE PREVENTION REPORT-Code 69:***

*Chris Tertinek, Councilperson*

Councilperson Chris Tertinek shared; the levels on Lake Ontario are at 244.6 and have been fairly consistent. The projected forecasts with the water levels are pretty close to average (unless something changes).

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

Councilperson Don Ross gave his committee reports. Ross shared that Joe Schell with STAC, will be retiring soon and that it would be nice if the Town of Sodus could honor him in some way. Supervisor Scott Johnson mentioned possibly presenting him with a proclamation from the Town of Sodus.

**TOWN HALL COMMITTEE: *Scott Johnson, Supervisor***

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

***N/A***

**CORRESPONDENCE & INFORMATION**

Councilperson Don Ross motioned to accept Nancy Ross’s resignation from the Planning Board was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

**RESOLUTION**

**PLANNING BOARD AD-HOC MEMBER APPOINTMENT- BERNHARD**

**(02 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, John Bernhard’s appointment ended December 30, 2020 with the Planning Board as Ad-Hoc Member, and

**BE IT RESOLVED,** the Sodus Town Board re-appointed John Bernhard to the Planning Board as Ad-Hoc Member for a one year term, and

**FURTHER BE IT RESOLVED,** the term begins January 1, 2021 and ends December 31, 2021.

Councilperson Don Ross motioned to re-appoint John Bernhard to the Planning Board as Ad-Hoc Member was seconded by Councilperson David LeRoy. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

**RESOLUTION**

**PLANNING BOARD AD-HOC MEMBER APPOINTMENT- HOOT**

**(03 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, Chris Hoot’s appointment ended December 30, 2020 with the Planning Board as Ad-Hoc Member, and

**BE IT RESOLVED,** the Sodus Town Board re-appointed Chris Hoot to the Planning Board as Ad-Hoc Member for a one year term, and

**FURTHER BE IT RESOLVED,** the term begins January 1, 2021 and ends December 31, 2021.

Councilperson David LeRoy motioned to re-appoint Chris Hoot to the Planning Board as Ad-Hoc Member was seconded by Councilperson Chris Tertinek. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

Councilperson David LeRoy motioned to advertise for the vacant position of Ad-Hoc Member on the Town of Sodus Planning Board was seconded by Councilperson Chris Tertinek. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

**RESOLUTION**

**ZONING BOARD AD-HOC MEMBER APPOINTMENT- JOHNSON**

**(04 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, David Johnson’s appointment ended December 30, 2020 with the Zoning Board as Ad-Hoc Member, and

**BE IT RESOLVED,** the Sodus Town Board re-appointed David Johnson to the Zoning Board as Ad-Hoc Member for a one year term, and

**FURTHER BE IT RESOLVED,** the term begins January 1, 2021 and ends December 31, 2021.

Councilperson David LeRoy motioned to re-appoint David Johnson to the Zoning Board as Ad-Hoc Member was seconded by Councilperson John Faulks. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

**RESOLUTION**

**ZONING BOARD AD-HOC MEMBER APPOINTMENT- VITTOZZI**

**(05 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, Sal Vittozzi’s appointment ended December 30, 2020 with the Zoning Board as Ad-Hoc Member, and

**BE IT RESOLVED,** the Sodus Town Board re-appointed Sal Vittozzi to the Zoning Board as Ad-Hoc Member for a one year term, and

**FURTHER BE IT RESOLVED,** the term begins January 1, 2021 and ends December 31, 2021.

Councilperson David LeRoy motioned to re-appoint Sal Vittozzi to the Zoning Board as Ad-Hoc Member was seconded by Councilperson Don Ross. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

**RESOLUTION**

**PLANNING BOARD CHAIRMAN RE-APPOINTMENT- GRABB**

**(06 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, Dennis Grabb’s appointment ended December 30, 2020 with the Planning Board, and

**BE IT RESOLVED,** the Sodus Town Board re-appointed Dennis Grabb as Chairman to the Sodus Town Planning Board for a two year term, and

**FURTHER BE IT RESOLVED,** the term begins January 1, 2021 and ends December 31, 2022.

Councilperson Don Ross motioned to re-appoint Dennis Grabb as Chairman to the Sodus Town Planning Board was seconded by Councilperson David LeRoy. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

Councilperson David LeRoy discussed with the Sodus Town Board a possible conflict of interest with Don Buchwald being re-appointed to the Board of Assessment Review and being on the Zoning Board at the same time. Rachel Partington was not positive if it was a conflict. She will check into this and get back to the Town Board. The Town Board decided to table the re-appointment of Donald Buchwald until the February 25, 2021 meeting.

**RESOLUTION**

**BOARD OF ASSESSMENT REVIEW APPOINTMENT- BRISTOL**

**(07 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**WHEREAS**, the Town of Sodus has an opening for a Board of Assessment Review Member, and

**RESOLVED**, the Sodus Town Board chooses to appoint Bud Bristol to the Board of Assessment Review, and

**NOW THEREFORE BE IT RESOLVED**, the term will begin effective immediately to fulfill Douglas Fox’s vacant position, and

**NOW THEREFORE FURTHER BE IT RESOLVED**, the term will begin February 9, 2021 and end September 30, 2023.

Councilperson David LeRoy motioned to appoint Bud Bristol to the Board of Assessment Review was seconded by Councilperson John Faulks. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

***TOWN OF SODUS COURT FISCAL EXAMINATION -2020***

***(08 02-2021)***

Supervisor Johnson offered the following resolution for its adoption:

**WHEREAS**, The NYS Unified Court System requires that the Town of Sodus Court’s records are examined for each fiscal year and that the Town of Sodus notifies accordingly that it was conducted, and

**NOW THEREFORE BE IT RESOLVED**, Deputy Supervisor David LeRoy conducted the examination of the Town of Sodus Court fiscal records for 2020 and found the review of records in good standing, and

**FURTHER BE IT RESOLVED,** Councilperson Chris Tertinek motioned to adopt this resolution was seconded by Councilperson John Faulks. Upon roll call the following votes were heard, Supervisor Scott E. Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Resolution adopted.

Councilperson Chris Tertinek motioned to authorize USDA to access right of ways and properties owned by the Town of Sodus for the purpose of identifying where there may or may not be populations of the destructive insect, “The European Cherry Fruit Fly” was seconded by Councilperson Don Ross. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Motion carried.

**RESOLUTION**

**WAYNE COUNTY SOIL & WATER**

**(09 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**BE IT RESOLVED,** the Sodus Town Board authorized Supervisor Johnson to sign the Wayne County Soil & Water 2021 Agreement, and

**FURTHER BE IT RESOLVED,** the Town of Sodus Board approved entering into the 2021 Agreement.

Councilperson David LeRoy motioned to allow Supervisor Johnson t

o sign the agreement and the Town of Sodus to enter into the 2021 Wayne County Soil & Water agreement was seconded by Councilperson Don Ross. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

**RESOLUTION**

**ROCHESTER GAS & ELECTRIC EASEMENT**

**(10 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**EASEMENT**

THIS INDENTURE made this 9th day of February, 2021, by and between **ROCHESTER GAS AND ELECTRIC CORPORATION**, a corporation organized under the laws of the State of New York, having an office at 89 East Avenue, Rochester, New York 14649, hereinafter called “Grantor, and **TOWN OF SODUS,** having a mailing address of 14-16 Mill Street, Sodus, New York 14551, hereinafter called the “Grantee”,

WITNESSETH:

That the Grantor in consideration of One and no/100 dollars ($1.00) payment of which is hereby acknowledged, other valuable considerations and the covenants herein, does hereby grant to the Grantee, its successors and assigns, a permanent right of way and easement to use at their sole risk, cost and expense a 25 foot easement, over and across portions of the lands of the Grantor situate in the Town of Sodus, County of Wayne and State of New York known as RG&E Property #1108, E-W Line (SBL# 69118-17-235081) and as described in a deed from Robert W. Blanchette, Richard C. Bond and John H. McArthur as Trustees of the Property of Penn Central Transportation Company, Debtor, dated December 13, 1977 and recorded in the Wayne County Clerk’s Office in Liber 713 of Deeds at Page 749.

The said right of way and easement hereby granted and released, being more fully shown on a sketch marked Exhibit A, attached hereto and made a part hereof.

TOGETHER with the right of reasonable ingress and egress over the premises of the Grantor on foot, with vehicles and machinery so far as the same shall be deemed necessary for the full enjoyment of the rights hereby granted.

RESERVING, however, to the Grantor, its successors and assigns, the unrestricted right to place, construct, maintain, relocate or remove its facilities and necessary appurtenances in, on, over, along and under the said premises, provided, however that such reserved rights will not interfere with the easement rights granted herein.

PROVIDED, further, that this easement is given upon the following conditions and covenants, each and all of which the Grantee shall complete and perform:

FIRST: The Grantee’s access road, and salt barn shall be of standard construction as recognized by the industry and shall at all times after construction maintain the same in good repair and safe condition. All earth or soil disturbances by the construction, reconstruction, maintenance, operation, repair and/or removal of such facilities shall be properly replaced, seeded and the surface thereof restored to the natural ground level.

SECOND: The Grantee shall indemnify, hold harmless and defend the Grantor from and against any and all liability for loss, cost, damage or expense which the Grantor may suffer or for which the Grantor may be held liable by reason of bodily injury, including death, to any person or persons or by reason of damage to or destruction of any property including loss of use thereof, arising out of or in any manner connected with the exercise of this easement, except where due solely to the act, omission or negligence of the Grantor, its agents, employees, lessees or licensees.

THIRD: The Grantee shall at its own cost comply with all applicable laws, ordinances, orders, rules and regulations of the United States, of the State of New York, any departments, bureaus, authorities or commissions, created under the laws of either government in which said premises are situated insofar as the same relate to the exercise of any privilege or the performance of any duty under this easement and whether the same are obligatory upon the Grantee or upon the Grantor.

FOURTH: If at any time hereafter the Grantee shall discontinue operation of its access road and salt barn, this easement shall terminate and all rights herein granted shall cease and all improvements installed for such purposes shall be removed by and at the sole cost of the Grantee.

FIFTH: The installation of any additional facilities within Grantor’s property shall be presented to Grantor for acceptance.

SIXTH: Grantor must preserve access to its property. Any underground facilities that are installed on Grantor’s land shall be designed for Grantor to cross with heavy equipment. Grantor shall not be held liable for damage that may result to underground facilities due to movement of heavy equipment along its property.

SEVENTH: The covenants and conditions herein shall be binding upon and enure to the benefit of the successors, legal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the day and year above written.

Councilperson David LeRoy motioned to adopt resolution ***(10 02-2021)*** was seconded by Councilperson Chris Tertinek. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

**RESOLUTION**

**ROCHESTER GAS AND ELECTRIC EASEMENT & ADMINISTRATIVE PAYMENT**

**(11 02-2021)**

Supervisor Scott Johnson offered the following resolution for its adoption,

**BE IT RESOLVED,** the Sodus Town Board authorized payment to Rochester Gas & Electric Corporation in the amount of $240.00 for the easement and $750.00 for the administrative costs, totaling $990.00.

Councilperson Chris Tertinek motioned to adopt resolution **(11 02-2021)** was seconded by Councilperson Don Ross. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Resolution Adopted.

Councilperson Chris Tertinek motioned to authorize Lori Diver Sodus Town Clerk to advertise for a Public Hearing regarding Local Law No. 1-2021 to rescind Local Law No. 5-2020 Tax Cap. The Public Hearing will be held February 25, 2021 at 4:30 PMwas seconded by Councilperson David LeRoy. Upon roll call, the following votes were heard Supervisor Scott Johnson, aye; LeRoy, aye; Ross, aye; Tertinek, aye; and Faulks, aye. Motion carried.

A motion by Councilperson Don Ross to adjourn the Regular Town Board Meeting was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and John Faulks, aye. Motion carried.

Meeting adjourned at 7:23PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk, RMC