**MINUTES**

Minutes of the Regular Sodus Town Board Meeting commencing at 6:30 PM in the Sodus Town Court Room May 11, 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

Cathy Willmott, Councilperson

 Recording Secretary: Lori Diver, Sodus Town Clerk-RMC

 Absent: Bree Crandell, Confidential Supervisor Clerk

 Sheila Fisher, Recreation Director

Others Present: Dale Pickering, Highway Superintendent-Zoomed

 Sal Vittozzi, Groundskeeper/Caretaker-Zoomed

 Amy Kendall, Town Attorney-Zoomed

 Marliese Schnepf, Harriman Park

 Laurie Verbridge, Harriman Park

 Dave Fitch, Camp Beechwood-Zoomed

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

**6:30 PM PUBLIC HEARING:**

* ***Supervisor Johnson asked Lori Diver, Town Clerk to read legal notice below……***

**LEGAL NOTICE**

**TOWN OF SODUS**

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held by the Town Board of the Town of Sodus on Tuesday May 11, 2021, at 6:30 p.m. at the Sodus Town Hall, 14-16 Mill Street, in the Town of Sodus, Wayne County, New York in person or by Zoom to consider the adoption of Local Law No. 2 of 2021 of the Town of Sodus, a local law to amend Chapter 91 of the Code of the Town of Sodus relating to the operation of parks owned and maintained by the Town.

**Link to Zoom:**

<https://us02web.zoom.us/j/6912232674?pwd=M3NhM2M5bzJUaFJXdnZRbDFCNVNhQT09>

**Meeting ID: 691 223 2674**

**Passcode: 911880**

**One tap mobile:**

+19292056099, 6912232674# US (New York)

**Join by Skype for Business:**

<https://us02web.zoom.us/skype/6912232674>

All persons interested shall be given an opportunity to be heard. Local Law No. 2 of 2021 is available for public inspection during regular business hours at the Town Clerk’s office and on the Town of Sodus website at [www.townofsodus.net](http://www.townofsodus.net).

Dated: April 29, 2021

By Order of the Sodus Town Board

Lori Diver

Sodus Town Clerk, RMC

* ***(Supervisor Scott Johnson opened the public hearing for discussion)***

Supervisor Scott Johnson asked for discussion regarding Local Law 2-2021 amending Chapter 91: Parks.

The Sodus Town Board discussed *Local Law 2-2021 and made a few changes with the hours of operation, posted rules and regulations with signage and special permit fee (see below).*

**TOWN OF SODUS**

**Proposed Local Law No. 2 of 2021**

**A Local Law to Amend the**

**Code of the Town of Sodus to Add and Amend**

**Chapter 91: Parks**

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

1. The Code of the Town of Sodus Chapter 61 of the 1994 Code, as amended, is further amended as follows:
2. The order and titles of the existing sections of Chapter 91 of the Code of the Town of Sodus are to be amended and read as follows:

§ 91-1. ~~Hours Open; Parking Restrictions~~. Purpose.

§ 91-2. ~~Prohibited Structures:~~ Definitions.

§ 91-3. ~~Animals Prohibited:~~ Hours Open; Parking Restrictions; Special Permits.

§ 91-4. ~~Rubbish Prohibited:~~ Prohibitions.

§ 91-5. ~~Penalties for Offenses~~ Administration.

1. The following sections are to be added to the list of sections of Chapter 91 of the Code of the Town of Sodus and are to be read as follows:

§ 91-6. Enforcement; Ejection from park lands.

§ 91-7. Penalties

1. The sections of Chapter 91 of the Code of the Town of Sodus, the titles and order of which were amended by I-1 of this Proposed Local Law are to read as follows:
	1. Section 91-1 of Chapter 91 of the Code of the Town of Sodus is amended to read as follows:

**§91-1. Purpose.**

The Purpose of this chapter shall be to preserve the public peace and good order on lands operated as public parks by the Town of Sodus and to contribute to the safety and enjoyment of the users of such parkland by regulating the house of use, the use of motorized vehicles and by prohibiting certain activities inimical to customary park recreation use. The rules and regulations set forth herein shall apply to and be in effect in all parks under the control, supervision, and jurisdiction of the Town of Sodus.

* 1. Section 91-2 of Chapter 91 of the Code of the Town of Sodus is amended to read as follows:

**§ 91-2. Definitions.**

 For the purpose of this chapter, terms used herein are defined as follows:

 MOTOR VEHICLE – Every device in, upon or by which a person or property is or may be transported. Automobiles, minibikes, motorcycles, snowmobiles, Go-carts, all-terrain vehicles (ATV’s) and dirt bikes are specifically included in the definition of “vehicle”.

 PARKS - The grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or hereafter will be maintained, operated, controlled and/or leased by the Town of Sodus for public park purposes.

* 1. Section 91-3 of Chapter 91 of the Code of the Town of Sodus encompasses the provisions of the previous § 91-1 and is amended to read as follows:

 **§ 91-3. Hours open; parking restrictions; Special permits**.

* + - 1. Harriman Park shall be open to the public between the hours of 6:00 a.m. and 8:30 p.m. and shall otherwise be closed. Camp Beechwood and Sodus Center Park shall be open dawn to dusk and shall otherwise be closed. During hours that the parks are closed, entrances to or occupancy of any park area is prohibited, except in the case of Camp Beechwood by registered campers.
			2. No vehicles, trailers, semitrailers, motor homes or camping vehicles of any kind whatsoever shall be parked, placed or stored in any Town park of the Town of Sodus, except in places specifically designated as parking areas, and with the further exception that vehicles may be parked on that part of Harriman Park lying to the west side of Route 14 between the hours of 6:00 a.m. and 8:30 p.m.
			3. There shall be no overnight camping or parking in Harriman Park and Sodus Center Park at any time.
			4. All pets must be kept on leashes and the public must pick up and remove waste from the Town park.
			5. All posted rules and regulations must be followed.

* + - 1. Special permits: Upon approval of the Town Board, the Town Clerk may issue a special permit for an event in a Town park. Such special permit may vary any of the terms in this Chapter. The fee for such special permit is $50 payable to the Town Clerk.
	1. Section 91-4 of Chapter 91 of the Code of the Town of Sodus encompasses the provisions of the previous § 91-2, §91-3, and § 91-4 and is amended to read as follows:

**§ 91-4. Prohibitions.**

* + - 1. The following acts are prohibited in Town parks, and no person other than members of authorized law enforcement agencies shall:
1. Construct, place or store a building, platform, tent or other structure of any kind without a permit.
2. ~~No dirt, filth, waste or rubbish shall be deposited or placed in any of said public parks.~~ Throw, cast, lay, drop, discharge, deposit, bring into or leave in any part of the park land any garbage or other waste or other obnoxious material otherwise than in containers provided for such purpose.
3. Operate any motor vehicles within the area of the park lands; provided, however, that the operation of licensed vehicles for the transportation of the public to and from the park lands is permitted within designated roadways and the parking of such vehicles is also permitted within designated parking areas.
4. Discharge any firearm, spring gun or air gun or bow and arrow or carry any concealed weapons considered to be dangerous.
5. Injure, deface or disturb any part of the park or any building, sign, equipment or any other property therein or remove, injure or destroy any tree, flower, shrub, rock or mineral therein.
6. Set fire or assist others to set fire to any timber, trees, shrubs, grass, leaves or any other combustible material or suffer any fire upon other lands to extend onto any part of any park. Fires within Town fireplaces and stationary or portable grills are permitted within designated areas, but must be completely extinguished after use.
7. Solicit or engage in any business or commercial transaction involving the sale of goods, without a permit from the Town Clerk.
8. Drive or propel or cause to be driven any permitted vehicle at a rate of speed greater than 10 mph.
9. Use unreasonably loud or obscene language, fighting or actions with the intent to cause public inconvenience, annoyance or alarm or interfere with any officer of the Town, County or State in the performance of his or her duty.
	* + 1. No alcoholic beverages shall be allowed or served on Town premises or park grounds without appropriate permits.
	1. Section 91-2 of Chapter 91 of the Code of the Town of Sodus is amended to read as follows:

**§ 91-5. Administration**.

The Code Enforcement Officer, Supervisor, and/or Deputy Supervisor are charged with administering this chapter, and the Town Highway Superintendent shall be responsible for the proper posting of signs in park land.

1. The sections of Chapter 91 of the Code of the Town of Sodus, the titles and order of which were added by I-2 of this Proposed Local Law are to read as follows
	1. Section 91-6 of Chapter 91 of the Code of the Town of Sodus is added and will be read as follows

 **§91-6. Enforcement; Ejection from park lands.**

* + - 1. Members of the state police, Wayne County Sheriff's Department or any other peace officer shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

# Members of the state police, members of the Wayne County Sheriff's Department or other peace officers shall have the authority to eject from park lands any person acting in violation of this chapter.

* 1. Section 91-7 of Chapter 91 of the Code of the Town of Sodus encompasses the provisions of the pervious § 91-5 and is amended and added to read as follows:

**§91-7. Penalties for offenses.**

Any and every violation of the provisions of this chapter shall be deemed to be an offense punishable by a fine not exceeding $200.

1. If any provision of this law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.
2. This local law shall take effect upon filing with the Secretary of State.

Supervisor Scott Johnson asked if there was any public discussion. Marliese Schnepf and Laurie Verbridge discussed the positive changes in the hours of operation for Harriman Park and that new signage will also help immensely. They thanked the Town Board for their willingness to work on the amended local law and to reflect today’s current issues.

Supervisor Scott Johnson asked if there was any further discussion, given there was none Councilperson Chris Tertinek motioned to close the public hearing was seconded by Councilperson Cathy Willmott. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and Cathy Willmott; aye*.* Motion carried.

***LOCAL LAW 2-2021***

 ***RESOLUTION ENACTING LOCAL LAW***

***(01 05-2021)***

**WHEREAS,** Proposed Local Law No. 2 of 2021 would amend and add sections to Chapter 91 of the Code of the Town of Sodus; and

**WHEREAS,** the Town Clerk caused a copy of a Notice of Public Hearing on Proposed Local Law No. 2 of 2021 to be published in the *Times of Wayne County* on May 2nd , 2021, and for it to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on May 11th , 2021; and

**WHEREAS,** the Notice of Public Hearing and the proposed text of Proposed Local Law No. 2 of 2021 were also posted on the Town website; and

**WHEREAS**, the Local Law has been on the desks of all Town Board members since April 7, 2021; and

**WHEREAS,** adoption of Proposed Local Law No. 2 of 2021 would be routine or continuing agency administration and management, and related local legislative decision-making, and therefore is a Type II action under the State Environmental Quality Review Act, pursuant to 6 N.Y.C.R.R. §617.5(c)(26, 33); and

**WHEREAS**, a public hearing was duly held on that Proposed Local Law on May 11, 2021 at 6:30 PM before the Town Board at the Sodus Town Hall and via Zoom, and all persons desiring to speak were heard; and

**WHEREAS,** due consideration has been given to the adoption of Proposed Local Law No. 2 of 2021, by all members of the Town Board who were present;

**NOW**, on Motion duly made and seconded, it is

**RESOLVED** that, pursuant to the Municipal Home Rule Law, Proposed Local Law No. 2 of 2021 is hereby enacted, and shall be filed with the Secretary of State.

**FURTHER BE IT RESOLVED**, Councilperson David LeRoy motioned to adopt Local Law No. 2-2021 resolution 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 Cathy Willmott; aye*.* Local Law and Resolution Adopted.

***SUPERVISOR’S REPORT***

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

***TOWN CLERK’S REPORT***

The Town Clerk’s Report, Town Clerk’s bank statements for audit, and bank register for April 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 Cathy Willmott, aye. Motion carried.

***MINUTES***

* *April 22, 2021 Regular- Month End Town Board Meeting Minutes*

The April 22nd, 2021 Regular-Month End Town Board Meeting Minutes were presented for approval. Councilperson Chris Tertinek motioned to accept and file these Minutes, which was seconded by Councilperson Cathy Willmott. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; Chris Tertinek, aye; and Cathy Willmott; aye. Motion carried.

***ABSTRACT***

 ***RESOLUTION TO PAY ABSTRACT No. 9***

***(02 05-2021)***

**WHEREAS,** the following bills were presented for payment on Abstract 9:

 General 219-245 $ 93,276.56

Highway 106-126 $ 33,705.39

Bridge Project 016-016 $ 17,568.84

Special St. Lighting 010-010 $ 956.43

 **GRAND TOTAL: $ 145,507.22**

**NOW BE IT RESOLVED**, Councilperson David LeRoy motioned to approve payment of these bills as reviewed for Abstract No. 9, 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 Cathy Willmott, aye. Resolution Adopted.

**PUBLIC COMMENTS**

Dave Fitch and Supervisor Scott Johnson discussed a grant that the Town is working on for Camp Beechwood.

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

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

***HIGHWAY REPORT:***

(Dale Pickering – Highway Superintendent)

Councilperson Cathy Willmott motioned to accept and file the monthly April 2021 Highway Report from Dale Pickering Highway Superintendent 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 Cathy Willmott, aye.

***TOWN BARN FINANCES:***

Councilman David LeRoy shared that Town Clerk Lori Diver sent by email the breakdown of the finance sheet regarding the Highway Barn.

***SALT BARN UPDATE:***

The expected completion date of the salt barn should be December 2022.

***DRAINAGE:***

*(N/A)*

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

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

***CODE ENFORCEMENT REPORT:***

*Craig Schwartz- CEO*

Councilperson Cathy Willmott motioned to accept the monthly April 2021 Code Enforcement Report as written 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 Cathy Willmott, aye.Motion carried.

***ANIMAL CONTROL REPORT:***

*Tracy Brown, Primary DCO*

*Craig Schwartz- Secondary DCO*

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

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

*Chris Tertinek, Councilperson*

Councilperson Chris Tertinek shared; the levels on Lake Ontario are one foot below the long term average.

**RECREATION/ENVIRONMENTAL COMMITTE: *Cathy Willmott, Councilperson***

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

***Recreation Report***

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

Councilperson Chris Tertinek motioned to accept the monthly April 2021 Recreation Report from Sheila Fisher, Recreation Director 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 Cathy Willmott, aye. Motion carried.

Cathy reported Recreation has started the registration process for Summer Recreation and Sheila Fisher; shared with Cathy that the budget is back on track.

***Assessor’s Report***

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

Councilperson David LeRoy motioned to accept and file the monthly April 2021 Assessor’s Report from Sole Assessor, Nathan Mack 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 Cathy Willmott, aye. Motion carried.

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

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

Councilperson Don Ross motioned to accept the monthly April 2021 Camp Beechwood-Parks & Cemeteries Report from Sal Vittozzi, Sodus Town Groundskeeper-Caretaker 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 Cathy Willmott, aye.Motion carried.

Vittozzi reported that there are serious erosion issues that could be dangerous if someone is not careful while hiking in Beechwood. Amy Kendall, Town Attorney advised that the Town write a letter to the State informing them of the issue. Supervisor Scott Johnson asked Town Clerk Lori Diver to help assist with writing the letter.

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

Councilperson Don Ross reported there was no 911 report for this month. The next SESA Meeting is May 16th at the Sodus Point Fire Department at 8:30 AM.

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

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

***N/A***

**CORRESPONDENCE & INFORMATION**

Councilperson David LeRoy motioned to hold and authorize Lori Diver to advertise for a Public Hearing on Tuesday June 8th, 2021 at 6:30 PM in the Sodus Town Court Room giving the Village of Sodus a permanent water line easement and dedicating the water line to the Village of Sodus 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 Cathy Willmott, aye.

Councilperson Don Ross motioned to hire Sodus Town Court Bailiff John Foro effective immediately beginning with 6-month probation. The hourly rate will be $20.40 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 Cathy Willmott, aye.

Councilperson Chris Tertinek motioned to add to the Town of Sodus’s insurance a “Summer Food Rodeo Series” additional premium will be $110.00 yearly was seconded by Councilperson David LeRoy. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; and Chris Tertinek, aye; Cathy Willmott, aye. Motion carried.

Councilperson Chris Tertinek motioned to adjourn the meeting was seconded by Councilperson Cathy Willmott. Upon roll call the following votes were heard, Scott Johnson, aye; David LeRoy, aye; Don Ross, aye; and Chris Tertinek, aye; Cathy Willmott, aye. Motion carried.

Meeting adjourned at 8:14 PM

Recording Secretary,

Lori K. Diver

Sodus Town Clerk, RMC