

DRAFT

May 13, 2025

TOWN OF ITALY REGULAR MEETING

The Italy Town Board met on the above date at 7 PM at the Italy Town Hall, 6060 Italy Valley Rd., Naples, NY 14512 for the purpose of the May 13, 2025 Regular mtg.

PRESENT: Supervisor Richard Craig, Town Council members, Malcolm Mac Kenzie, Brent Walton, Nick Baranowski, Dave Ferry and Town Clerk Debbie Craig. Town Attorney Ed Brockman arrived at 8:30 PM.

OTHERS PRESENT: Hwy. Superintendent Andy Best, Tiffany Best, Sande Johnson, Joe LaBarca, John Becker, David Colle, Lisa Frederickson, William Mills, Pam Jensen, Ryan Frykholm of Disaster Recovery Partners and Yates Co. Legislator Sarah Purdy.

Supervisor Richard Craig opened the meeting with the pledge to the flag.

MONTHLY VOUCHERS

- 63 MOTION TO APPROVE GENERAL ABSTRACT # 5 - \$21,703.67, HIGHWAY ABSTRACT # 5 - \$31,891.84, FEMA ABSTRACT # 5 - \$3,107.72 – Malcolm made a motion to approve General Abstract # 5, Highway Abstract # 5 with an adjustment, FEMA Abstract # 5; seconded by Dave. Ayes – 5 (Brent Walton, Nick Baranowski, MacKenzie, Craig, Ferry) Noes – 0. Motion carried.

- Highway Abstract #5 was adjusted due to a voucher for Tracey Road Equipment in the amount of \$13,178.50 being withdrawn as services rendered are not complete.

SUPERVISOR REPORT /EXECUTIVE SUMMARY

- 64 MOTION TO APPROVE APRIL 2025 SUPERVISOR/EXECUTIVE SUMMARY REPORT – Dave made a motion to approve the April 2025 Supervisor report; seconded by Brent. Ayes – 5 (Craig, Brent Walton, Malcolm MacKenzie, Nick Baranowski, Dave Ferry) Noes – 0. Motion carried.

- Malcolm would like to see a truer report of the budget usage.

CODE ENFORCEMENT OFFICER REPORT

- 65 MOTION TO APPROVE CODE ENFORCEMENT OFFICER REPORT APRIL 2025 – Malcolm made a motion to approve the April 2025 Code Enforcement Officer report; seconded by Nick. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

- There was some discussion about a reconsideration of permit fees. Malcolm does not see the reasoning for the permit fees. He believes that the roof permit fees could be halved.

- CEO Whipple is re-introducing a new law that addresses outdoor storage. This was triggered by an issue that is currently ongoing on Sunnyside Rd. Malcolm would like to see this proposed law be reviewed by the Planning Board. He would also like to speak with Town Attorney Ed Brockman as to this proposed law being applied within limited areas of the Town.

TOWN CLERK REPORT

- 66 MOTION TO APPROVE APRIL 2025 TOWN CLERK REPORT – Dave made a motion to approve the April 2025 Town Clerk Report; seconded by Brent. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

HIGHWAY REPORT

- 67 MOTION TO APPROVE HIGHWAY REPORT APRIL 2025 – Dave made a motion to approve the April 2025 Highway Superintendent report; seconded by Malcolm. Ayes – 5 (Brent Walton, MacKenzie, Ferry, Nick Baranowski, Craig) Noes - 0. Motion carried.

- Highway Superintendent Andy Best has stated the need for a mowing tractor. The current tractor is fine but the mower attachment is constantly in need of repair and there is usually a wait for parts. There was a lengthy discussion. Malcolm would like to see Andy submit the cost of replacing the mower and any required framework before replacing both the mower and the tractor.

- Malcolm asked what would happen with the current tractor. It would be adapted for the broom and the York rake.

- Due to recent heavy rains, Burke Hill Rd. was closed and the Bassett Rd. bridge culvert was plugged.

YC HIGHWAY CULVERT

- There was a meeting held between YC Highway Superintendent, Italy Councilmember Nick Baranowski and Engineers Bill Grove and Mike Keim, both for Italy concerning a size discrepancy between a culvert being replaced on Italy Valley Rd. and the proposed culvert on Martin Rd. Nick asked the Town Board how long the size discrepancy has been being discussed.

- Supervisor Craig explained that his discussion has been ongoing for at least the past year. The original sizing of the YC culvert appeared to be possibly smaller than the upstream culvert being considered by the Town of Italy. Concern was shared with the YC Highway Superintendent that the Town's culvert may create an issue with the County smaller culvert. At the time, the Town did not have the reports and numbers to conclude what size culvert was needed by the Town.

- Malcolm added that several of the YC Legislators have been made aware of the concerns.

- Nick reported that the final culvert size being installed by the County is larger than the Town's. It appears that there is no issue.

- Ryan Frykholm of Disaster Recovery Partners reminded all that Engineering Firm Fisher Associates was doing the plans for Yates County and they were the first to express concerns about the size discrepancy. With the final engineering reports complete, the Town's culvert will be smaller than the County culvert.

- The bottom line is that the County should have communicated with the Town if/when changes were made in the size of the YC culvert.

- The county has provided information on their bidding process for the culvert which process may be available to the Town. YC will do a 200' cleanup along with the culvert replacement.

PB/ZBA REPORT

- 68 MOTION TO APPROVE PB/ZBA REPORT APRIL 17, 2025 – Dave made a motion to approve the April 17, 2025 PB/ZBA report; seconded by Brent. Ayes – 5 (Brent Walton, Craig, MacKenzie, Nick Baranowski, Ferry) Noes - 0. Motion carried.

- 69 MOTION TO APPROVE PB/ZBA REPORT MAY 8, 2025 – Dave made a motion to approve the May 2025 PB/ZBA report; seconded by Nick Baranowski. Ayes – 5 (Brent Walton, Craig, MacKenzie, Nick Baranowski, Ferry) Noes - 0. Motion carried.

- Malcolm noted that Town Attorney Ed Brockman had submitted a short-term rental template for consideration by the PB/ZBA. Malcolm would like to see a copy of that template.

- Malcolm had asked PB/ZBA chairman if he could supply the Town board members a copy of the monthly meeting minutes to give everyone a more complete idea of discussions, votes and other insights. Michael Herzog agrees but asked the Town to reciprocate.

CANANDAIGUA LAKE WATERSHED

- Nick Baranowski reported that there was no meeting this month.

- Nick wanted to express “Thanks” to Kevin Olvany for taking time to attend the last Town Board meeting and addressing the Town Board.

LEGISLATIVE REPORT

- YC Legislator Sarah Purdy shared a free alert program that is being offered through the Yates County Clerk’s office. This program is a fraud alert program related to property inquiries that could possibly result in loss of property.

- There will be an Open House on May 17, 2025 from 8 to noon for the newly completed County facility that is home to the Highway, Emergency Services and Public Health Departments.

- Each department head has submitted a proposed capital improvement plan for the next 5 years. The Highway department’s plan calls for the repaving of the Italy Hill Turnpike in 2028.

- There will be a Memorial Day ceremony on Monday, May 26 at 11 AM at the old courthouse.

- For the first time in 10 years, Yates County Road patrol is fully staffed.

- Real Property reports that the tentative assessment roll reflects an increase of 1% for the Town of Italy.

MINUTES

- 70 MOTION TO APPROVE APRIL 8, 2025 MINUTES – Nick Baranowski made a motion to approve April 8, 2025 minutes; seconded by Dave. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

PRIVILEGE OF THE FLOOR

- William Mills spoke first about the Bassett Rd. culvert issue that resulted in recent flooding. He believes that the fix is an easy one without replacing the culvert. This latest flooding does not affect him personally but he is here with his daughter Lisa Frederickson who suffered damage from the most recent flooding. There was lengthy discussion. Hwy Superintendent Andy Best did note that the current culvert was partially blocked with debris so all of the water was unable to flow through the culvert. Andy will visit the site and review the suggestions.

- Malcolm did speak up and stated that the Town is not allowed to divert water onto someone’s property based on legal counsel from the Town Attorney.

- Joe LaBarca of Lower Rd. was here to commend and thank the Highway Superintendent and the highway crew on the tremendous work that they have done on Lower Rd. He was pleased to report that the water is still flowing through the culvert.

- Pam Jensen owns property on Burke Hill Rd. Her question is more about the plans for repair to the road. Ryan Frykholm of Disaster Recovery (FEMA consultant) reported an update on his progress getting the funding for repairs and mitigation for Burke Hill Rd. All reports and figures have been submitted to FEMA for review. The big question is how to direct the flow of water within the road right of way. Ms. Jensen did note that the Highway crew had done a great job in November 2024 and is asking if her driveway access could be repaired again. The highway superintendent said that can be done.

OLD BUSINESS

FEMA FLOODPLAIN UPDATE

- 71 MOTION TO ADOPT TOWN OF ITALY Resolution 08 - 2025

Adoption of a Local Law Establishing New Flood Damage Prevention Regulations in Chapter 177 of the Town Code

Motion by Councilperson Dave Ferry, seconded by

Councilperson Brent Walton to adopt the following resolution:

WHEREAS, the Town Board has previously dealt with SEQRA issues with respect hereto; and
WHEREAS, a proposed Local Law has been distributed to the Town Board more than seven (7) days previous hereto; and

WHEREAS, a public hearing was held before the Town Board on said proposed Local Law on March 11, 2025; and

WHEREAS, the Yates County Planning Board has had the GML 239-m referral on this matter for thirty (30) days, there has been no agreement between the County Planning Board and the Town of Italy to allow an extended period for such GML 239-m review and the County Planning Board not having reported its recommendations to the Town Board within said thirty (30) days, accordingly, pursuant to GML Section 239-m, the Board may proceed with action on this matter.

NOW, THEREFORE BE IT, RESOLVED THAT:

1. The Town Board of the Town of Italy adopts said proposed Local Law.
2. The Town Clerk is directed, through the Town's legal counsel to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of a Local Law, including the entry thereof in the minutes of the Town Board meeting.

ROLL CALL: Ayes - Craig, Walton, Ferry, Baranowski, MacKenzie
Noes - 0

TOWN CLERK'S CERTIFICATION


STATE OF NEW YORK)
COUNTY OF YATES) SS:

I, the undersigned, Town Clerk of the Town of Italy, Yates County, New York, DO

HEREBY CERTIFY that the foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Italy, duly called and held on the 13th day of May, 2025, at which a quorum was present and participated in throughout, said Resolution having been passed, and that the same has not been in any way rescinded or annulled but is still in full force and effect and is duly entered in the minutes of said meeting.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the said Town the 13th day of May, 2025.

(SEAL)


Deborah J Craig – Town Clerk
Town of Italy

1% ADDITIONAL BED TAX

- At the April Town Board meeting the Town had received a proposal from Jerusalem Town Supervisor looking for support of an increase in the current bed tax charged by 1%. That 1% would be distributed to each individual municipality. There was some discussion and a decision to table the discussion.
- After review and discussion, the Italy Town Board is not in support of the 1% increase.
- 72 MOTION TO DECLINE TO SUPPORT INCREASE – Malcolm made a motion to decline support of the 1% increase; seconded by Nick Baranowski. Ayes – 5 (Brent Walton, Craig, MacKenzie, Nick Baranowski, Ferry) Noes - 0. Motion carried.

BRENNAN LETTER WITH INFO

- Jim Brennan has submitted documentation that supports his complaints about a neighboring property. There was some discussion with the conclusion that this is a neighbor dispute and not for the Town's involvement. After a review, it was noted that the PB/ZBA is working on short term rental regulations during a 6-month moratorium that may address some of the issues.

NEW BUSINESS

CEO & VIOLATIONS

- Malcolm asked Code Enforcement Officer, Chris Whipple why there has been little or no progress on written violations that been started. CEO, Chris Whipple explained that there has been some progress. He has 5 appearance tickets set to be served. He is hopeful that things will move forward. He has stopped writing violations because none were reaching the Court. Chris did state that there has been some issue coordinating with the Town Attorney.
- Dave Ferry asked about the budget and if there is enough money in that budget line.
- Malcolm understands Dave's question but reminds everyone that the CEO was hired to do a job and he needs support.
- There was further discussion about penalty fees, attorney fees and the process.

FOUNDATION DESIGN

- The Town has received a proposal from Foundation Design to do further soil borings on the Martin Rd. culvert (DR 4625) and the Lower Rd. culvert (DR 4825) as the Town moves forward

on repairs to these 2 culverts. Ryan Frykholm of Disaster Recovery Partners explained what is going on during the process of gaining FEMA funds.

- The purpose of the Geotech borings is to locate a rock base to support the repairs.
- 73 MOTION TO AUTHORIZE FOUNDATION DESIGN UP TO \$20,000.00 – Malcolm made a motion to authorize Foundation Design to do additional geo tech borings with the cost not to exceed \$20,000.00; seconded by Dave. Ayes – 5 (Brent Walton, Craig, MacKenzie, Nick Baranowski, Ferry) Noes - 0. Motion carried.

LETTERS

MARCUS WHITMAN LETTER

- The Town had received a letter from Marcus Whitman School expressing concerns about an incident with their school bus on Keysor Rd.
- Town Attorney Ed Brockman had responded to that letter by order of the Town Board. There has been no response.

- 74 MOTION TO ADJOURN TO CLOSED SESSION FOR LEGAL COUNSEL – Malcolm made a motion to adjourn to closed session. Supervisor Craig opposes that motion. There was some discussion. There was no second to the motion. No action taken.

- 75 MOTION TO ADJOURN AT 9:30 PM - Dave made a motion to adjourn; seconded by Brent. Ayes – 5 (Richard Craig, Brent Walton, MacKenzie, Nick Baranowski, Ferry). Noes - 0. Motion carried.

Debbie Craig

Debbie Craig
Italy Town Clerk