

DRAFT

December 12, 2023

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 December 12, 2023 Regular mtg.

PRESENT: Supervisor Richard Craig, Town Council members Malcolm Mac Kenzie, Debra Cook, Michael Salotto, David Ferry, Town Clerk Debbie Craig and Town Attorney Ed Brockman. Town Council member Michael Salotto was absent.

OTHERS PRESENT: YC Legislator Doug Paddock, Jay Pierce, Sande Johnson, Brent Walton and Hwy. Superintendent Steve Faulkner.

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

PUBLIC HEARING – LL SENIOR EXEMPTION

OPEN PUBLIC HEARING

- NO COMMENTS

- 143 MOTION TO CLOSE PUBLIC HEARING – Dave made the motion to close the public hearing on the LL to increase the Senior exemption income levels; seconded by Deb Cook. Ayes – 4 (Richard Craig, Deb Cook, MacKenzie, Dave Ferry) Noes – 0. Motion carried.

PUBLIC HEARING – EMERGENCY CONTRACTS

- No comments.

- 144 MOTION TO CLOSE PH – Deb Cook made a motion to close the public hearing for the Emergency contracts which include Naples Fire, Middlesex Fire, Middlesex Ambulance, Prattsburgh Fire/Ambulance Services; seconded by Dave. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Deb Cook) Noes – 0. Motion carried.

PRATTSBURGH EMERGENCY SERVICE (Fire & Ambulance).

- 145 MOTION TO APPROVE & SIGN – Malcolm made a motion to approve and sign emergency contract for Prattsburgh Fire/Ambulance services; seconded by Deb Cook. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Deb Cook) Noes – 0. Motion carried.

MIDDLESEX EMERGENCY SERVICE (Fire).

- 146 MOTION TO AUTHORIZE PAYMENT – Deb Cook made a motion to authorize payment for Middlesex Fire Protection Services; seconded by Dave. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Deb Cook) Noes – 0. Motion carried.

MIDDLESEX EMERGENCY SERVICE (Ambulance).

- 147 MOTION TO APPROVE & SIGN – Deb Cook made a motion to approve and sign the contract for Middlesex Ambulance Protection Services; seconded by Dave. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Deb Cook) Noes – 0. Motion carried.
- 148 MOTION TO APPROVE AND SIGN EMERGENCY CONTRACT NAPLES FIRE – Deb Cook made the motion to approve and sign the emergency contract with the Village of Naples; seconded by Dave. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Cook) Noes – 0. Motion carried.
- 149 MOTION TO APPROVE BUDGET TRANSFER – Dave made the motion to accept the budget transfers as submitted; seconded by Deb Cook. Ayes – 4 (Richard Craig, Ferry, Deb Cook, MacKenzie) Noes – 0. Motion carried.

GENERAL FUND

Transfer From: AA.1220.2	Supervisor, Equip & Cap Outlay	500.00
AA.5132.4	Garage, Contr Expend	4,000.00
AA5999	Unexpended Fund Balance	<u>4,758.00</u>
		9,258.00
Transfer To: AA.1110.400	Municipal Court, Contr Expend	646.00
AA.1620.400	Buildings, Equip & Cap Outlay	110.00
AA.1670.400	Central Print & Mail, Contr Expend	852.00
AA.1910.400	Unallocated Insurance, Contr Expend	3,893.00
AA.8010.400	Zoning, Contr Expend – CEO	<u>3,757.00</u>
		9,258.00

HIGHWAY FUND

Transfer From: DA.5110.1	Snow Removal, Pers Serv	<u>20,000.00</u>
		20,000.00
Transfer To: DA.5142.1	Snow Removal, Pers Ser	<u>20,000.00</u>
		20,000.00

MONTHLY VOUCHERS

- 150 MOTION TO APPROVE GENERAL ABSTRACT # 12 - \$6,211.13 and HIGHWAY ABSTRACT # 12 - \$222,890.99 – Deb Cook made a motion to approve General Abstract # 12 and Highway Abstract # 12; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, MacKenzie, Craig) Noes – 0. Motion carried.

SUPERVISOR REPORT /EXECUTIVE SUMMARY

- 151 MOTION TO APPROVE NOVEMBER 2023 SUPERVISOR/EXECUTIVE SUMMARY REPORT – Deb cook made a motion to approve the November 2023 Supervisor report; seconded by Dave. Ayes – 4 (Ferry, Craig, Deb Cook, MacKenzie) Noes – 0. Motion carried.

CODE ENFORCEMENT OFFICER REPORT

- 152 MOTION TO APPROVE CODE ENFORCEMENT OFFICER REPORT NOVEMBER 2023 – Malcolm made a motion to approve the November 2023 Code Enforcement Officer

report; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

- Fine/Fee schedule – CEO Whipple had previously submitted several fee schedules from other towns for review and discussion by the Town Board. There was some discussion but CEO Whipple was not present to answer questions. This will be brought up at the next meeting.

- Violations – Malcolm asked for more details. Town Attorney Ed Brockman will be meeting with CEO Whipple to discuss further

TOWN CLERK REPORT

- 153 MOTION TO APPROVE NOVEMBER 2023 TOWN CLERK REPORT – Malcolm made a motion to approve the November 2023 Town Clerk Report; seconded by Deb Cook. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

HIGHWAY REPORT

- 154 MOTION TO APPROVE HIGHWAY REPORT NOVEMBER 2023 – Malcolm made a motion to approve the November 2023 Highway Superintendent report; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

RESIGNATION

- The Town has received a letter of resignation from James Pierce.

- Supervisor Craig started a discussion concerning increasing the starting salary of a new hire to the Highway crew to \$20/hour. He believes that the Town needs to increase the starting pay to attract new workers with Jay Pierce resigning and Eric Holtz planning to retire soon. Dave Ferry says that he sees companies advertising with a pay range based on experience. There was a lot of discussion as to how this would be received by the current employees and whether the union would support such a change. Malcolm is not opposed to negotiating with the union on this issue. He notes that it would be understood that this is a temporary change to the current union contract. Richard will speak with Eric Holtz about a meeting.

- 155 MOTION TO AUTHORIZE SUPERVISOR TO SET UP A MEETING WITH UNION – Malcolm made a motion to authorize the Supervisor to speak with the union concerning this temporary increase to a starting salary of \$20/hour; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

- Steve noted that the Yates County Workforce Development program has reinstated funding for highway crews to hire and allow for CDL training. There are requirements to be met.

- 156 MOTION TO ADVERTISE & HIRE FOR TRAINING – Malcolm made a motion to advertise and authorize the hiring of a temporary highway worker to learn the job before 1/1/2024; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

DANBOY RD.

- Recently the Town had agreed to begin the second step of discontinuing Danboy Rd. The property owner did not agree with the language and submitted his own paperwork. It was pointed out that the wording in this paperwork is incorrect.

- Supervisor Craig feels that the Town should grant a total discontinuance of Danboy Rd. as requested by the property owner. Deb Cook and Dave Ferry both agree. Both Town Attorney Ed Brockman and Malcolm MacKenzie disagree with a total discontinuance.
- There was a lot of discussion. Supervisor Craig had visited the property and while there, the NYSDEC officer was present. Both Richard and the DEC officer explained to the property owner that warnings are not effective in stopping the trespassing. He needs to get serious and bring charges. Richard does not know why there is such disagreement about the discontinuance of Danboy Rd. It serves no useful purpose for the Town. Dave and Deb Cook agree that this argument has been going on for several years.
- Ed maintains that there is no legal precedence for this action. Malcolm agrees but is willing to see a written precedence that supports Richard's position.
- Steve Faulkner asked for clarification between a discontinuance and a qualified abandonment. Ed explained the differences.
- Steve will call the property owner to get the wording corrected so the process can move forward properly.
- 156 MOTION TO DISCONTINUE DANBOY RD – Deb Cook made a motion to grant the discontinuance of Danboy Rd. – There was further discussion. No action taken.

BID PROCESS

- Currently the Town has advertised for proposals for engineering services and disaster recovery consultant concerning FEMA projects which include culverts on Martin Rd and Lower Rd.
- The deadline for bids being submitted are due is Thursday, December 28, 2023 at noon. Board members will review and award the bids at the December 29, 2023 year-end meeting.
- 157 MOTION TO APPROVE PB/ZBA REPORT NOVEMBER 2023 – Deb Cook made a motion to approve the November 2023 PB/ZBA report; seconded by Dave. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.
- SOLAR LAW:
 - Malcolm noted on page 3, #5F. fees are mentioned that pertain to engineering cost, site plan cost, environmental and legal services. There should be language added to address these costs before the project begins.
 - On page 3 #6A it was noted that all roof mounted solar systems are covered by NYS Building Code.
 - On page 5 #8 B12, Malcolm thinks grazing should be added to anticipated dual use.
 - On page 5 #8 B13, Malcolm asked who would oversee the Decommissioning plan. An engineer should be consulted.
 - Malcolm does not see a bond requirement for Tier 4 systems.
 - Town Attorney Ed Brockman will review the proposed solar law and submit any suggestions.
- 158 MOTION TO AUTHORIZE ATTORNEY REVIEW – Malcolm made a motion to authorize Town Attorney Ed Brockman to review the proposed solar law; seconded by Deb Cook. Ayes – 4 (Ferry, Debra Cook, Craig, MacKenzie) Noes - 0. Motion carried.

LEGISLATIVE REPORT

- YC Legislator Doug Paddock reported this month.
- The 2024 Yates County Budget has been adopted. The tax rate was reduced from 2023.
- The YC Legislature has adopted a resolution to share the Code Enforcement Officer with Schuyler County.
- The Animal Control Agreements between the county and the municipalities have been signed.
- The Legislature has adopted a local law to allow for the hiring of a Deputy County Clerk from outside Yates County.
- The broadband expansion is progressing but getting permission from the utility companies has been difficult.
- YC Legislator Tim Cutler has officially resigned. There are recommendations from the Democratic and Republican parties of the municipalities to be considered.

MINUTES

- 159 MOTION TO APPROVE OCTOBER 16, 2023 MINUTES – Deb Cook made a motion to approve October 16, 2023 minutes; seconded by Dave. Ayes – 4 (Ferry, Craig, Debra Cook, MacKenzie) Noes - 0. Motion carried.
- 160 MOTION TO APPROVE OCTOBER 25, 2023 MINUTES – Dave made a motion to approve October 25, 2023 minutes; seconded by Deb Cook. Ayes – 4 (Ferry, Craig, Debra Cook, MacKenzie) Noes - 0. Motion carried.
- 161 MOTION TO APPROVE NOVEMBER 14, 2023 MINUTES – Malcolm made a motion to approve November 14, 2023 minutes; seconded by Dave. Ayes – 4 (Ferry, Craig, Debra Cook, MacKenzie) Noes - 0. Motion carried.

PRIVILEGE OF THE FLOOR

- Sande Johnson asked about the newly elected Highway Superintendent, Ben Huff. She also asked about the status of the FEMA project. It was explained that the newly elected Hwy Superintendent has not been in contact with the highway department since the election. Malcolm had spoken with Ben and encouraged him to attend the board meeting and to reach out to the highway department. Malcolm also offered to go with him to the highway garage to make introductions. As far as the FEMA project goes, the FEMA consultant and several others will be meeting with FEMA representatives on Wed. Dec. 13. Supervisor Craig believes that it was the right decision to hire a FEMA consultant.
- Mark Schlegel had previously spoken with Hwy Superintendent Steve Faulkner about the possibility of purchasing the building that he currently leases from the Town. His proposal included a trade of construction services for the building.
- Malcolm is concerned about the logistics of property transfer, right of ways, surveys and the expense of all that. Ed Brockman says a survey would not be necessary.
- There was some discussion as to what would be needed. As a result of this discussion, it was decided to speak with the Assessor to determine a fair value of the building and a prorated value of a small parcel. Once the board members have this information, the proposal can be considered.

OLD BUSINESS

SENIOR EXEMPTION INCREASE
- 162 MOTION TO ADOPT

Town of Italy Resolution No. 07 -2023

Adoption of Local Law Establishing Uniformity of Age Qualifications for the Senior Citizen Real Property Tax Assessment Exemption Pursuant to §467 of the Real Property Tax Law

Motion by Councilperson Richard Craig, seconded
by Councilperson Debra Cook to adopt the following resolution:

WHEREAS, the Town Board previously dealt with SEQR issues related to this proposed Local Law B of 2023, by declaring itself lead agency and designating the action as Type II; and
WHEREAS, a public hearing was held before the Town Board on said proposed local law on December 12, 2023.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Italy adopts proposed Local Law B of the Year 2023 as Local Law 2 of 2023.
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 – 4 (Richard Craig, David Ferry, Debra Cook, Malcolm 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 held meeting on the 12th day of December, 2023 at which a quorum was present and participated in throughout, said Resolution having been passed by a vote of 60% or more of the Members of the Town Board, 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 December, 2023.

(SEAL)

Deborah J. Craig, Town Clerk - Town of Italy

DAVE FERRY has provided refreshments as a Thank you to Highway Superintendent Steve Faulkner and Town Councilmember Deb Cook for their positive impact to the town.

- It was noted that Steve Faulkner initiated a plan that resulted in the construction of a much overdue salt shed and an upgrade to plow trucks and heavy equipment.
- Deb Cook is credited with the establishment of the first clean up days that will hopefully become an annual event. Dave also credits her with the implementation of a website.

- 163 MOTION TO ADJOURN TO CLOSED SESSION FOR LEGAL COUNSEL – Malcolm made a motion to adjourn to closed session for legal counsel at 8:50 PM; seconded by Richard. Ayes - 4 (Ferry, MacKenzie, Craig, Salotto) Noes – 0. Motion carried.

- 164 MOTION TO ADJOURN OUT OF CLOSED SESSION – Dave made a motion to adjourn out of closed session at 9:05 PM; seconded by Deb Cook. Ayes - 4 (Ferry, MacKenzie, Craig, Cook) Noes – 0. Motion carried.

- 165 MOTION TO ADJOURN AT 9:10 PM – Deb Cook made a motion to adjourn; seconded by Dave. Ayes – 4 (Ferry, Richard Craig, Debra Cook, MacKenzie). Noes - 0. Motion carried.

Debbie Craig

Italy Town Clerk