

DRAFT

APRIL 8, 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 April 8, 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 PM.

OTHERS PRESENT: Hwy. Superintendent Andy Best, Tiffany Best, Sande Johnson, Joe LaBarca, Jeremy Bellinger from Milton CAT, Kevin Olvany of the Canandaigua Lake Watershed Council and Yates Co. Legislator Doug Paddock.

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

MONTHLY VOUCHERS

- 50 MOTION TO APPROVE GENERAL ABSTRACT # 4 - \$32,910.38 and HIGHWAY ABSTRACT # 4 - \$27,264.15 – Malcolm made a motion to approve General Abstract # 4 and Highway Abstract # 4; seconded by Brent. Ayes – 5 (Brent Walton, Nick Baranowski, MacKenzie, Craig, Ferry) Noes – 0. Motion carried.

SUPERVISOR REPORT /EXECUTIVE SUMMARY

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

CODE ENFORCEMENT OFFICER REPORT

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

TOWN CLERK REPORT

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

HIGHWAY REPORT

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

- There was some discussion about the warranty on the 2019 Western Star plow truck. It was understood that there was a 7-year bumper to bumper warranty and now the transmission needs to be

replaced and Tracey Road is not standing behind the warranty. They are claiming a 5-year warranty on the transmission. Several board members believed that the 7-year warranty should cover the transmission. Andy will search the file cabinets to see if there is any paperwork that clarifies the warranty.

- Milton CAT sales rep, Jeremy Bellinger is here to address the board members concerns about the purchase of the excavator. He deals with governmental sales and contracts. He explained that the traditional bidding process was updated @ 20 years ago. The requirement for each individual municipality to go through the bidding process was time consuming. Now the bidding process is done by a company named Source Well and the bidding process is done at a corporate level. All of the major manufacturers submit bids with a discount based on percentages. This allows municipalities to do a search by equipment needs. Jeremy submitted information for the Town board members to review. This takes place of the traditional NYS regulations for bidding. A municipality may still ask for several quotes but it is not necessary.

PB/ZBA REPORT

- 55 MOTION TO APPROVE PB/ZBA REPORT MARCH 2025 – Nick Baranowski made a motion to approve the March 2025 PB/ZBA report; seconded by Dave. Ayes – 5 (Brent Walton, Craig, MacKenzie, Nick Baranowski, Ferry) Noes - 0. Motion carried.
- Solar and Battery Storage Laws – These laws have been under consideration for months. It was suggested that these laws get scheduled for a complete review by Town Board members. These laws will be scheduled for review and discussion at the June 10, 2025 Town board meeting.

CANANDAIGUA LAKE WATERSHED

- Nick Baranowski reported that there was a presentation of the effects of dangerous algae blooms on the water quality in Canandaigua Lake.
- There are a couple of bills before the NYS Legislature dealing with a study of the algae blooms. The speaker would like to see resolutions submitted to NYS Leadership that encourage support for these bills. Nick would like to see the Italy Town Board consider supporting the resolutions.
- Kevin Olvany is here to speak about the Watershed Council and what they do. He explained that this is a coalition of municipalities working together to minimize damage to Canandaigua Lake. The council offers help with the grant writing process to help municipalities face flood damages such as Lower Rd. in the Town of Italy. The Council also operates educational workshops in the school districts.
- Kevin explained that the 2 bills mentioned by Nick have a lot of content. One concern is that local municipalities would prefer to limit another government entity telling them what to do. We believe in Home Rule. Kevin suggested a discussion with NYS Senator O'Mara and Assemblyman Palmesano to get their perspective as to how these bills would apply in the Town.
- Kevin also reported that the Council is working on several projects with municipalities to find State and Federal funding for projects in their towns. This would include permit applications. He also offered their assistance to Italy if there is anything they can do.
- Kevin reported that Danny Wegman and Richard Sands are forming a funding program labelled as Friends of Canandaigua Lake. This will allow for more immediate funding when the need arises.
- The Council is continuing work on an update to the Docks and Moorings Law but it is a slow process.

LEGISLATIVE REPORT

- YC Legislator Doug Paddock reported that the new county facility is mostly complete. There will be an Open House on May 17, 2025 from 8 to noon
- The broadband project is in the second phase with residents being able to connect in Italy, Middlesex and Jerusalem in the 3rd quarter of 2025.

- YC has been awarded a NYS Connect All project in the amount of \$7.4 million. There is no match of funding required by the County but the construction schedule is tight.
- YC will be submitting an RFP for public transportation.
- Crime Victims Rights week is April 6-12
- Public Safety Telecommunications week is April 13 – 19
- National Corrections Officers and Employees Week is May 4-10
- Police Officers Memorial Day is May 15. The entire week is National Police week.
- May is designated as Mental Health month.
- There will be a public hearing held at 1 PM on April 14 to hear comments on the adoption of a local law that allows for a tax cap override. There is concern over the availability of federal funding as well as the NYS budget remaining incomplete.
- The culvert fabrication dates for the Italy Valley Rd. have not been finalized.
- Yates County will be hosting a Household Hazardous Waste Collection. That will be held in September at the YC fairgrounds.
- The Guyanoga Valley Rd will be milled in the summer of 2025.
- The letter that was received from Jerusalem Town Supervisor concerning a sharing of the bed tax was brought up. Doug explained that the proposal is to increase the current bed tax by 1% and that 1% would go directly to the towns and/or villages. Doug also pointed out that NYS just passed legislation that calls for an 8% sales tax to be added to short term rentals.

MINUTES

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

PRIVILEGE OF THE FLOOR

- 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 hear that the Town is working with FEMA to get financial help

OLD BUSINESS

MORATORIUM – SHORT TERM RENTALS

- There was a lengthy discussion about adopting the proposed Moratorium on short term rentals. Dave Ferry is strongly opposed and Nick Baranowski argues that there have been concerns raised and it is a good idea to take time to review the issue.
- Town Attorney Ed Brockman says he is able to submit a local law for consideration.
- 57 MOTION TO ADOPT TOWN OF ITALY RESOLUTION 06-2025

TOWN OF ITALY Resolution 06 - 2025

Adoption of a Local Law Establishing a Moratorium on Approval of Short-Term Rentals as Well as the Further Processing of Applications With Respect Thereto

Motion by Councilperson Nick Baranowski, seconded by

Councilperson Malcolm MacKenzie 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: MacKenzie, Baranowski, Craig
 Noes: Ferry, Walton

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 8th day of April, 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 10th
 day of April, 2025.

(SEAL)

 Deborah J Craig –Town Clerk
 Town of Italy

MISC - OLD BUSINESS - NICK BARANOWSKI

- Flood plain Update – Has this Local Law been adopted? It will be adopted at the May Town Board
 meeting.
- Engineer contract – Has there been a contract with Grove Engineering? Yes, there is a signed
 contract in place.
- Has the Town received the survey map from Mott Surveying for the Lower Rd. culvert project? No,
 there has been no communication with Kyle Mott.

58 MOTION TO APPOINT NICK BARANOWSKI AS LIASON FOR FEMA – Malcolm made the motion to appoint Nick as liaison for the Town with all parties involved in the FEMA projects; seconded by Brent. Ayes -5 (Craig, Walton, Ferry, Baranowski, MacKenzie) Noes -0. Motion carried.

- Fuel shed – Has there been any progress by Mark Schlegel on this project? Nick is concerned with the delay. Both Brent and Andy (Highway Superintendent) have spoken with Mark and he is getting the materials in place. Another concern is the issue with NYSDEC that triggered an urgency to get this project in place. Mark has the permits and is gathering materials.

NEW BUSINESS

REAPPOINT ASSESSOR

- 58 MOTION TO APPOINT ASSESSOR Town of ITALY Town Board
Resolution No. 05-2025

April 8, 2025

Appointment of Kathleen M. Davis
Sole Assessor, Town of Italy

WHEREAS, the term of appointment for Ms. Kathleen M. Davis, Assessor, Town of Italy, Yates County, expires on September 30, 2025; and

WHEREAS, the Town Board is recommending the re-appointment of Ms. Kathleen M. Davis as Assessor of the Town of Italy; now, therefore, be it

RESOLVED, that Ms. Davis be, and she hereby is, re-appointed as Assessor of the Town of Italy to a six-year term expiring September 30, 2031; and further

RESOLVED, that a certified copy of this resolution be sent to New York State Department of Taxation and Finance, Office of Real Property Services and to the Director, Yates County Real Property Tax Services.

Roll Call: Ayes – 5 (Walton, Richard Craig, Ferry, MacKenzie, Baranowski)
Noes – 0

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK
COUNTY OF YATES

I, the undersigned, Town Clerk of the Town of Italy, Yates County, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Italy held on April 8, 2025. A quorum was present and passed and duly entered in the minutes of said meeting.

IN WITNESS WHEREOF I have set my hand and the seal of the said Town of Italy, this 10th day of April, 2025.

Deborah J. Craig Town Clerk
Town of Italy

FEMA FLOODPLAIN UPDATE

- The Local Law will be adopted at the May Town Board mtg.
- The YC Planning Board has approved the action.

YATES COUNTY HAZARD MITIGATION

- The Town has received a resolution to adopt the 2025 Yates County Hazard Mitigation Plan.
- 59 MOTION TO ADOPT RESOLUTION NO. 07-2025 TOWN OF ITALY, New York

A RESOLUTION OF THE TOWN OF ITALY ADOPTING THE 2025 Yates County Hazard Mitigation Plan

Motion by Councilperson Malcolm MacKenzie, seconded by Councilperson Brent Walton to adopt the following resolution

WHEREAS the TOWN OF ITALY BOARD recognizes the threat that hazards pose to people and property within TOWN OF ITALY; and

WHEREAS the TOWN OF ITALY has prepared a multi-hazard mitigation plan, hereby known as 2025 Yates County Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS 2025 Yates County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in TOWN OF ITALY from the impacts of future hazards and disasters; and

WHEREAS adoption by the TOWN OF ITALY BOARD demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2025 Yates County Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ITALY, New York, THAT:

Section 1. The TOWN OF ITALY BOARD moves to adopt the 2025 Yates County Hazard Mitigation Plan. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

ADOPTED by a vote of 5 in favor and 0 against, and 0 abstaining, this 8th day of April, 2025.

By: _____

Town Supervisor Richard Craig

ATTEST: By: _____

Town Clerk Deborah Craig

APPROVED AS TO FORM: By: _____

LETTERS

ADDITIONAL BED TAX

- The Town has received a proposal from the Jerusalem Town Supervisor that would increase the current bed tax charged and by 1%. That 1% would be distributed to each individual municipality. There was some discussion. Malcolm would appreciate more details. Almost all board members agree.

- 60 MOTION TO TABLE THIS ISSUE FOR FURTHER DETAILS – Nick made a motion to table any action until more information has been gathered; seconded by Dave. Ayes – 5 (Richard Craig, MacKenzie, Ferry, Brent Walton, Nick Baranowski). 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.

- 60 MOTION TO ADJOURN TO CLOSED SESSION FOR LEGAL COUNSEL – Richard made a motion to adjourn to closed session for legal counsel at 9:15 PM; seconded by Brent. Ayes – 5 (Richard Craig, MacKenzie, Ferry, Brent Walton, Nick Baranowski). Noes - 0. Motion carried.

- 61 MOTION TO ADJOURN OUT OF CLOSED SESSION – Dave made a motion to adjourn out of closed session at 9:28 PM; seconded by Nick. Ayes – 5 (Richard Craig, MacKenzie, Dave Ferry, Brent Walton, Nick Baranowski). Noes - 0. Motion carried.

- 62 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

Italy Town Clerk