

FEBRUARY 11, 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 February 11, 2025 Regular mtg.

PRESENT: Supervisor Richard Craig, Town Council members, Malcolm Mac Kenzie, Brent Walton, Nick Baranowski, Dave Ferry and Town Clerk Debbie Craig.

OTHERS PRESENT: Hwy. Superintendent Andy Best, Tiffany Best, David Colle, CEO Chris Whipple, Matt Smith of Discovery Partners (FEMA consultants), Bill Grove from Grove Engineering, Shelley Carrier and Yates Co. Legislator Pat Killen.

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

### MONTHLY VOUCHERS

- 22 MOTION TO APPROVE GENERAL ABSTRACT #2 - \$14,729.96, HIGHWAY ABSTRACT #2 - \$16,685.92, FEMA ABSTRACT # 2 - \$640.85 and EMERGENCY CONTRACTS ABSTRACT - \$104,320.00 – Malcolm made a motion to approve General Abstract # 2, Highway Abstract # 2, FEMA Abstract and Emergency Contract Abstracts; seconded by Dave. Ayes – 5 (Brent Walton, Nick Baranowski, MacKenzie, Craig, Ferry) Noes – 0. Motion carried.

### SUPERVISOR REPORT /EXECUTIVE SUMMARY

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

### CODE ENFORCEMENT OFFICER REPORT

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

### TOWN CLERK REPORT

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

### HIGHWAY REPORT

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

- There was a lengthy discussion about the current salt shortage and the process of sanding/salting the roads.

### PB/ZBA REPORT

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

#### CANANDAIGUA LAKE WATERSHED

- Nick Baranowski reported on the approval of a first stage appraisal of a 160-acre parcel on Duell Rd. that had washed out twice in the past year, sending mud and debris into Canandaigua Lake. There was interest in purchasing this property in an effort to control future flood debris washing into the lake by construction of berms.

- Nick has spoken with Kevin Olvany about grant money that may be available to help address the current culvert situation on Lower Rd.

- Recent water quality testing resulted in “below detectable levels” which is a good report.

- There is a Draft Docking and Mooring Law that is being considered. CEO Whipple will be involved with this.

#### LEGISLATIVE REPORT

- YC Legislator Pat Killen reported that the county has recently hired a grant writing firm, MRB. MRB has found an infrastructure grant that the county does not need but wanted to share this opportunity with the Town. Unfortunately, the time frame is tight. There is a \$250 application fee and the Town would be responsible for 1% of the grant money.

- Malcolm asked Legislator Killen if he would be able to provide a list of short-term rentals in the Town of Italy. The county did hire a firm to do a search for any and all short-term rentals in the county. Legislator Killen will reach out to the Finance Office for that information. The Town is considering a moratorium on short term rentals.

#### MINUTES

- 28 MOTION TO APPROVE JANUARY 14, 2025 MINUTES – Nick Baranowski made a motion to approve January 14, 2025 minutes; seconded by Brent Walton. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

- 29 MOTION TO APPROVE JANUARY 28, 2025 MINUTES – Dave made a motion to approve January 28, 2025 minutes; seconded by Brent. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

#### PRIVILEGE OF THE FLOOR

- Shelley Carrier from Carrier Salvage & Recycling LLC was here to request the renewal of the 2024 Junkyard License that has been on hold since March of 2024 as CEO Whipple reported disrepairs of a building and the gates. Ms. Carrier expressed her willingness for CEO Whipple to do a re-inspection as the Carriers are addressing those issues. Ms. Carrier will be in contact with CEO Whipple to schedule a time for inspection.

- Shelley Carrier also expressed concern over the condition of Wetmore Rd. The highway superintendent said that Wetmore Rd. is on the list of roads being considered by FEMA for disaster relief.

#### DISASTER RECOVERY PARTNERS

- The Town is expecting a conference call from Ryan Frykholm, the FEMA consultant.

- Matt Smith of Discovery Partners was here in person. He shared a brief update on the Lower Rd. culvert and Burke Hill Rd. On Lower Rd. it appears that mitigation may result in a bridge being more suitable. He pointed out that the upper culvert is covered on FEMA project 4625 and the lower

secondary culvert is covered under FEMA project 4825. They are also looking at mitigation measures to repair Burke Hill Rd. for future damages that may occur.

#### GROVE ENGINEERING

- Bill Grove was present to share information gathered after an overview of the damages on Martin Rd. and Lower Rd. by Kyle Mott of Mott Land Surveying. It appears that this survey may cost @ \$14,000.00. There was some question as to the depth of the culvert. Bill says if the Town goes with Mott Survey, there will be clearer information. As far as Martin Rd. repairs, there was some discussion of the culvert sizing being compatible with the culvert being placed by Yates County

#### OLD BUSINESS

- Nick Baranowski asked about the status of the agreement with Mark Schlegel to build a fuel shed/cover at the Highway Garage in exchange for the previous Maxfield Hose fire substation. Supervisor Craig reported that the project is set to go forward as soon as good weather is here. CEO Whipple did state that Mark has gotten a permit for the project.

#### LETTERS

- While waiting for a phone conference with Ryan Frykholm, board members reviewed letters received by the Town.  
 - Yates County Rabies Schedule is set for 2025.  
 - YC Legislator Sarah Purdy had submitted a follow up to questions from the January 2025 meeting. The answer to the broadband coverage does not help.

#### RYAN FRYKHOLM, FEMA CONSULTANT

- Ryan called in at @ 8 PM. He explained that the Town will be starting fresh with Grove Engineering. Ryan explained the need for the survey was to determine the borings needed to support a bridge. FEMA project 4625 would be 100% funded by FEMA. Ryan has met with Bill Grove of Grove Engineering and discussed possible future plans. The Lower Rd culvert is FEMA project # 4825. The projects are separate at this time. Martin Rd. also needs the surveying to determine the possible need for further borings. There will be 100% funding available for Martin Rd. culvert mitigation measures. Ryan has spoken with Town Attorney Ed Brockman about a possible incompatibility between the size of the town culvert on Martin Rd. and the county culvert that is downstream from the town culvert. Ryan emphasized the need for the survey of both Lower Rd and Martin Rd culverts to determine the need for further borings to continue the projects. Ryan explained that the Town can use current FEMA money to meet these costs with documentation of that use to be reimbursed with future FEMA funds.

- 30 MOTION TO AUTHORIZE MOTT SURVEYING NOT TO EXCEED \$18,000.00 – Richard made a motion to authorize the hiring of Mott Land Surveying for Lower Rd and Martin Rd culverts not to exceed \$18,000.00; seconded by Malcolm. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

#### ENGINEER – GROVE ENGINEERING

- 31 MOTION TO SIGN CONTRACT WITH GROVE ENGINEERING NOT TO EXCEED \$18,000.00 – Richard made a motion to sign a contract with Grove Engineering not to exceed \$18,000.00 to get these projects started; seconded by Dave. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

- Ryan did point out that Bill Grove of Grove Engineering has been involved in these projects up to now all in good faith. He needs to be compensated.

- There was some discussion about the compatibility of the culvert being installed by Yates County with the culvert upstream being considered by the Town.

## NEW BUSINESS

### CANNABIS PRODUCTION FACILITY

- This proposed facility was originally started as a pole barn with no permit. CEO Whipple explained the process as it has proceeded so far. It started as storage for soybeans and now it is a proposed cannabis facility. There has been some talk of planned additions and/or building more buildings. Due to the nature of a Cannabis Production Facility, the CEO has required a Special Use Variance That decision is being questioned. CEO Whipple has submitted all the information that he has gathered from NYS Codes, Office of Cannabis Management and the Town's zoning code. He is looking for guidance as to how to proceed.

- Supervisor Craig understands that just the growing of cannabis may be considered agricultural but when there is processing and packaging involved, he believes it should be considered commercial. The NYS Building codes believes this structure is classified as F1 Industrial and that would not be allowed in the Agricultural/Residential zone.

- Legislator Killen suggested getting verification of the property owners having the necessary documentation from NYS before going any further.

- CEO Whipple has reviewed the Governor's bill that declares the growing of cannabis as an agricultural venture.

- There was some discussion as to employees, fire access road, the increased truck traffic and other issues.

- Dave Ferry does not see the need for a special use variance.

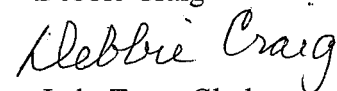
- The Town Board agrees to let the PB/ZBA to continue with their review but would like to have the PB/ZBA report back with their findings to the Town Board before coming to a conclusion. Malcolm did point out that the Town Board really has no say in this matter. Reviewing and deciding on a special use permit is up to the PB/ZBA. Supervisor Craig understands that but pointed out that it is not the PB/ZBA that may be sued but the Town.

- It was also pointed out that the Town Attorney does not see the need for a special use permit.

- Nick pointed out that CEO Whipple is responsible to enforce the NYS Building Code separated from the zoning.

- 32 MOTION TO ADJOURN AT 8:45 PM - Malcolm 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