

DRAFT

MARCH 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 March 11, 2025 Regular mtg. and 2 public hearings.

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, David Colle, CEO Chris Whipple, Dennis North, John Sigmon, David Gaston, Eric Holtz, Brian Kelly, Michael Herzog, Meg McLean, Rick Mahuson, Christine Livingston, Tom Curtin, Sande Johnson, Sara Almekinder, Drury MacKenzie Jr, Lee Minich, Audrye Smith and Yates Co. Legislator Ed Bronson.

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

Supervisor Craig did ask those in attendance to try to keep their statements brief as there is a full house in attendance.

PUBLIC HEARING – Flood Damage Prevention Update

- 33 MOTION TO OPEN PUBLIC HEARING FLOODPLAIN – Malcolm made a motion to open the public hearing for the FEMA floodplain map updates; seconded by Nick Baranowski. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried

- NO COMMENTS

- 34 MOTION TO CLOSE PUBLIC HEARING FLOODPLAIN – Dave made a motion to close the public hearing for the FEMA floodplain map updates; seconded by Malcolm. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried

PUBLIC HEARING – Moratorium on Short Term Rentals

- 35 MOTION TO OPEN PUBLIC HEARING MORATORIUM STR – Nick Baranowski made a motion to open the public hearing for the Moratorium on Short term rentals; seconded by Malcolm. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried

COMMENTS

- An attendee asked what this Moratorium is about. Supervisor Craig explained that this is a pause of any new short-term rentals being established. He was asked if this would affect the existing short-term rentals. Existing rentals would not be affected.

- Malcolm explained that this would not allow for any new short-term rentals to be established until the Planning Board has time to put together requirements and/or regulations that would apply to any future short-term rentals. The Planning Board would submit their recommendations to the Town Board for review and final action.

- Brian Kelly lives on Shay Rd. and is Code Enforcement Officer in the City of Geneva. They have short-term rentals and other than a few minor code violations, the neighbors get along. Yates County now has an occupancy tax so why is the Town looking to restrict the use of someone's personal property. He sees this as a money grab. If there are issues such as noise or trespassing, those issues need

to be dealt with. Mr. Kelly also noted that the City of Geneva has seen a decrease in the number of short-term rentals as the property owners find that there was not as much profit as anticipated.

- Nick Baranowski clarified that this is not a law but may lead to a law.
- Malcolm explained that one concern that has been raised is that when a property is bought and used as a short-term rental, it eliminates market of long-term rentals. It does not promote residency and ownership. It leaves less housing for families that may wish to reside in this area. It also affects the schools as they are already taking a hit as the school population has decreased. Malcolm noted that he is neither Yea or nay but is here to listen to thoughts and concerns that are expressed.
- John Sigmon does not understand the need to have the moratorium at all. He feels that the Planning Board could do their review and draw their conclusions without this moratorium. Why is there a need for a pause and so much time for review and creating rules.
- Dave Ferry agrees and he noted that a YC Legislator, Sarah Purdy had shared the years of struggles other towns have had in establishing regulations. It was pointed out that this moratorium was for 6 months that could be extended if necessary. What is the actual purpose of this moratorium? It sounds like setting aside time to review this issue which may or may not result in anything.
- Nick sees the value in taking time to review the issues while activity is paused.
- Dave Ferry states that he is firmly opposed to the moratorium as it would affect every property owner's right to use their property as they see fit.
- There was some discussion about the moratorium being a flat refusal. There is a path to apply for an exemption. It was pointed out that there was a cost involved.
- Drury MacKenzie introduced herself as Malcolm's daughter. She grew up here and now she and her husband and her son live here as well. She is also a member of the Planning Board/Zoning Board of Appeals (PB/ZBA). She is very happy to see this review of short-term rentals. She does not believe that the objective is to stop all short-term rentals for the local folks but to address the out-of-town buyers that are buying up properties to be used for short-term rentals. If this continues unchecked, local property owners will be unable to stay here in their homes as property taxes will increase. This moratorium is more about ensuring the locals being able to afford to remain here.
- Dennis North understands that short-term rentals may cut down on residential property but believes that high taxes driving people out of the Town. That is why he and his wife have a short-term rental. It is a way to remain in the Town of Italy and be able to pay high property tax.
- Jim Brennan stated that he is a contractor, lives on Parrish Hill Rd. and has been doing work here for the past 11 years. He does work for the out-of-town owners of the short-term rentals. Mr. Brennan stated that he has 4 short-term rental properties near him. He understands that the intention is to make money but he sees that as greed. He believes that the short-term rentals cause road issues and around the clock lights that waste energy.
- Nick Baranowski responded that he has done research on the availability of full-time rentals. There is none in Italy, 1 in Naples and 1 cottage in Middlesex. This research was triggered from the previous discussion by the Town Board.
- Tom Curtin introduced himself as a Planning Board/Zoning Board of Appeals (PB/ZBA) member and explained that the board had received complaints about short-term rentals from residents and CEO Whipple has expressed concern over the safety of those dwellings that are being rented out. This moratorium just gives time for review and discussion.
- Wendy Poole lives on Wood Hill Rd. and operates a short-term rental in her home. She appreciates the PB/ZBA's desire to review and discuss the issue. She is concerned about the status of her existing business. Town Board members assured her that any regulations would not necessarily affect her business.
- Michael Herzog, Chairman of the PB/ZBA, explained that they just want time to review the issue and address the concerns noted by different folks. The review may not result in any changes, but the issue

needs to be addressed. He also explains that this board only meets once a month, they have other duties to look at and that is why a possible 6-month moratorium is necessary.

- 36 MOTION TO CLOSE PUBLIC HEARING STR MORATORIUM – Dave made a motion to close the public hearing for the moratorium on short term rentals; seconded by Brent. Ayes – 5 (Brent Walton, Craig, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried

MONTHLY VOUCHERS

- 37 MOTION TO APPROVE GENERAL ABSTRACT #3 - \$19,480.00, HIGHWAY ABSTRACT #3 - \$27,379.54, FEMA ABSTRACT # 3 - \$3,318.61 – Malcolm made a motion to approve General Abstract # 3, Highway Abstract # 3, FEMA Abstract #3; seconded by Dave. Ayes – 5 (Brent Walton, Nick Baranowski, MacKenzie, Craig, Ferry) Noes – 0. Motion carried.

SUPERVISOR REPORT /EXECUTIVE SUMMARY

- 38 MOTION TO APPROVE FEBRUARY 2025 SUPERVISOR/EXECUTIVE SUMMARY REPORT – Malcolm made a motion to approve the February 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

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

TOWN CLERK REPORT

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

HIGHWAY REPORT

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

- Highway Superintendent Best has submitted 3 quotes for the purchase of an excavator. The need to replace the current excavator has been discussed at previous board meetings. The current excavator is in need of costly repairs. With the age of the machine, those costly repairs may be a waste of resources.

- There was some discussion. Supervisor Craig explained that this is a necessary piece of equipment in order to complete the FEMA road work as well as the regular road repair. FEMA money may be used for this purchase. Malcolm is concerned that the proper process of bidding and purchasing has not been followed.

- 42 MOTION TO APPROVE EXCAVATOR PURCHASE - Richard made a motion to allow the Highway Superintendent to decide and move ahead with the Excavator purchase; seconded by Dave. Ayes – 4 (Brent Walton, Craig, Nick Baranowski, Ferry) Noes – 1 (MacKenzie). Motion carried.

PB/ZBA REPORT

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

Cannabis Production Facility – Dave Ferry thanked Michael Herzog and the PB/ZBA on the good job of reviewing this issue and reporting back to the Town Board. Dave noted that Town Attorney, Ed Brockman supports the findings of the PB/ZBA and that there is no special use variance necessary. The facility may move forward but is still subject to the NYS Building Code handled by Code Enforcement Officer Chris Whipple.

CANANDAIGUA LAKE WATERSHED

- Nick Baranowski reported that the meeting is on April 2 so nothing to report. He has been in talks with Kevin Olvany about attending the next Town Board meeting. It has been a while since he was here.

LEGISLATIVE REPORT

- YC Legislator Ed Bronson reported that the new county facility is mostly complete. There will be an Open House on May 17, 2025. The building did come in under budget and ahead of schedule.

- Pre cast concrete guard rails have been approved for the Italy Valley Rd. culvert is being replaced in the spring of 2025. Malcolm asked if there had been any further discussion with YC Highway Superintendent Doug Rapalee concerning the conflict between the culvert size being installed downstream from the culvert needed to repair Martin Rd. Ed will reach out to Doug Rapalee.

- YC Public Health is sponsoring a mobile breast imaging event in Branchport on May 18 and again later in Potter.

- Cornell Cooperative Extension has purchased mobile veggie vans that will be travelling around the county. The closest one will be in Middlesex.

- There has been discussion and concerns within the Yates County Legislature about the stability of funding being received from the Federal government with the current administration.

- Emergency Services Dept. has been certified nationally.

- Veteran's Services will be celebrating 50 years since the end of the Viet Nam war.

- The YC Planning Department has applied for a grant to extend broadband services more extensively.

- Supervisor Craig asked Legislator Bronson if the County would reach out to the contractors they hired for the installation of fiber for the broadband project. Their heavy trucks on the soft dirt roads have created damage to the roads. Ed Bronson suggested talking with them directly. Highway Superintendent Andy Best has spoken with the workmen with no success and has actually been forced to plow snow around them.

- Yates County will be hosting a Household Hazardous Waste Collection. That will be held in September at the YC fairgrounds.

- The County is in talks with the Rochester Transit Service about providing service locally. Currently the public transportation is provided by Mosaic Health and ARC of Yates Co. There was a vote by the legislators that was a tie at 6-6. They may have to do an RFP (bidding process) which will take several months. The current contract ends at the end of the year.

MINUTES

- 44 MOTION TO APPROVE FEBRUARY 11, 2025 MINUTES –Malcolm made a motion to approve February 11, 2025 minutes; seconded by Nick Baranowski. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

PRIVILEGE OF THE FLOOR

- David Gaston from Keysor Rd. He pointed out the number of attendees that are present to express concern over the condition of the roads. He is concerned with safety and the ability of emergency vehicles to respond in a timely manner. He also expressed concern over damages to vehicles as drivers attempt to get around. He would like to know what is going to be done about it.

- Supervisor Craig explained that the roads need to freeze or dry up to allow the heavy machinery of the Town to access and repair the damages. He drove Parrish Hill Rd, Keysor Rd and Wolven Rd and he agrees they are a mess. Putting heavy equipment on the roads in this condition just makes things worse.
- Highway Superintendent Andy Best explained that a lot of the roads have no base. Many of those roads need drainage as well. Andy plans on grading the roads and adding gravel in a piecemeal fashion just to make current conditions safer. This is Andy's 2nd year as highway superintendent and he can not change the past. He can only move forward. One property owner asked if those bad spots could be marked with cones as a warning. Andy agreed to consider that.
- Jim Brennan agrees with the need for drainage but says the bottom line is that the roads were never built properly.
- Town Attorney Ed Brockman disagreed with Mr. Brennan. These roads were laid out in the late 1800's when the settlers came. These roads were built for horse, and wagons and obvious no thought to future transportation. They have never been rebuilt to meet the current mode of transportation and heavy equipment.
- Meg McLean lives on Hillview Drive and drives the roads that are being discussed. She suggests the Town hire a civil engineer as one who is knowledgeable about the building of roads. She is not looking to insult those involved but believes it could be helpful to use the money to seek grants for professional help. Also, she believes it would be a good use of some of the Town's funds to hire a professional grant writer to seek out a civil engineer.
- Malcolm took time to explain the FEMA process to everyone. He explained that the Town has already retained Ryan Frykholm from Disaster Recovery Partners and he is a professional, doing exactly what is being discussed here tonight. As a result of those administrative costs, the Town is able to receive much more FEMA funding than we would without Ryan. We have also hired Bill Grove a civil engineer from Grove Engineering to work with Ryan and the Town on these road projects. The Town has hired outside professionals to do borings in an effort to determine the substrata. Malcolm believes the Town has done a good job of using CHIPS (Consolidated Highway Improvement) to upgrade equipment to allow for road repair rather than equipment repair.
- Brian Kelly expressed concern over the meeting time of the Planning Board/Zoning Board of Appeals. Currently they meet at 5:30 PM and he feels that it is difficult for working people to be home in time to attend those meetings. He would like to see the meetings being scheduled at a later time.
- 45 MOTION TO CLOSE PRIVILEGE OF THE FLOOR – Richard made a motion to close Privilege of the Floor; seconded by Nick Baranowski. Ayes – 5 (Craig, Brent Walton, MacKenzie, Ferry, Nick Baranowski) Noes - 0. Motion carried.

OLD BUSINESS

CARRIER SALVAGE & RECYCLING

- CEO Whipple reported that the Carriers have not notified him of a time to inspect the premises as required by the Town Board for renewal of the junkyard license.
- Town Attorney Ed Brockman and Town Board members believe that the Carriers will need to re-apply for a license as the current license was due for renewal by April 1, 2024.

NEW BUSINESS

SEQR - FEMA FLOODPLAIN UPDATE

- As part of the FEMA requirements to adopt the Floodplain updates the Town Board needs to complete the SEQR (State Environmental Quality Review) process.
- Town Attorney Ed Brockman will lead the review and discussion. After review and discussion, there was a motion to adopt and refer to the Yates County Planning Board.

- 46 MOTION TO ADOPT TOWN OF ITALY RESOLUTION 04 - 2025

Adoption of Full Environmental Assessment Form (FEAF) and Referral to the Yates County Planning Board for General Municipal Law Section 239-m Review of Flood Damage Prevention Amendments.

Motion by Councilperson Malcolm MacKenzie, seconded by

Councilperson Nick Baranowski to adopt the following resolution

WHEREAS, the Town Board has undertaken the potential amendment of the Town's Flood Damage Prevention Chapter of the Town Code as prescribed by the New York State Department of Environmental Conservation (DEC); and

WHEREAS, the Town Board previously declared itself as Lead Agency for SEQR purposes related to the proposed amendment of that Code Chapter and determined the action to be a "Type I"; and

WHEREAS, Part 1 of a Full Environmental Assessment Form (FEAF) has been prepared and reviewed and Parts 2 and 3 thereof completed; and

WHEREAS, Department of Environmental Conservation (DEC), as required prior to adoption, has reviewed the proposed Local Law.

NOW THEREFORE, BE IT

RESOLVED, that the FEAF with respect to the proposed Local Law is adopted and a Negative Declaration is issued; and it is further

RESOLVED, the proposed Flood Damage Prevention Amendment Law of 2025 is referred to the Yates County Planning Board for review and comment pursuant to General Municipal Law §239-m.

ROLL CALL: Ayes – Craig, Ferry, MacKenzie, Walton, Baranowski.

Noes: - 0

CERTIFICATION OF CLERK

STATE OF NEW YORK)

COUNTY OF YATES)

I, Deborah J Craig, Town Clerk for the Town of Italy, County of Yates and State of New York, do hereby certify that the before mentioned RESOLUTION 04 - 2025 was adopted at a meeting of the Town Board held on March 11, 2025, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: March 11, 2025


Deborah J Craig, Italy Town Clerk

MORATORIUM LAW

- The Town Board will revisit this next month. No decision is made tonight.

- 47 MOTION TO ADJOURN TO CLOSED SESSION FOR LEGAL COUNSEL – Dave made a motion to adjourn to closed session for legal counsel at 9:10 PM; seconded by Richard. Ayes – 5 (Richard Craig, MacKenzie, Ferry, Brent Walton, Nick Baranowski). Noes - 0. Motion carried.

- 48 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.

- 49 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