

## DRAFT

JANUARY 14, 2025

### TOWN OF ITALY ORGANIZATIONAL/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 2025 Organizational Mtg. and the Regular mtg.

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

OTHERS PRESENT: CEO Chris Whipple, Highway Superintendent Andy Best, Tiffany Best, David Colle, Nick Baranowski, Jack Minter, Christine Livingston, Leith MacKenzie and Yates Co. Legislator Sarah Purdy.

Supervisor Richard Craig opened the ORGANIZATIONAL MEETING with the pledge to the flag.

Due to the recent loss of Town Board member Michael Salotto, the Town Board and all attendees shared a moment of silence.

#### I. ESTABLISHING DEPUTY POSITION

- a. Malcolm MacKenzie – Deputy Supervisor
- b. Duke Clark – Deputy Highway Superintendent
- c. Leanne Parsell – Deputy Registrar of Vital Statistics
- d. Leanne Parsell – Deputy Town Clerk/Tax Collector
- e. Shaylynn Whipple – 2<sup>nd</sup> Deputy

#### II. ESTABLISHING HOURLY RATES FOR WEEKLY PAY SCHEDULE

- a. MEO Hourly Rate - \$22.00 DeFisher
- b. HEO Hourly Rate - \$27.00 Clark
- c. MEO Hourly Rate - \$24.85 Becker
- d. MEO Hourly Rate - \$22.00 Campbell
- e. Cleaning personnel - Hourly Rate - \$15.50
- f. Maintenance Hourly Rate - \$20.00 Owen Martin
- g. Deputy Town Clerk, Tax Collector, Registrar of Vital Statistics - Hourly Rate - \$15.50
- h. Deputy Hwy Superintendent Hourly Rate – Weekly pay rate plus \$.50/hour
- i. Justice Clerk Hourly Rate - \$18.18
- j. Secretary Planning Board, Zoning Board of Appeals Hourly Rate - \$15.50 – Shaylynn Whipple

#### III. ESTABLISHING ANNUAL SALARIES AND PAY SCHEDULE

- a. Biweekly Pay Schedule
  - i. Town Clerk - \$11,870.00
  - ii. Tax Collector - \$3,374.00

- iii. Registrar of Vital Statistics - \$252.00
- iv. CEO - \$18,926.00
- v. Assessor – \$21,836.00
- vi. Historian – \$100.00
- vii. Highway Superintendent - \$70,000.00
- b. Quarterly Pay Schedule
  - viii. Supervisor - \$7,000.00
  - ix. Councilmember - \$2197.00
  - x. Justice - \$8,240.00
  - xi. Justice Clerk - \$18.18/hour
  - xii. Planning Board/Zoning Board of Appeals - \$35.00 per Meeting.
- c. Annual Pay Schedule
  - xiii. Mowing Town Hall & Historical Bldg. - \$1,600.00
  - xiv. BAR - \$180.00/each member in attendance
  - xv. Mowing cemeteries – \$600.00

#### IV. APPOINTMENTS

- a. Historian – Deb Craig
- b. Chairman of PB/ZBA – Michael Herzog 1 year
- c. Court Clerk – Danielle Troth – 1 year - Deputy Debbie Craig
- d. Supervisor Admin Assist – Debbie Craig
- e. Hwy Superintendent Admin Assist – Tiffany Best
- f. Drug Control Officer – Malcolm MacKenzie
- g. Code Enforcement Officer – Chris Whipple – 2 years

#### V. FEE SCHEDULE

- a. Mileage \$.625
- b. Copies \$.25/page
- c. Fax \$.50

#### VI. POLICIES RE-ESTABLISHED

- a. Procurement Policy
- b. Investment Policy

#### VII. ESTABLISHING MONTHLY MEETING

- a. Second Tuesday
- b. 7:00 PM
- c. Italy Town Hall, 6060 Italy Valley Road, Naples NY

#### VIII. ESTABLISHING OFFICIAL PAPER

- a. Chronicle Express

#### IX. ESTABLISHING OFFICIAL BANKS

- a. Lyons National Bank
- b. Community Bank
- c. M & T Bank (Collateral Bank)

## X. ESTABLISHING LIAISONS

- a. Highway Liaisons – Brent Walton & Richard Craig
- b. Buildings & Grounds – Richard Craig
- c. Canandaigua Lake Watershed – Dave Ferry will fill in until someone else steps forward.

- 01 MOTION TO ADOPT ALL OF THE ORGANIZATIONAL MTG. AGENDA – Malcolm made a motion to adopt the Organizational Mtg. Agenda dated January 14, 2025; seconded by Dave Ferry. Ayes – 4 (Richard Craig, Brent Walton, MacKenzie, Dave Ferry) Noes – 0. Motion carried

Supervisor Richard Craig opened the Regular Monthly Meeting.

## BUDGET TRANSFER

- 02 MOTION TO APPROVE BUDGET TRANSFER and AMENDMENTS – Dave made the motion to accept the budget transfer as submitted; seconded by Brent Walton. Ayes – 4 (Richard Craig, Ferry, MacKenzie, Brent Walton) Noes – 0. Motion carried.

### GENERAL FUND – BUDGET AMENDMENTS

Transfer From:	AA. 1120.00	Non-Property Tax Distribution	\$ 7609.00
	AA. 0688	Fund Balance Liabilities - ARPA	<u>\$ 2340.00</u>
			\$ 9949.00

Transfer To:	AA.1420.400	Law Contr. Expend	\$1,193.00
	AA.1620.400	Bldgs., Contr.	\$1839.00
	AA1220.103	Supervisor Admin	\$1.00
	AA1355.100	Assessment Pers Serv	\$1.00
	AA1410.400	Town Clerk, Contr.	\$245.00
	AA1440.400	Engineer, Contr.	\$4074.00
	AA3310.400	Traffic Control, Contr.	\$10.00
	AA4210.400	Narcotic Guidance, Council	\$102.00
	AA8010.400	Zoning, Contr. CEO	\$1000.00
	AA8010.400	Zoning, Contr. CEO	\$996.00
	AA9040.800	Worker's Comp – Empl. Benefit	<u>\$50.00</u>
			\$9511.00

### GENERAL FUND – BUDGET LINE TRANSFERS

Transfer From:	AA.1420.400	Law Contr. Expend	<u>\$438.00</u>
Transfer To:	AA1910.400	Unallocated Insurance, Contr.	\$388.00
	AA9040.800	Worker's Comp – Empl. Benefit	<u>\$50.00</u>
			\$438.00

TOTAL \$9949.00

#### MONTHLY VOUCHERS

- 03 MOTION TO APPROVE GENERAL ABSTRACT #1 \$88,406.30, HIGHWAY ABSTRACT #1 - \$37,305.14 and FEMA ABSTRACT #1-\$6305.00 – Malcolm made a motion to approve General Abstract # 1, Highway Abstract #1 and FEMA Abstract #1; seconded by Dave. Ayes – 4 (Brent Walton, Dave Ferry, MacKenzie, Craig) Noes – 0. Motion carried.

#### SUPERVISOR REPORT /EXECUTIVE SUMMARY

- 04 MOTION TO APPROVE DECEMBER 2024 SUPERVISOR/EXECUTIVE SUMMARY REPORT – Malcolm made a motion to approve the December 2024 Supervisor report; seconded by Dave. Ayes – 4 (Craig, Brent Walton, Malcolm MacKenzie, Dave Ferry) Noes – 0. Motion carried.

#### CODE ENFORCEMENT OFFICER REPORT

- 05 MOTION TO APPROVE CODE ENFORCEMENT OFFICER REPORT DECEMBER 2024 – Malcolm made a motion to approve the December 2024 Code Enforcement Officer report; seconded by Brent Walton. Ayes – 4 (Brent Walton, Craig, MacKenzie, Dave Ferry) Noes - 0. Motion carried

#### TOWN CLERK REPORT

- 06 MOTION TO APPROVE DECEMBER 2024 TOWN CLERK REPORT – Dave made a motion to approve the December 2024 Town Clerk Report; seconded by Brent. Ayes – 4 (Brent Walton, Craig, MacKenzie, Dave Ferry) Noes - 0. Motion carried.  
- 07 MOTION TO APPROVE 2024 ANNUAL TOWN CLERK REPORT - Dave made a motion to approve the 2024 Annual Town Clerk Report; seconded by Brent. Ayes – 4 (Brent Walton, Craig, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

#### HIGHWAY REPORT

- 08 MOTION TO APPROVE HIGHWAY REPORT DECEMBER 2024 – Malcolm made a motion to approve the December 2024 Highway Superintendent report; seconded by Dave. Ayes – 4 (Brent Walton, Craig, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

PB/ZBA REPORT – The PB/ZBA met early in December 2024 so the report was approved at the December 10, 2024 Town Board meeting.

#### PB/ZBA VACANCY

- The Town Board has received a letter of interest from Christine Livingston. Christine Livingston was present and took a few minutes to introduce herself to anyone that might not know her.

- 09 MOTION TO APPOINT CHRISTINE LIVINGSTON TO PB/ZBA – Malcolm made a motion to appoint Christine Livingston to fill a vacancy on the PB/ZBA; seconded by Dave. Ayes – 4 (Brent Walton, Craig, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

- Malcolm had asked the Town Clerk about the length of the term. The Clerk thought this would be a 5-year term that started on 10/1/2024.

#### CANANDAIGUA LAKE WATERSHED

- There was no report.

## LEGISLATIVE REPORT

- YC Legislator Sarah Purdy was here to report for the Legislature this month.
- YC Legislator Sarah Purdy also offered her condolences on the Town's loss with the passing of Michael Salotto.
- Yates County saw 16 snow & ice days in December.
- The Legislature is establishing a County Board of Health that will be separate from the Legislature.
- Veteran's Services Director planning a celebration the 50th anniversary of the end of the Viet Nam war.
- YC Legislature adopted an additional 4 parcels to the YC Agriculture District.
- The YC Board of Elections is preparing for anyone planning on running for election in 2025. Petitions will begin being passed on Feb. 25, 2025.
- The County Ambulance service has completed 733 calls in 2024.
- The County has hired a grant writing firm (MRB). If it proves to be successful, it may be a shared service with any interested municipalities.
- Malcolm questions Empire Access and the fact that there seems to be a problem with access for everyone along Brink Hill Rd. and Bassett Rd. due to Hi Tor being declared underserved. Legislator Purdy will speak to the YC Planner about this.
- Dave Ferry asked about the YC Health Board. Dave would like to know how much power this Board of Health will have. He feels there needs to be some oversight. There needs to be an avenue to be heard.
- Supervisor Craig asked if YC was in a position to supplement the supply of salt for snow & ice control due to the recent announcement that the salt mines are running low. Legislator Purdy will reach out to the YC Highway Superintendent. Report to Highway Superintendent Andy Best.

## MINUTES

- 10 MOTION TO APPROVE DECEMBER 10, 2024 MINUTES – Malcolm made a motion to approve December 10, 2024 minutes; seconded by Dave. Ayes – 4 (Craig, Brent Walton, MacKenzie, Dave Ferry) Noes - 0. Motion carried.
- 11 MOTION TO APPROVE DECEMBER 30, 2024 MINUTES – Malcolm made a motion to approve December 30, 2024 minutes; seconded by Brent. Ayes – 4 (Craig, Brent Walton, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

## PRIVILEGE OF THE FLOOR

- Leith MacKenzie introduced himself as a property owner at 210 Prattsburgh Rd. and H. Olney Rd. that is listed on various maps posted in the Town Hall. H. Olney Rd provides access for himself and 2 other property owners. This has been maintained by the Town since 2017 when Leith purchased it. When the Town did not provide maintenance this winter, he was informed by Andy that Dick told him not to. Leith explained that there was some subdivision going on and the question came up as to whether this access road was a Town road. Both Steve and Ed stated that it is a road. One of the property owners has a letter from Ed stating that this is a Town road.
- Supervisor Craig has been looking for paperwork that supports this being a Town road with no success. There are maps that recognize this as a road and others that do not. Kathleen has provided a survey from 1988 that lists this as a gravel driveway. He understands that this has been maintained for many years and he was looking for how it all began. He did point out that a

Town Rd should be about 50' wide. He does not believe that a \$300,000.00 truck should be in and out of this access road. He admits that he did tell Andy not to continue caring for this. At that time the Town did not have the small truck. Leith disagreed and stated that he believes that the Town has 3 small trucks. He also does not see the required 10 car daily use by the public to declare it a road. Leith did challenge that as well as there are several roads in the Town of Italy that do not see 10 cars a day. Dick states that until this issue is settled, he does not want the highway trucks in there.

- Malcolm spoke up and identified himself as having ample interest in the property as the father of Leith MacKenzie. He agrees with Leith that very few of the Town roads are 50' feet wide. Malcolm stated that he has heard many times from Town Attorney Ed Brockman that very few Town roads are deeded but are roads by use. Malcolm has done research as well and has found that a road is declared by Town motion as well as it requires a motion to stop maintaining a road. The issue now is that 3 property owners were under the impression that this is a road and that they would be able to have access by the road in question.

- Malcolm, as a Town Board member also stated that Andy is the Highway Superintendent and he does not take direction from the Town Supervisor. Andy needs to be aware of the fact that the Town Board has no authority over the highway department except in the case of budgeting.

- Supervisor Craig states that H Olney Rd is not recognized as a Town Road by NYSDOT. Malcolm argued that the status of that road does not make it official except when cost sharing is in play.

- Town Attorney Ed Brockman stated that he was acting as Town Attorney when he put in writing that this is a Town Road. Ed also supported Malcolm's position that being recognized by NYSDOT does not make it a Town road. Ed did share some history that he learned from Harley Olney and Harry Seager. They explained that the road was always a Town Road based on the topography of the land. When the house was built before the civil war, you were unable to dig out a hill that would have provided a driveway to the Harley Olney home. Past that hill, access was established and been maintained by the Town as a Town Highway.

- Dave Ferry agrees that it will take time to resolve this issue. There have been ongoing discussions throughout the years about maintenance of private roads.

- Richard wants to do more research to get a better understanding of this issue. He also wants to know what Leith expects as maintenance.

- From his viewpoint, Leith says that this road is the last to be plowed, the last to receive a load of gravel. It is poorly maintained. Malcolm asked if the Town mowed the roadsides. Leith said yes until this year.

- Malcolm pointed out that the Town would have to hire another attorney as the Town Attorney stated he could not represent the Town as he may be called as a witness. Leith also stated that the fact of a powerline running above the road makes it a road.

- Richard maintains his position until there is further discussion. He understands that this is a decision for the highway superintendent but if any of the trucks are damaged due to being in places that are too small, that truck will sit while waiting for insurance to cover the cost of repair.

- Malcolm asked the Highway Superintendent what his position is. Andy agreed that in his 10 years the Town has plowed this. He noted that they have plowed but not done any maintenance. He will resume plowing until further notice.

- Ed Brockman said he would hate to see this go to litigation. It would end up costing the Town a lot of money.

## OLD BUSINESS

### PUBLIC HEARING – LL 1-2025

- 12 MOTION TO OPEN PUBLIC HEARING on CONSULTATION FEES – Dave made a motion to open the public hearing on consultation fees; seconded by Brent. Ayes – 4 (Craig, Brent Walton, MacKenzie, Dave Ferry) Noes - 0. Motion carried.
- 13 MOTION TO CLOSE PUBLIC HEARING – Malcolm made a motion to close the public hearing; seconded by Brent. Ayes – 4 (Craig, Brent Walton, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

### - 14 MOTION TO ADOPT RES 01 - 2025 TOWN OF ITALY Resolution No. 01- 2025 **Adoption of Local Law Creating Provisions In the Town Code For Expert Consultation Fees To Be Charged To Applicants for Site Plan Review and Special Use Permit Applications**

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

WHEREAS, the Town Board has previously received the proposed Local Law with respect hereto more than seven (7) days prior to the adoption hereof; and  
WHEREAS, the Town Board has previously dealt with any SEQRA matters related hereto; and  
WHEREAS, a public hearing was held before the Town Board for said proposed local law on January 14, 2025.

ROLL CALL: Ayes – MacKenzie, Walton, Ferry, Craig.  
Noes - None

### NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Italy adopts the 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.

### 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 and special meeting and held on the 14th day of January, 2025, at which a quorum was present and participated in throughout, said Resolution having been unanimously 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 16th day of January, 2025.

(SEAL)

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Deborah J Craig, Town Clerk  
Town of Italy

## NEW BUSINESS

### TOWN BOARD VACANCY

- The Town has received 2 letters of interest for this position.
- Malcolm suggested that each candidate introduce themselves.
- Nick Baranowski spoke first. Nick has been a resident here for several years and his wife has been a life-long resident.
- Jack Minter introduced himself. Jack has been a resident here with his family for the past 12 years. He owns the neighboring horse barn/arena.

- 15 MOTION TO APPOINT NICHOLAS BARANOWSKI FOR 2025— Malcolm made a motion to appoint Nicholas Baranowski to fill the vacancy on the Town Board as well as serving on the Canandaigua Lake Watershed Council; seconded by Richard. Ayes – 4 (Craig, Brent Walton, MacKenzie, Dave Ferry) Noes - 0. Motion carried.

### FLOOD PLAIN MAP UPDATE

- The Town has received the latest revised flood plain maps that need to be adopted. The steps include 1) adopt the new law, 2) repeal the old law, 3) do a Type 1 SEQR and refer it to the Yates County Planning Board.
- Town Attorney Ed Brockman is getting that process started.
- The Town Board will meet on Tuesday, January 28, 2025 at 7 PM for a special meeting to discuss the process and get it started.

- 16 MOTION TO ADJOURN AT 8:30 PM - Brent made a motion to adjourn; seconded by Dave. Ayes – 4 (Richard Craig, Brent Walton, MacKenzie, Dave Ferry). Noes - 0. Motion carried.

Debbie Craig

*Debbie Craig*  
Italy Town Clerk