

September 21, 2023- Village Board meeting

Mayor McDowell called the regular meeting to order at 6:30pm and led the Pledge of Allegiance.

Present: Mayor McDowell, Trustee Evans, Trustee Verbridge, Deputy Mayor Kallusch
CEO Druschel, Trustee Bristol

Absent: Attorney St. Martin

Public Present at call to order- 12 via Zoom and 17 physically present

MOTION by Trustee Verbridge and seconded by Trustee Bristol to approve the August 17, 2023, regular meeting minutes.

Motion carried all voting aye.

Reports were given as follows:

Mayor updates:

Water Level –

Our current water level is 245.67, down more than 7 inches. The River Board is deviating from Plan 2014 by reducing the outflow until October 16th to keep the water in Lake St Lawrence higher. This will eliminate the need for the annual 'boat haul out' weekend that has been occurring in mid-October for many years. The difference in the outflow will be made up in the weeks following October 16th.

Parking Enforcement–

Gary and Bill currently have a draft updated code section based on the documentation provided by Gary. I expect further changes because of a document Gary provided last week. Once Bill and Gary are comfortable the draft will be shared with Matt and Brad for review. I would expect it to come to the board in November.

Beach Dune-

The village has been cited by the DEC for the lack of beach grass at Jean Hallagen's property. We need to acquire more grass and get it planted. Currently grass is not available. We can bill Jean for the cost of doing this. This is the only portion of the dune without sufficient grass.

Streetlights-

The streetlight maintenance people will be here October 3 & 4 to try and get all the lights operational. With travel time here and back they were only getting a few hours each trip to get work done. By spending the night, they will get more accomplished.

NY Forward-

Sharon is updating our submission from last year with what we learned, and what additional work has been done both by private individuals and the village. This is a \$2.5-\$5M grant. It starts with a NYS led planning process. Our goal would be to fund several of the ATP recommendations and a community pier as well as repair our public parking areas.

Sill Shore Road Drainage-

All the approvals are in place. A walk through was conducted with the contractor and a representative of the Wood's property. Work is scheduled for the week of October 2nd. It is anticipated to take a couple of days. The site will be remediated at that time. More remediation is expected in the Spring due to settling. This will include sod placement and driveway paving.

Reports were given as follows:

Mayor McDowell- Water and Wastewater

Deputy Mayor Kallusch- Parking

Trustee Verbridge – updates on EV Stations and Playground, LWRP

Trustee Bristol – Highway and Ambulance

CEO Druschel – Building Inspector

All reports are filed with the details and backup for the meeting in the Village office.

Public Comments:

All meeting contents can be viewed on the Village of Sodus Point YouTube channel.

Old business:

- A. CEO Druschel made changes/updates to the Village Parks special use/event application. The board agreed to start using the revised permit form. The office will continue to work on instructions and guidelines for each facility including the zoom meetings.

New business:

- A. RESOLUTION AUTHORIZING VILLAGE TO TAKE ALL APPROPRIATE ACTIONS UNDER THE NEW YORK EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE RIGHT OF WAY FOR PUBLIC ACCESS TO PIER/WATERFRONT**

A meeting of the Village Board of the Village of Sodus Point ("Village") was convened in public session on September 21, 2023, at 6:00 p.m., local time.

The meeting was called to order by the Mayor of the Village and, upon roll being called, the following members of the Village were:

PRESENT: Mayor McDowell, Trustee Kallusch, Trustee Verbridge, Trustee Evans and Trustee Bristol

ABSENT: Attorney St. Martin

ALSO PRESENT: 25-public in person and 12-zoom

The following resolution was offered by Trustee Evans, seconded by Trustee Kallusch, to wit:

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF SODUS POINT ("VILLAGE")
AUTHORIZING VARIOUS ACTIONS PURSUANT TO THE NEW YORK EMINENT DOMAIN
PROCEDURE LAW WITH RESPECT TO THE RIGHT OF WAY ALONG GREAT SODUS BAY**

WHEREAS, to accomplish its governmental purposes, the Village is authorized and empowered to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Village is seeking to acquire and preserve the 20’ Right of Way (“ROW”) granted to the United States of America per Liber 181 of Deeds, Page 419 for the purpose of maintaining the historical public access and walkway along Great Sodus Bay;

WHEREAS, the ROW was conveyed by the Elmira and Lake Ontario Railroad in 1899 to provide the United States of America with access to the pier and also for the use and convenience of the public generally; and

WHEREAS, the ROW encumbers the following properties located in the Village of Sodus Point, Wayne County, New York identified in the table below:

Owner	Tax Map Parcel No.	Address
James & Lisa McNaney	71119-18-482237	8508 Wickham Blvd.
DePew Family Irrevocable Trust	71119-18-477235	8504 Wickham Blvd.
Guy & Kathleen Berretta	71119-18-487239	8510 Wickham Blvd.

WHEREAS, a Full Environmental Assessment Form and supporting documents is being reviewed by the Village; and

WHEREAS, the Village has attempted to preserve the ROW without resorting to eminent domain, but have been unsuccessful in those efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE AS FOLLOWS:

- (1) The Village Mayor, staff, and the Village’s legal counsel, Bond, Schoeneck and King, PLLC, are hereby authorized and directed:
 - a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2 including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of the Eminent Domain Parcels; and
 - b. To take all actions under EDPL § 404 to allow for and facilitate Village officers, agents, and contractors to enter upon the Eminent Domain Parcels for the purpose of making surveys, test pits and borings, or other investigations.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Village where the same shall be available for public inspection during business hours.

(3) This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
5	0	0

The foregoing resolution was thereupon declared duly adopted

**RESOLUTION SCHEDULING PUBLIC HEARING PURSUANT TO THE NEW YORK EMINENT DOMAIN PROCEDURE LAW
TO ACQUIRE RIGHT OF WAY FOR PUBLIC ACCESS TO PIER/WATERFRONT**

A meeting of the Village Board of the Village of Sodus Point (“Village”) was convened in public session on September 21, 2023, at 7:00 p.m., local time.

The meeting was called to order by the Mayor of the Village and, upon roll being called, the following members of the Village were:

PRESENT: Mayor McDowell, Trustee Kallusch, Trustee Verbridge, Trustee Evans and Trustee Bristol

ABSENT: Attorney St. Martin

ALSO PRESENT: 25-public in person and 12- zoom

The following resolution was offered by Trustee Verbridge, seconded by Trustee Evans, to wit:

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF SODUS POINT (“VILLAGE”)
SCHEDULING PUBLIC HEARING PURSUANT TO THE NEW YORK EMINENT DOMAIN
PROCEDURE LAW WITH RESPECT TO THE RIGHT OF WAY ALONG GREAT SODUS BAY**

WHEREAS, to accomplish its governmental purposes, the Village is authorized and empowered to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Village is seeking to acquire and preserve the 20’ Right of Way (“ROW”) granted to the United States of America per Liber 181 of Deeds, Page 419 for the purpose of maintaining the historical public access and walkway along Great Sodus Bay;

WHEREAS, the ROW was conveyed by the Elmira and Lake Ontario Railroad in 1899 to provide the United States of America with access to the pier and also for the use and convenience of the public generally; and

WHEREAS, the ROW encumbers the following properties located in the Village of Sodus Point, Wayne County, New York identified in the table below:

Owner	Tax Map Parcel No.	Address
James & Lisa McNaney	71119-18-482237	8508 Wickham Blvd.

DePew Family Irrevocable Trust	71119-18-477235	8504 Wickham Blvd.
Guy & Kathleen Berretta	71119-18-487239	8510 Wickham Blvd.

WHEREAS, a Full Environmental Assessment Form and supporting documents is being reviewed by the Village; and

WHEREAS, the Village has attempted to preserve the ROW without resorting to eminent domain, but have been unsuccessful in those efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE AS FOLLOWS:

The Village will hold a public hearing on October 18, 2023 beginning at 7:00 pm both in person at 8364 Bay Street and virtually at <https://us02web.zoom.us/j/83091357378?pwd=alBDajZWMDBqRkFTNmVTcmRzbDM1UT09>

- (2) Notice of the hearing will be delivered to the owners of the impacted property identified herein and also published in two successive copies of the Times of Wayne County the official Village newspaper of record.
- (3) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Village where the same shall be available for public inspection during business hours.
- (3) This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
5	0	0

The foregoing resolution was thereupon declared duly adopted

MOTION made by Trustee Verbridge, and seconded by Trustee Evans

RESOLUTION CLASSIFYING THE ACQUISITION OF HISTORICAL
20 FT RIGHT OF WAY AND UNLISTED ACTION UNDER THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT AND DECLARING
THE VILLAGE BOARD’S INTENT TO SERVE AS LEAD AGENCY

WHEREAS, to accomplish its governmental purposes, the Village is authorized and empowered to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Village is seeking to acquire and preserve the 20’ Right of Way (“ROW”) granted to the United States of America per Liber 181 of Deeds, Page 419 for the purpose of maintaining the historical public access and walkway along Great Sodus Bay (the “Project”);

WHEREAS, the ROW was conveyed by the Elmira and Lake Ontario Railroad in 1899 to provide the United States of America with access to the pier and also for the use and convenience of the public generally; and

WHEREAS, the ROW encumbers the following properties located in the Village of Sodus Point, Wayne County, New York identified in the table below:

Owner	Tax Map Parcel No.	Address
James & Lisa McNaney	71119-18-482237	8508 Wickham Blvd.
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WHEREAS, the Board desires to comply with the New York State Environmental Quality Review Act, as set forth in Article 8 of the New York State Environmental Conservation Law, and the requirements of the implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”), (collectively, “SEQRA”); and

WHEREAS, pursuant to SEQRA, the Board has considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, Part 1 of the Short Environmental Assessment Form (“EAF”) has been prepared by the Board’s consultants dated September 21, 2023, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Board has considered the information and documentation, which describes the Project as set forth in EAF, as well as the Board’s knowledge of the Right-of-Way and the properties involved; and

WHEREAS, there are no other interested or involved agencies in regard to the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board declares that:

1. Based upon the record before it, including Part 1 of the EAF, and under the applicable standards of SEQRA , the Project is classified as an “Unlisted Action,” as that term is defined in the Regulations; and
2. Under the applicable standards of SEQRA, and having completed Part 1 of the EAF, the Board intends to assume the role of lead agency for the coordinated SEQRA review of the Project; and
3. This Resolution shall take effect immediately and the District administration is authorized to take whatever steps are necessary to carry on this Resolution.

The vote on the foregoing resolution was as follows:

The foregoing resolution was thereupon declared duly adopted

- B. Barton and Loguidice presented the Willow Park conceptual plan to the board.
- C. **MOTION** by Trustee Verbridge and Trustee Evans to adopt the Willow Park conceptual plan presented by Barton and Loguidice. The detailed preliminary opinion of probable costs of \$3,948,000 for Willow Park master plan can be viewed on the village website.
Motion carried all voting aye.
- D. **MOTION** by Trustee Bristol and seconded by Trustee Verbridge to approve ordering a 2025 International truck from Regional International in the amount of \$199,605.28. The truck will take over a year to build. Therefore, the financial approval will be voted on in the 2024-25 Budget process.
Motion carried all voting aye.
- E. **MOTION** by Trustee Verbridge and seconded by Trustee Bristol to approve the following resolution
AUTHORIZE CONSULTANT SERVICES FOR THE COMMUNITY PIER PROJECT STUDY

WHEREAS, the Village of Sodus Point was awarded \$45,000 to develop an Environmental and Socio-Economic Impact Study of Community Pier Locations (the “Study”), and

WHEREAS, in accordance with applicable procurement requirements, the Village of Sodus Point prepared and advertised a Request for Qualifications (RFQ) on July 3, 2023 for consultant services; and

WHEREAS, the Village received one qualifications package before the August 18, 2023 submission deadline from the following firm:

- Fisher Associates - \$43,880; and

WHEREAS, the Village consulted with the Associate Director of New York Sea Grant at Cornell University to determine if a re-advertisement would be necessary because of the receipt of one qualifications package; and

WHEREAS, New York Sea Grant authorized the Village to retain Fisher Associates provided they were deemed qualified and could perform the work within the established budget; and

WHEREAS, after evaluation of their submission package, the review committee determined that Fisher Associates was qualified to perform all study tasks within the prescribed budget; now, therefore, be it

RESOLVED, that the Village Board retain Fisher Associates to perform the Study; and be it further

RESOLVED, that the cost for the Study shall not exceed \$45,000.
Resolution adopted all voting aye.

- F. The highway department requested salt barn roof quotes. The quotes are as follows:
SOS Contracting Inc. \$17,100
Miller’s Construction LLC \$15,978
Kanga Roof \$13,900
Ternoois Excavation & Construction \$14,800

MOTION by Trustee Evans and seconded by Trustee Verbridge to accept the quote of \$14,900 from Ternoois Excavation & Construction
Motion carried all voting aye.

G. Sill Shore Road dedication public hearing set for Wed. Oct 11, 2023 at 7:00pm at the Firehall.

MOTION by Trustee Kallusch and seconded by Trustee Verbridge to approve claims 9-1 through 9-57 totaling \$78,237.37: General \$47,289.34, Water \$13,773.69 and Wastewater \$17,174.34.

Motion carried all voting aye.

Other business:

MOTION by Trustee Bristol and seconded by Trustee Evans to move to executive session at 8:33pm to discuss litigation with no action being taken.

Motion carried all voting aye.

MOTION by Trustee Evans and seconded by Trustee Verbridge to adjourn executive session and move back to the regular meeting at 8:43pm

Motion carried all voting aye.

MOTION by Trustee Verbridge and seconded by Trustee Evans to adjourn the meeting at 8:43pm

Motion carried all voting aye.

The next scheduled regular Board meeting will be Thursday, October 19, 2023 at 6:30pm.

Tracy B Durham
Clerk-Treasurer