

SOUTH BRISTOL TOWN BOARD MEETING

March 13, 2017

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 13, 2017 at 7:03pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Daniel Marshall, Supervisor
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman
Jim Strickland, Councilman
Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Brian Perkins, Anne Jacobs, Steve Dahl Schultz, Lisa Moore, Maddie Bicknell, Kristie and Alan Braun, Steve Lembaris and Jim Wight

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the February 13, 2017 Public Hearing minutes and the February 13, 2017 Regular Town Board minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS:

Councilman Cowley read the Highway Supt. report:

“Well, it looks like the gopher was right. Winter is still dragging on. During the couple nice weeks of weather we had, we trimmed trees on Stemple Hill and cleaned ditches on Ross Rd. We also hauled in some rock (medium rip rap and gabion stone) for lining a portion of the ditch on Gannett Hill. This is a grant money project with Canandaigua Lake Watershed. The Town will be reimbursed for materials, labor and equipment use.

On the down side our Cat loader broke a shaft in the transmission. It is at the Cat dealership in Batavia being fixed (under warranty). We have a loaner in the meantime. We have also been busy hauling stone (ST 1’s) for roadwork this summer. There is plenty to do, before the grass starts growing again.”

Councilman Cowley said he did speak with Supt. Wight about putting a committee together for new highway buildings; putting thoughts down.

Supt. Wight agreed and said the project can be in 2 or 3 phases and budget years.

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Supr. Marshall said that the committee should first discuss what is needed at the Highway barns to get the process started. We should also get an amount for the cost to develop the plans.

Supr. Marshall asked Supt. Wight about the BID process approved last month for the truck and equipment trailer.

Supt. Wight said he has not started that process because it has to go through the “Mini-Bid” process which is new. Supt. Wight said he was concerned about the sales tax revenue for the Town.

Supr. Marshall noted that the sales tax revenue income is flat and will be watching that income very carefully this year. If there is a serious drop in sales tax revenue the Board will have to take a serious look at where we can cut back.

Supt. Wight handed out the quote for the heavy equipment trailer. Councilman Wohlschlegel asked if this was a budgeted expense? Supr. Marshall said it was budgeted for and came under budget.

On a motion made by Councilman Cowley to accept the bid for \$25,029.00 for the Low-Boy Trailer, seconded by Councilman Strickland was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

SUPERVISOR’S REPORT

Supr. Marshall noted that the Town continues to work with the accounting firm, EFPR Group, with reference to the 2015-2016 bookkeeping issues which is not completed yet and therefore no Supervisor’s Report this month. Supr. Marshall noted that he has emphasized with EFPR that the monthly reports are critical for the Board.

**VI. OLD BUSINESS:
EVERWILDE SEIS (UPDATE)**

Supr. Marshall said that there is nothing new to report with regards to the Everwilde project. A memo was received from LaBella Engineering which is available for interested parties. The memo states that LaBella is still working on the comments from the SEIS. It may be April or May before this is in front of the Board.

LOCAL LAW – CORRECTING HIGHWAY SUPT. SALARY

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 28 – 2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION #28 – 2017

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2017

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on March 13, 2017, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law to Increase the Compensation of the Elected Position of Town Superintendent of Highways in the Town of South Bristol for Fiscal Year 2017; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 7, 2017 and all other notices required by law to be given were properly served, posted or given; and

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WHEREAS, said public hearing was duly held on March 13, 2017, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interest of the Town of South Bristol to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 2 of 2017, entitled, "A Local Law to Increase the Compensation of the Elected Position of Town Superintendent of Highways in the Town of South Bristol for Fiscal Year 2017", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this local law is subject to a permissive referendum, that the Town Clerk is directed to give notice thereof to the public by publication and posting and that this local law shall not become effective until either forty-five days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of South Bristol voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of South Bristol, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of South Bristol; and be it further

RESOLVED, that, should this law become effective, the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of South Bristol.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the Town Board of the Town of South Bristol adopted this resolution on March 13 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	x _____	_____
Scott Wohlschlegel	x _____	_____
Donna Goodwin	x _____	_____
Stephen Cowley	x _____	_____
James Strickland	x _____	_____

Dated: March 13, 2017

Judy Voss, Town Clerk

SEAL

LOCAL LAW #2-2017
A LOCAL LAW TO INCREASE THE COMPENSATION OF THE ELECTED POSITION OF TOWN SUPERINTENDENT OF HIGHWAYS IN THE TOWN OF SOUTH BRISTOL FOR FISCAL YEAR 2017

County _____
City _____
Town of South Bristol
Village _____

Local Law No. **2** of the year **2017**
A LOCAL LAW TO INCREASE THE COMPENSATION OF THE ELECTED POSITION OF TOWN SUPERINTENDENT OF HIGHWAYS IN THE TOWN OF SOUTH BRISTOL FOR FISCAL YEAR 2017

(Insert Title)

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Be it enacted by the Town Board (Name of Legislative Body)

County

City

Town of South Bristol as follows:

Village

Section 1. Legislative Findings and Intent.

The Town Board of the Town of South Bristol finds that the current Superintendent of Highways for the Town of South Bristol lost his Health Insurance Buyout in fiscal year 2015, which resulted in a net loss of pay to him. The Town Board also finds that the current Superintendent of Highways was denied a pay increase in fiscal year 2015 while others received a pay increase from the Town. The Town Board further finds that the lack of a 2015 pay increase had a negative effect on the Superintendent of Highway's 2016 salary.

Based on the above, the Town Board believes it to be fair and proper to provide the Superintendent of Highways an increase of salary of \$401.35 in excess of the amount specified for that position's salary in the notice of hearing on the 2017 preliminary budget published pursuant to New York State Law.

Section 2. Authority.

New York State Town Law Section 27 1. empowers a town board to fix, from time to time, the salaries of all officers of such town, whether elected or appointed. Section 27 1. further empowers the town board to fix the salary of an elected town superintendent of highways at an amount in excess of the amount specified in the notice of hearing on the preliminary budget published pursuant to New York State Town Law provided such increase may not be in effect for more than one fiscal year and such increase is approved by a local law adopted pursuant to the municipal home rule law.

Section 3. Adjustment of 2017 Salary for the Town Superintendent of Highways.

The 2017 budgetary amount for the annual salary of the Town Superintendent of Highways shall be increased from the amount shown in the notice of hearing on the 2017 preliminary budget published pursuant to New York State Town Law from \$70,730.00 to \$71,131.35.

Section 4. Payment of Salary Increase.

Upon this local law becoming effective, the current Superintendent of Highways shall be paid a one-time payment of \$401.35 in addition to his regular salary.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6. Effective Date.

This local law shall not be effective until it is filed with the Secretary of State and shall further be subject to a permissive referendum, as required by law, and shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the Town of South Bristol voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of South Bristol, registered to vote therein at the last preceding general election, in

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number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of South Bristol.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2017 of the Town of South Bristol was duly passed by the South Bristol Town Board on _____, 2017, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Town Attorney
Town of South Bristol

Date: _____

PROPOSED ONSITE WASTEWATER TREATMENT SYSTEM LAW

Supr. Marshall noted that last month the Board discussed whether or not to continue with the proposed Wastewater Treatment System Law which concerns any wastewater treatment system that is within 200 feet of Canandaigua Lake. Supr. Marshall said the Board has had an opportunity to look at the proposed law, there have been public hearings and asked the Board if they want to move forward with this proposed law?

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley to pursue the Onsite Wastewater Treatment System Law was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Resolution No. 29-2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 29-2017

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW ADOPTING AN ON-SITE WASTEWATER TREATMENT SYSTEM LAW"

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a

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proposed Local Law entitled "A Local Law Adopting an On-Site Wastewater Treatment System Law"; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 10 2017, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 10, 2017 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____
James Strickland	<u>x</u>	_____

Dated: March 13, 2017

Judy Voss, Town Clerk

SEAL

**VII. NEW BUSINESS:
TIME WARNER FRANCHISE AGREEMENT**

Supr. Marshall noted that the Time Warner Franchise Agreement was sent to the Town Attorney who requested additional language in the contract. Nothing to report until the information gets back to the Town.

Supr. Marshall noted that the Town did receive a check from Time Warner for Franchise tax in the amount of \$7,600.00 and another check for \$7,800.00. In the past this money was put into a fund that was used to further the coverage of Time Warner and the previous Board changed that practice and lost that funding. Supr. Marshall said he would like to see this money put aside in a fund that is intended for the future development of coverage for the residents.

Councilwoman Goodwin agreed. Supr. Marshall said in years past the Board worked on areas within the Town that needed internet/cable. When money was available we would survey that road and see how many residents were interested, find how much business potentially Time Warner would get out of it and then Time Warner would come back with a cost to extend the service. The Town paid 50% of that cost. These checks received will go into the General Fund, but we can set up an account that will accumulate those funds for the further development of Time Warner coverage.

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PAYCHEX TIME CLOCK PROPOSAL

Supr. Marshall noted that he received a proposal from Paychex for an online time keeping system. Paychex all ready has our information regarding employees, etc. and they would get the system set up. A setup fee is \$300 with a monthly fee of \$99 per month to operate the system, service; about \$2,400 per year. Supr. Marshall will have more information at the next meeting.

**VIII. REPORTS:
ASSESSOR**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the Assessor's Report for February 2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

CEO

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the CEO Report for February 2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

TOWN CLERK

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Town Clerk/Tax Collector Report for January and February 2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall noted that the list of items are outdated, broken and out of date that need to be discarded or recycled.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the Items for Surplus was ACCEPTED. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**IX. ACCOUNTING:
APPROVAL OF VOUCHERS**

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Abstract No. 3, Vouchers No. 107- 153 totaling \$77,868.79 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

X. 2nd PRIVILEGE OF THE FLOOR

Alan Braun said that he had a good experience with the online payroll system; it really helped with keeping track of everyone.

XI. ADJOURN: 7:45PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk