

SOUTH BRISTOL TOWN BOARD MEETING

July 11, 2016

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board as called to order July 11, 2016 at 7:00pm 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**

Jim Wight, Kevin Murphy, Ann Jacobs,  
Brian & Delores Perkins, Alan Braun and Joe Kohler

I. Supr. Marshall opened the meeting with roll call and the Pledge of Allegiance.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the June 13, 2016 Regular Town Board meeting minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**IV. PRIVILEGE OF THE FLOOR/COMMUNICATIONS RECEIVED**

Mrs. Ann Jacobs of County Road 33 asked why the Board needs to pass a local law to override the 2% Tax Cap. We were told that the taxes were raised when it wasn't necessary and now we are looking at increasing taxes even more. Mrs. Jacobs said on the website the reason a municipality would override the tax cap is to increase property taxes.

Supr. Marshall said that is one reason they might do it; the reason South Bristol does it is to protect ourselves. Our town attorney, who is the attorney for many towns in Ontario County, advises all his towns to pass this law. For instance, if we inadvertently go over the 2% tax cap and if the Comptroller's Office did an audit and determined we went over they the right to fine the town. When the State fines us, we have to pay immediately. The other issue is the State can go back and audit 5 years and you can be very certain that all years moving forward are also going to have a problem. This local law protects the town in case something like this happens.

Mrs. Jacobs asked that this law doesn't necessarily mean taxes will be raised?

Supr. Marshall agreed and said for South Bristol it has been more or less a protection. Supr. Marshall noted that he just learned that the law can be rescinded provided that the town is indeed under the 2% tax cap and the tax refund checks from the State will be issued. Once the budget is done for 2017, our accounting firm will be able to tell us where we stand.

**V. COMMITTEE REPORTS**

**HIGHWAY**

Councilman Cowley read from the Highway Dept Report:

Following is what the Highway Dept. has been up to;

1. New KX 080 Kubota Excavator is here.
2. Paved 5.5 miles of roads with Suitkote. (Oil and Stone will follow in August)
3. Started mowing roadsides – started with the County roads first, Town roads are next.
4. Both Western Star Dump Trucks being lettered.
5. Spent some quality time getting the overlook back in shape.
6. Hope to have interviews wrapped up soon and a recommendation for Town Board approval of a new employee.

Councilman Cowley said he was very happy to hear about the work at the Overlook and asked how we can keep that up?

Supt. Wight said that Rick Emmons spent half a day at the Overlook. The Ontario County Workforce has done work on the Overlook and thought that they could that again.

Supr. Marshall said that the Board needs to think of something on a more permanent basis as it is a bright spot in the Town.

**FINANCE**

Supr. Marshall reported that the new accounting firm, EFPR Solutions, is working out incredibly well. We have a set of reports issued to the Board; Margaret Dunn is working 15-20 hours per month. The annual savings is going to be around \$11,000.00.

**VI. OLD BUSINESS**

**LOCAL LAW – OVERRIDING 2% TAX CAP**

Supr. Marshall said he all ready explained why we do this. The public hearing was held in March and wanted to make sure we can rescind this law which we can. We can rescind the law once the town's budget has been passed.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 31– 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**RESOLUTION NO. 31-2016**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2016**

**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 14, 2016, 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 override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 10, 2016 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on March 14, 2016, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, and all parties

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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. 1 of 2016, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol, and to give due notice of the adoption of said local law to the Secretary of State of New York.

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 July 11, 2016, 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: July 11, 2016

\_\_\_\_\_  
Judy Voss, Town Clerk

**SEAL**

**LOCAL LAW #1-2016**

LOCAL LAW FILING

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 1 of the year 2016

A local law to override the tax levy limit established in General Municipal Law §3-c

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1: Legislative Intent

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It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of South Bristol, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of South Bristol to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of South Bristol, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(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. 1 of 2016 of the Town of South Bristol was duly passed by the South Bristol Town Board on July 11, 2016, 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 Officer<sup>1</sup>.)

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

<sup>1</sup> 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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by the on 20\_\_, and was (approved)(not approved)(repassed after disapproval) 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.)

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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Town Clerk

(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.

\_\_\_\_\_  
Attorney to the Town

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**COMPREHENSIVE PLAN COMMITTEE**

Supr. Marshall noted that the resolution in front of the Board establishes a committee to update the town's comprehensive plan.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 32– 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**RESOLUTION NO. 32 – 2016**

**WHEREAS**, All towns in New York State are expected to develop a Comprehensive Plan, and

**WHEREAS**, a Comprehensive Plan should be updated on a five year cycle, and

**WHEREAS**, the last South Bristol Comprehensive plan was completed in 2008, and

**WHEREAS**, an effort to involve more residents in the creation of an updated Comprehensive Plan is desired, now therefore be it

**RESOLVED**, that a Comprehensive Plan Committee be formed, with the following as member:

Hermann Arndt, Chairman

Bessie Tyrrell

Ralph Endres

Anne Jacobs

Carol Dulski

Cathy Colby

Elizabeth Caprini

Scott Wohlschlegel

John Holtz

**ROOF REPLACEMENT – SALT STORAGE BARN**

Supr. Marshall said the Salt Storage Barn which is 20+ year old building and in need of a new roof. The Board has 2 estimates for the work, one from Proctor Roofing and the other from Sugarcreek Construction. Both parties have the necessary insurances. The Proctor proposal includes 3 options, asphalt shingles, a metal roof or roofing the upper portion of the roof. The complete cost for a metal roof from Proctor is \$48,975.00. Sugarcreek's proposal is \$39,976.00 for a metal roof. We have seen the works of both outfits and these are viable and comparable proposals.

Councilman Cowley noted that Proctor has a 15 year labor guarantee and Sugarcreek's guarantee is only one year. 19.06

Councilman Strickland said that Sugarcreek has worked in the area; in Bristol Harbor and for the Town of Middlesex. The guarantee is only for labor, not materials.

Supr. Marshall agreed and said that Proctor has a good reputation as well.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the Sugarcreek Construction LLC roof replacement proposal was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

Supr. Marshall noted that we will need a color chart from Sugarcreek as well as proof of insurance.

**VII. NEW BUSINESS**  
**CONTRACT – VILLAGE OF NAPLES**  
**SUMMER RECREATION PROGRAM**

Supr. Marshall said that the Town has been contributing towards the summer rec program for years and the Village auditor had said this contract needed to be done.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the contract for Village of Naples Summer Recreation Program was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**AUDIT PROPOSAL FOR 2015 BOOKS – RAY WAGER COMPANY**

Supr. Marshall said that the Town has also used Ray Wager in the past for the yearly audits. Supr. Marshall also noted that EFPR Solutions who is handling the Town's bookkeeping has told him that the future audits should be less expensive for the Town because more of the information will be provided by them. There are three proposals; for General Accounting, for the Town Clerk and the third is for the Justice office for a total of \$10,450.00. The budget has \$11,000 allowance for the cost of the audit.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the Ray Wager Co. audit proposal was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**FRONTIER COMMUNICATIONS FRANCHISE AGREEMENT**

Supr. Marshall said he attended a meeting with Frontier Communications who will be offering a package for internet/tv/phone to the area much like Time Warner which includes franchise fees.

**VIII. REPORTS:**  
**ASSESSOR**

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland the Assessor's Report for June 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**CEO**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the CEO's Report for June 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

Supr. Marshall mentioned that the former secretary to the CEO, Deb Minute, retired last year and was replaced by Colleen Converse. Ms. Converse worked for the Town for 4 months and went out on disability for 26 weeks; her doctor said that Ms. Converse wouldn't be able to return to work until sometime in August and we then sent a letter to Ms. Converse terminating her position with the Town. In the meantime, Diane Graham was hired in the interim. Ms. Graham has taken the County exam and the County is currently canvassing for the position and we have to interview

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the top three. We will probably hear in the next week or two about the position.

**TOWN CLERK**

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the Town Clerk's Report for June 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**IX. ACCOUNTING  
SUPERVISOR'S REPORT**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the Supervisor's Report for June 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

**BUDGET TRANSFER**

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel the Budget Transfer was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

Transfer From	A1220.11	Super – Admin Serv	
To	A 1220.41	Supr – Contr Outside Serv	\$15,000.00

Supr. Marshall explained the transfer, coming out of the .1 account which is a payroll account and moving the funds an outside services account. Typically this isn't done but the payroll of the former bookkeeper will be moved to pay EFPR Solutions for bookkeeping services.

**ABSTRACT**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Abstract No. 7, Voucher Nos. 311-364 for \$116,448.39 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

Supt. Wight noted that Voucher #355 for Hanson Aggregate for \$397.70 and \$792.91 needs to be pulled from the abstract.

Supr. Marshall noted that the checking account has a balance of \$1.3 million.

Supr. Marshall noted that currently, a decision needs to be made whether or not to request a Supplemental Environmental Impact Statement from Everwilde Inn & Spa. We fully anticipate at the August meeting to move forward on this project. Supr. Marshall said he would like to set up a special meeting between the Town Board and the Town Attorney to discuss this.

**X. 2<sup>nd</sup> PRIVILEGE OF THE FLOOR**

Mr. Alan Braun said that was great to hear that and remembered mentioning that the Board referring to the new owners of Bristol Harbor Resort Management as the "developers" which they told us at our meeting that they are not considered the developer. Latest he has heard is the new owners are the "sponsor." There are some changes and they are working with our Board because our documents specifically say it.

Supr. Marshall said at this stage the Town Board is an interested property; not a player of the game and thanked Mr. Braun for keeping us up to date.



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Mr. Braun said that as far as AirBNB; we just discovered one of our residents on lower Spyglass Hill that lives in Illinois that have their place for rent on a weekly basis. They advertise that 12 people can stay at this home for \$285.00 per night. We are working on how we can structure that to still follow the rules of Bristol Harbor and for South Bristol; what you classify as residents and guests.

Supr. Marshall asked if 12 people outrageous? Mr. Braun answered that it is when they are not related to each other; if they rent they have to be related in some way. The house on Spyglass has 6 bedrooms and 5 baths and is for sale and they can bring in pets. The overflows of parking for this rental were parking on neighboring properties. The homeowner's association is looking into this.

Mr. Braun suggested asking the roofing company if they would extend their 1-year warrantee.

Mr. Joe Kohler said he has been coming to these meetings since 1975 and said well done.

Supt. Wight said the highway employees are still asking for an additional pre-tax retirement package. Supr. Marshall noted that we had discussed this and Paychex had sent a very expensive quote.

Councilwoman Goodwin said that EFPR said they had knowledge of the 403.

Supr. Marshall said that nothing would be done on this until the next budget cycle.

Supt. Wight said that the guys have said that as long as a majority are interested the Town has to do something. Supr. Marshall wasn't sure about that.

Councilman Cowley said the employees want something in addition to the State retirement. Councilwoman Goodwin agreed and will call EFPR.

Supr. Marshall said that there is an expense to the Town and can't buy the fact that 5 of our employees to make the Town spend money they don't want to spend; unless it is in the Union contract.

Mr. Brian Perkins complimented the Board on the new Town website; nicely done.

Mr. Braun mentioned that the Harbor just did the same thing and our new website is [www.bhvainc.com](http://www.bhvainc.com).

### **XI. ADJOURN: 7:56PM**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk