

SOUTH BRISTOL TOWN BOARD MEETING

February 13, 2017

REGULAR MEETING

The regular meeting of the South Bristol Town Board as called to order February 13, 2017 at 7:02pm 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

John York, Brian Perkins, Anne Jacobs, Steve and Patty Janto, Jim Bachman, Dahl Schultz, Lisa Moore, Hermann Arndt, Wade Sarkis, Cathy Colby, Bruce and Barbara Hunt, Anne and Bob Bacon, Maddie Bicknell, Kristie and Alan Braun, Julie Sherwood

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 Councilman Strickland, the January 9, 2017 Organizational Meeting minutes and the January 9, 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

Hermann Arndt, chairperson for the Comprehensive Plan Update committee, said he sent the Town Board the proposed Comprehensive Plan survey for their review. The members of the committee are Ralph Endres, Anne Jacobs, Carol Dulski, Cathy Colby, Elizabeth Caprini, Scott Wohlschlegel, John Holtz and Bessie Tyrrell. There are two minor changes to the document and will then be finalized and the hope is by the end of next week we can mail this out to all the homesteads of South Bristol. Mr. Arndt noted that the Town has 705 homesteads and want the survey returned by March 22nd and the committee will tabulate the results. The information will then be categorized and after that is to have actionable items, i.e. recommendations for the Town Board or Planning Board, Zoning Board, etc. and what the expectations are. If there are no issues with the survey, let us know and we can proceed.

Supr. Marshall said he has all ready spoken with Mr. Arndt about the survey and asked the Board would like to approve the survey.

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

V. COMMITTEE REPORTS:

Councilman Cowley read the Highway Supt. report:

Well, it looks like the groundhog saw his shadow. Unfortunately, that means we can look forward to another six weeks of winter. Things are status quo at the Town Barns. We have been working on one of the overhead doors; trying to make it operate smoother. Also tree trimming on nice days. The shed addition is finished. It is providing storage for an additional four pieces of equipment. We were also able to take advantage of the nice weather recently and finish mowing the fields by the Wilder barn. I will be looking for Board approval to go out for bid on a new pickup truck and order a new equipment trailer. Both items are provided for in the budget.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland allowing Supt. Wight to start the bid process for a new pickup truck and equipment trailer was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall reported on the Town Finances: We continue to be working on the issue of getting the books of 2015 straightened out; there have been multiple errors and compounded by the fact that more than one person had their hands was involved. We are utilizing Eldredge, Fox & Poretti, they are the contracted bookkeeping service for the Town and are working diligently to get this cleaned up. The one result of that is that there will not be a Supervisor's Report tonight because they are still reconciling 2016.

Supr. Marshall said last year he mentioned to the Board about installing a defibrillating machine in the Town Hall and by law, the Town is supposed to have this. Any place where there is an assembly of people it should be considered. A company, Cardiac Life, can provide the Town with the unit under the NYS Contract for \$1,600.00; in addition this includes training up to 10 people.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the purchase of the Defibrillator from Cardiac Life for \$1,600 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

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

Supr. Marshall said that Everwilde will be on the agenda for the March Town Board meeting. The comment period for the Everwilde SEIS ended January 31, 2017 with about 50 comments which are being reviewed by LaBella Assoc. and expect to have Kathy Spencer from Labella at the March meeting.

**RESOLUTION NO. 26-2017
ADOPTION OF LOCAL LAW #1-2017 TO OVERRIDE 2% TAX CAP**

Supr. Marshall noted that the Public Hearing was held tonight and now the Board can accept the resolution enacting the Law; this is to protect the Town in case of any errors in the calculations of the tax cap.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 26 – 2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

SOUTH BRISTOL TOWN BOARD MEETING

February 13, 2017

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 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 February 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 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 February 9, 2017 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 February 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. 1 of 2017, 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 February 13, 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: February 14, 2017

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING

NYS Dept. of State

Division of Corporations, State Records and Uniform Commercial Code

One Commerce Plaza

99 Washington Ave

Albany, NY 12231

(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

SOUTH BRISTOL TOWN BOARD MEETING

February 13, 2017

City

Town of South Bristol

Local Law No. 1 of the year 2017

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

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 2018 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 2018 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. ____ 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.)

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

SOUTH BRISTOL TOWN BOARD MEETING

February 13, 2017

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__, 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.

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.

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
Town of South Bristol

Date: _____

**PROPOSED ONSITE WASTEWATER TREATMENT
SYSTEM LAW – DISCUSSION**

Supr. Marshall noted that Kevin Olvany had attended a Board meeting last year and a Public Information meeting held here at the Town Hall and now the proposed law is in the hands of the 5 towns that surround the lake. This law will not be like the Uniformed Docking & Mooring Law which is identical for all 5 municipalities around the lake. We have the option to tweak the proposed law or the Town doesn't have to enact anything with regards to this proposed Law. Supr. Marshall said he is in favor of doing something with the law for the Town and should be reviewed by the Board. The law has been passed around by all the appropriate people and believes that it is fair and not an excessive burden on the residents. This only involves septic systems along the lake and believes most systems are in compliance. Supr. Marshall asked the Board if he would like to have the Town attorney draft a local law? The Town Attorney also works with the Towns of Gorham and Middlesex and has drafted a law that he is comfortable with.

Councilwoman Goodwin agreed. Councilman Cowley asked about the other towns and having different attorneys looking at the draft. Supr. Marshall said the Town of Canandaigua has their attorney working on their draft.

On a motion made by Councilman Cowley and seconded by Councilman Strickland to have the Town Attorney move forward with the Wastewater Treatment System Law was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Jim Bachman of Hicks Road asked if this is to inspect what people are doing along the lake with regards to wastewater and would image that there is more than one occasion where people have living quarters on the lake that have illegal systems or things that just aren't right. Will they look at each property; what is the ultimate goal here?

Supr. Marshall noted that if your discharge point/system is more than 200 feet from the lake it doesn't apply. If the system is in compliance they will inspect every 5 years.

Mr. Bachman asked if there will be an individual to inspect all of the properties? Supr. Marshall agreed, a certified inspector will physically go there and inspect the whole system. This is something that needs to be done for protection of the Lake. This will start the process of a local law for the Town.

VII. NEW BUSINESS:

LOCAL LAW – CORRECTING HIGHWAY SUPT. SALARY

Supr. Marshall said last year the Board attempted to correct the salary of the Highway Supt. and did a resolution in January 2016 proposing to do so only to find out late in the year that what we did wasn't done properly and needed to be rescinded. The process is a local law and because the Highway Supt. is an elected official, the public also has an opportunity to weigh in through a Permissive Referendum. The budget that was passed in November, 2016 with the Supt. salary and now we are proposing to raise it \$401.35.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel Resolution No. 27-2017 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 27-2017

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

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 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, 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 March 13, 2017, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers 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; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

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 February 13, 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: February 13, 2017

Judy Voss, Town Clerk

SEAL

TENTATIVE JUSTICES AUDIT REPORT

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

SALES TAX REPORT

Supr. Marshall noted that the 2016 4th Quarter Sales Tax check was received for the amount of \$324,036.49 which is an increase of .15% over the same quarter last year; which means things are flat, slowing down. This will be watched; the Town relies heavily on the sales tax revenue.

**VIII. REPORTS:
ASSESSOR**

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

Supr. Marshall informed the Board that the ZBA sent a resolution to the Town Board requesting and recommending amending the Town Code 170-38 for additional residential structures on the same lot; to differentiate the same residential address for emergency and postal services. Currently if there are two residences on the same lot they have to share the same address.

TOWN CLERK

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

**IX. ACCOUNTING:
APPROVAL OF VOUCHERS**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, Abstract No. 2, Vouchers No. 47-106 totaling \$427,782.76 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

X. 2nd PRIVILEGE OF THE FLOOR

XI. ADJOURN: 7:45PM
Respectfully submitted:

Judy Voss
South Bristol Town Clerk