

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order December 11, 2017 at 7:05 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

ABSENT

Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Ann Jacobs, Brian Perkins, Alan & Kristie Braun, Dahl Schultz, Baird Couch, Wade Sarkis, John McAlpin, Ted & Gina Russell

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 Cowley, the minutes of the November 13, 2017 Public Hearing – Solar Panel Law, Public Hearing – 2018 South Bristol Budget and the Regular Town Board minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR

Wade Sarkis, here on behalf of the Canandaigua Lake Watershed Association, and last time I was here I spoke about the Hemlock Woolly Adelgid and we will be holding a presentation on Tuesday January 23rd at 6:00pm here at the South Bristol Town Hall discussing the most recent advances and issues with the critter. Mr. Sarkis wanted to thank Brian and Delores Perkins for helping lead the charge here in the Town of South Bristol. This is the time of year you can go out and actually see the Adelgid on the trees; I was in Seneca Point gully on Saturday and unfortunately saw them.

Mr. Sarkis continued, in further advance of the On-Site Waste Water Treatment Law that the Town Board passed, we have been doing a little bit more homework on vacation rental properties, specifically those that are on septic systems and more specifically those adjacent to the lake or the tributaries to the lake. Strictly approaching it from a water-quality perspective, and if you go on to these sites, VRBO, AirBNB, the problem is when these properties are on septic. What we are finding is that about 25 properties in the Town of South Bristol are listed for rental, vacation rental, all of them are on septic (not including Bristol Harbor) and they range from sleeping 6 up to sleeping 22. We are finding that this is potentially problematic for these systems. There is one particular property that I pointed out to George Bardun that

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

described itself as a 4-bedroom 3-bath and sleeps 15 and is right on the waterfront. I asked George if he had any information on that and he said that the septic system for this residence was designed in 1981 by a licensed professional and approved by his office based on 3 bedroom residence with a 1,000 gallon tank. It is not designed for 4+ bedrooms and even that would be a max of 5 people but they advertise for 15 and George says the potential for failure in that type of use is very high. Mr. Bardun also mentioned that any residences older than 10-15 years of age and is being offered to rent and advertise it sleeps 10-15 is on a system that was designed for an average family of maybe 5-6 people. A week of 10-15 people could easily overwhelm the system and cause it to fail. We are just starting a little project as the association, talking to towns, initiating conversations that maybe it is time to consider if folks want to use their property in a commercial setting, that they indicate that they have a recent inspection for their septic so we know if they are sleeping 8-10 people they have the capacity to do that.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway Report for November: We have finished roadside mowing. We have started mowing the fields at the Wilder Barn, then on to the Overlook. We did repair the Wilder Barn roof with some corrugated panels we had in stock. However, the roof in general is not in good shape. It is quite old and should be replaced in the next couple of years. We are busy taking down hazardous trees around down. We have been out and plowed/salted several times all ready.

Councilman Wohlschlegel thought that the previous Town Board had gotten some estimates for that roof.

Supr. Marshall noted that he was told it is the oldest existing barn in South Bristol.

VI. OLD BUSINESS: LOCAL SOLID WASTE MANAGEMENT PLAN

Supr. Marshall noted that last month we spoke about the Solid Waste Management Plan and discussed a project we had in mind. A letter was written for Ontario County Planning outlining the project that South Bristol is going to do. Supr. Marshall noted that he was given contracts for the work to be done by South Bristol and paid for by the County and it is going to be for \$14,400.00. Supr. Marshall said he came up with about \$6,000.00 worth of work that we are going to do; and with the balance we can use in the future based on the results of the survey about the usage of the Transfer Station. We are looking for ideas to reduce the waste stream. With the Board's permission, Supr. Marshall will sign the contract that enables us to collect that money. We are going to be doing a survey development to determine how we can better use the transfer station and we do have a composting project in mind whereby we will have a community composting system to try to compost material rather than have it sent to the landfill.

HIGHWAY GARAGE RFP's

Supr. Marshall said that there are 3 responses for our Request For Proposals with regards to our Highway garage. The proposals are from 3 engineering firms to do the Preliminary Design for the replacement of that building. The Highway building has been there since 1965 and is in bad shape. Supr. Marshall asked if the Highway Committee can review the RFP's and

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

have a recommendation for the January meeting. The committee might even reject all 3 proposals; the proposals run from \$28,500 to \$60,000.00.

RESCINDING TOWN HEALTH OFFICER RESOLUTION

Supr. Marshall noted that last month the Board passed a resolution appointing a Town Health Officer through the County and we are being asked to rescind that resolution due to an error. Our Town Health Officer is Dr. Long, and his term is for 3 years and doesn't expire until 2020.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 41-2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

LOCAL LAW #5

LOW INCOME EXEMPTION LAW

Supr. Marshall noted that we held the Public Hearing tonight for the Low Income Exemption Law which establishes the percentage and rates for the exemption.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resoluion No. 42-2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

RESOLUTION #42-2017

AUTHORIZING ADOPTION OF LOCAL LAW NO. 5 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 December 11, 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 entitled "A Local Law Amending the Provisions of Chapter 153 of the Code of the Town of South Bristol Relative to the Exemption for Disabled Persons With Limited Incomes"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on November 30, 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 December 11, 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. 5 of 2017, entitled, "A Local Law Amending the Provisions of Chapter 153 of the Code of the Town of South Bristol Relative to the Exemption for Disabled Persons With Limited Incomes", 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 Town

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

Board of the Town of South Bristol adopted this resolution on December 11, 2017, by the following vote:

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

Dated: December 12, 2017

Judy Voss, Town Clerk

SEAL

LOCAL LAW #5 – 2017

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-

(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. **5** of the year **2017**

A local law "Amending the Provisions of Chapter 153 of the Code of the Town of South Bristol Relative to the Exemption for Disabled Persons With Limited Incomes"

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

SECTION 1. §153-15 and §153-16 of Chapter 153 of the Code of the Town of South Bristol are hereby repealed and a new §153-15 is inserted in their place to read as follows:

§153-15. Limitations on Exemption

Real property owned by a person with a disability as defined in §459-c of the Real Property Tax Law whose income is limited by such disability and used as the legal principal residence of such person shall be entitled to a partial exemption from taxation to the extent shown below as determined by the owner's or owners' corresponding annual income:

<u>Annual Income</u>			<u>Reduction</u>
\$0	to	\$15,000.00	50%
\$15,000.01	to	\$15,999.99	45%
\$16,000.00	to	\$16,999.99	40%

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

\$17,000.00	to	\$17,999.99	35%
\$18,000.00	to	\$18,899.99	30%
\$18,900.00	to	\$19,799.99	25%
\$19,800.00	to	\$20,699.99	20%
\$20,700.00	to	\$21,599.99	15%
\$21,600.00	to	\$22,499.99	10%
\$22,500.00	to	\$23,399.99	5%
\$23,400.00		or more	0%

This increase shall be effective with the 2018 assessment roll.

SECTION 2. 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 3. 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. 5 of 2017 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on December 11, 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__, 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.)

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.

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 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 _____ 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 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.

Attorney to the Town
Town of South Bristol

Date: _____

**TIME WARNER FRANCHISE TAX
RENEWAL AGREEMENT**

Supr. Marshall noted that the Board previously passed the Franchise Tax Agreement and held a Public Hearing this evening and will work on the assumption that the previous approvals stand unless otherwise.

**VII. NEW BUSINESS
DOG CONTROL CONTRACT**

Supr. Marshall said he received the Dog Contract for 2018 with Ontario County and Happy Tails Humane Society \$5,707.00 going up 2% from last year.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Dog Control contract was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

2018 TRAINING – ASSOCIATION OF TOWNS

Supr. Marshall requested permission from the Board to attend 2018 Association of Town's training school for newly elected officials, a 3-day training in Rochester for a cost of \$150.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the motion was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

**SCHEDULE YEAR-END AND
2018 ORGANIZATIONAL TOWN BOARD MEETING**

Supr. Marshall noted that Bookkeeper Dunn has requested a year-end meeting. The meeting would be to approve the final bills for 2017 and the Year-end Meeting is scheduled for Saturday, December 30, 2017 at 9:00am. The Board agreed.

Supr. Marshall noted that the Organizational Meeting and the first Town Board meeting on the same night; January 8th, 2018. The Board agreed.

SCHEDULE EVERWILDE FEIS WORKSHOP

Supr. Marshall noted that we are now in a position to start working with LaBella Assoc. to finalize the FEIS (Final Environmental Impact Statement). Supr. Marshall suggested January 15th, 2018 at 6:00pm; the Board agreed. This is a workshop for the Town Board to work with LaBella Associates to finalize the FEIS. The FEIS is a town document; not the developers document. The meeting is open to the public; however there is no public participation.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Everwilde FEIS Workshop scheduled for January 15, 2018 at 6:00pm was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

VIII. REPORTS:

CEO

Councilman Cowley read the CEO report for November: 10 Building Permits issued, 34 inspections conducted, 0 inspections were completed on old permits, 4 Certificates of Compliance issued, logged 363 miles on town vehicle. Attended meetings with Ontario County Soil & Water, Megan Webster, to review storm water erosion plan for Bristol Harbor. Has 2 properties of concern; zombie properties that have not been maintained. Most of the people have complied.

Supr. Marshall noted that Bristol Mountain has applied for a firework permit for December 31, 2017.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, the CEO Report for November 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

ASSESSOR

Supr. Marshall read the Assessor’s Report; attended seminar on reading and understanding deeds, working on new construction reviews and continuing the exemption renewal work.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the Assessor’s Report for November 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

TOWN CLERK

Supr. Marshall noted that the Clerk took in \$1,900.00 in October, the Town receiving \$1,306.00 of that amount.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Town Clerk Report for November 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

IX. ACCOUNTING:

SUPERVISOR’S REPORT

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel the October and November 2017 Supervisor’s Report were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

BUDGET TRANSFERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the Budget Transfers dated December 11, 2017 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Transfer From	A1420.4	Attorney Contr to	
	A1110.4	Justice Contr	\$1,025.75

Transfer From	A1420.4	Attorney Contr to	
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SOUTH BRISTOL TOWN BOARD MEETING

December 11, 2017

	A1320.4	Independent Audit	\$1,477.50
Transfer From	A1420.4 A1420.41	Attorney Contr to Attorney –Assessor Contr	\$187.50
Transfer From	A1420.4 A1420.42	Attorney Contr to Attorney – BSD	\$407.50
Transfer From	A1420.4 A1650.4	Attorney Contr to Central Comm Sys Contr	\$1,258.54
Transfer From	A5132.4 A3310.4	Garage Contr to Traffic Control –Stripping	\$64.36
Transfer From	A8010.441 A8010.41	Zoning – Conf & Training to Zoning – BAR	\$771.21
Transfer From	A8010.441 A8010.4	Zoning – Confer & Training to Zoning – Contr	\$21.41
Transfer From	A9010.8 A9030.8	State Retirement to Social Security	\$2,600.00
Transfer From	A9010.8 A9060.8	State Retirement to Hospital & Medical	\$828.73
Transfer from	A9010.8 A1340.1	State Retirement to Budget Officer – Per Serv	\$1,000.00
Transfer From	A9010.8 A1440.4	State Retirement to Engineer – Contra	\$3,333.75
Transfer From	A9010.8 A1440.42	State Retirement to Engineer – BSD	\$2,856.94
Transfer From	A8020.441 A8020.4	Planning – Confer & Training to Planning – Contr	\$30.75
Transfer From	A8020.441 A8020.41	Planning – Confer & Training to Planning – Board	\$177.57
Transfer From	DA5142.4 DA5130.4	Snow Removal – Salt, Sand Fuel to Machinery – Contr	
Transfer From	DA5142.4 DA9060.8	Snow Removal Salt, Sand, Fuel to Hospital & Medical	\$3,175.15

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Abstract No. 12, Vouchers No. 543-598 totaling \$119,588.26 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

X. 2nd PRIVILEGE OF THE FLOOR

EXECUTIVE SESSION

Supr. Marshall noted that the Board needs to move into Executive Session to discuss a matter of litigation.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin the Board moved into Executive Session to discuss litigation was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Board moved into Executive Session at 7:40pm.

Board came out of Executive Session at 7:51pm with no action.

XI. ADJOURN: 7:51PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk