

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order February 11, 2019 at 7:04 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
Jim Strickland, Councilman

ABSENT

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Brian Perkins, Alan & Kristie Braun, Bruce & Barbara Hunt, John York, Todd & Laura Cooke, Ashley Champion, Tim Hern, Greg Moore, John McCabe, Cathy Colby

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 and seconded by Councilwoman Goodwin the minutes of the December 15, 2018 Special Meeting, December 29, 2018 Year-End meeting, January 7, 2019 Organizational Meeting and the regular January 7, 2019 Town Board meeting were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS:

HIGHWAY

Councilman Cowley read the Highway report. Following is a brief report of Highway Dept. happenings for the last month.

1. New pickup truck was delivered by VanBortel Ford Fleet Services.
2. Work continuing at the Wilder Barn, a new roof and the Highway Dept. has started some shoring up on the framing.
3. We are hauling/ stock piling stone for our Stid Hill Rd. paving project this summer.
4. Ordered in some more salt. (Hopefully enough to finish winter).
5. Overhauled our waste oil heater. (Cleaned out and tuned up).
6. Working on getting our high-pressure pump in the water room rebuilt.

Supt. Wight said the Highway team will be working inside the barn to shore it up and work on the foundation.

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

Supr. Wight said he would like to post the highway position with the County. Supr. Marshall and the Board agreed.

B. FINANCE

Supr. Marshall reported that as of last Thursday the new software package was installed for the accounting system.

Councilwoman Goodwin said she has begun the process of updating the Employee's Handbook and has Section One for the Town Board's review.

Supr. Marshall noted that the Teamster's Contract negotiations are done and the contract will be signed this Friday.

VI. OLD BUSINESS:

A. COMPREHENSIVE PLAN

Supr. Marshall said the Board help the Public Hearing on the Comprehensive Plan. This has been a process that has been running now for 3 years. We are in position tonight to approve the Comprehensive Plan; there were no comments from the public this evening. Councilman Wohlschlegel, who is absent tonight, was the Chair of the committee and would like to this Plan approved.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 25-2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

RESOLUTION NO. 25-2019

APPROVING 2018 COMPREHENSIVE PLAN

WHEREAS, all Towns in New York State are expected to develop a Comprehensive Plan, and

WHEREAS, a Comprehensive Plan should be updated on a 5-year cycle, and

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

WHEREAS, in support of the Town Board, a select group of citizens were selected to develop a new Comprehensive Plan, and

WHEREAS, their work is now done, and the Town Board wishes to approve this new Comprehensive Plan, and

WHEREAS, a Public Hearing on the Plan was held February 11, 2019.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the 2018 Comprehensive Plan.

B. BSDC RATE DISCUSSION

Supr. Marshall presented a Resolution the to Board regarding the BSDC sewer rate.

RESOLUTION NO. 26-2019

TAKING NO FURTHER ACTION ON THE BSDC RATE

WHEREAS, the Bristol Sewerage Disposal Corporation is required by Resolution No. 36-2017 to provide a Consolidated Financial Report to the Town by April 1st of each year, and

WHEREAS, the 2017 Consolidated Financial Report was not delivered as required in a timely manner, causing the Town to reopen the rate review, and

WHEREAS, discussions between attorneys for the Town and the Sewer Disposal Corporation resulted in receipt of the Consolidated Financial report for 2017, and

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

WHEREAS, although late, the report verified that funds were being set aside to build a capital reserve and funds were being used to pay down debt, now therefore be it

RESOLVED, the Bristol Sewer Disposal Corporation has satisfied this Board that the appropriate use of revenue received by them is being appropriately used, and

RESOLVED, the Bristol Sewer Disposal Corporation agrees to provide a Consolidated Financial Report no later than April 1st of each year, and

RESOLVED, no further action needs to be taken by the Town of South Bristol.

RESOLUTION NO. 27-2019

2% TAX CAP LOCAL LAW #1-2019

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2019

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 11, 2019, 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 6, 2019, 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 11, 2019, 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 2019, 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 11, 2019, by the following vote:

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

Dated: February 11, 2019

Judy Voss, Town Clerk

SEAL

LOCAL LAW #1-2019

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 2019

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 2020 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 2020 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.

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

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 2019 of the Town of South Bristol was duly passed by the South Bristol Town Board on February 11, 2019, 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.

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

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.

Town Clerk
(Seal)

Date: _____

VII. NEW BUSINESS
B. PLANNING BOARD RESOLUTIONS

Supr. Marshall noted that the Planning Board sent three proposed changes to the Town Board and suggested at that time to move forward. The changes are to clarify definitions of the Town Code. Four of those items are definitions and the last request from the Planning Board is a new chapter for the Town Code for Noise. Recently there were situations with rental properties with no controls and neighbors legitimately want a quiet environment; this will be a separate Local Law. This will be sent to the Town Attorney to draft the local laws and then we can schedule public hearings.

Councilman Cowley said we also have to address the septic systems; the rentals are advertising over 20 beds and the septic systems is sized for 3 bedrooms. This sets up the septic systems to fail.

Supr. Marshall said the Planning Board is working on another aspect of the Code for Short-Term Rentals and that the septic systems will be addressed there. If you own property on the lake that you rent to 2 families and it is actually 26 fraternity brothers, the septic system is in jeopardy and then the noise becomes a problem. Supr. Marshall said he received a law filed in the city of Canandaigua from Alan Braun. With the AirBNB and the internet rentals it is only going to get worse.

On a motion made by Councilman Cowley and seconded by Councilman Strickland to send the Code changes to the Town Attorney for Local Law prep was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

B. LOCAL LAW – WIND/SOLAR RPTL 487 EXEMPTION

Supr. Marshall noted that we currently do not allow a tax exemption for wind and solar on individual properties. Now, alternative energies need to be added to that: farm waste, energy systems, micro, hydro, electric energy systems, fuel cell electric generating systems, micro combined heat and power generating systems, etc. This requires another Local Law to include these alternative energies as additional energy sources that will not be allowed to receive a tax exemption. This was a request from the Ontario County Real Property Tax Agency asking if we were going to or not going to exempt these items.

RESOLUTION NO. 28-2019

AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 153 (TAXATION) OF THE CODE OF THE TOWN OF SOUTH BRISTOL TO OPT OUT OF EXEMPTIONS AFFORDED BY RPTL 487"

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 entitled " A Local Law Amending Chapter 153 (Taxation) of the Code of the Town of South Bristol to Opt Out of Exemptions Afforded by RPTL 487"; 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; and

NOW, THEREFORE, RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on March 11, 2019, 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 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 February 11, 2019, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	Absent	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	No Vote	_____
James Strickland	<u>x</u>	_____

Dated: _____, 2019

Judy Voss, Town Clerk

C. VEHICLE PURCHASE FOR CEO/ASSESSOR

Supr. Marshall said he would like to get approval from the Board for the purchase of a new 2019 Ford F150 for the Code Enforcement and Assessor to replace the vehicle that was purchased used in 10 years ago. The new vehicle was off of the State Bid from VanBortel Ford in Victor for \$27,950.00. The budget amount is \$25,000.00 which is short \$2,970.00 and the funds to cover the overage comes from the savings from the Bookkeeping software. The used vehicle will be sold at the Municipal auction in May.

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

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

D. SALES TAX REPORT 4TH QUARTER 2018

Supr. Marshall noted that the 4th quarter sales tax check received was \$346,073.81, an increase of 3.06% over the same quarter last year; overall the County went up 4.5%.

E. HAZARD MITIGATION PLAN APPROVAL

Supr. Marshall noted that back in 2013 the County put together a Multi-Jurisdiction Hazardous Mitigation Plan with help from all the Towns. The document was updated in 2018 and needs Town Board approval. One of the suggestions in the plan is for the Town buildings to install a generator system in case of emergencies.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin Resolution No. 29-2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

RESOLUTION NO. 29-2019

**APPROVING THE ONTARIO COUNTY MULTI-JURISDICTIONAL
ALL HAZARD MITIGATION PLAN**

Whereas, the Town of South Bristol, with the assistance from Ontario County and the Genesee Finger Lakes Regional Planning Council, has gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

Whereas, said plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

Whereas, the Town of South Bristol has reviewed said plan and affirms that it will be updated no less than every five years, now therefore be it

Resolved that the Town of South Bristol adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, last updated July 31, 2018 as this jurisdiction's Natural Hazard Mitigation Plan.

**VIII. REPORTS:
ASSESSOR**

On a motion made by Councilman Strickland and seconded by Councilman Cowley the Assessor's Report for January 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

CEO

On a motion made by Councilman Cowley and seconded by Councilman Strickland the CEO Report for January 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

TOWN CLERK/TAX COLLECTION

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Town Clerk's Report for November 2018, December 2018 and January 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

SOUTH BRISTOL TOWN BOARD MEETING

February 11, 2019

Clerk Voss reported that 85% of the Tax Roll was collected in January totaling \$3,130,274.00 with \$541,000.00 remaining; 1300 pieces of mail came in and 400 paid at the counter.

**IX. ACCOUNTING:
SUPERVISOR'S REPORT**

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the Supervisor's Report for December 2018 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 2, totaling \$364,364.80 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

X. 2nd PRIVILEGE OF THE FLOOR

EXECUTIVE SESSION

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

The Board moved into Executive Session at 7:50pm.

The Board came out of Executive Session at 8:07pm with no action.

XI. ADJOURN: 8:07PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk